

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
08G0399

IN THE MATTER OF)	
)	
Glenn R. Page,)	REPRIMAND
Attorney At Law)	
)	

On October 23, 2008 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

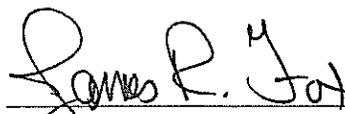
You were closing attorney for a residential real estate transaction in which A.P. bought a piece of property located in Durham, NC, from D.C. Option One Mortgage Corp. loaned A.P. funds to purchase this property. The HUD-1 Settlement Statement for that closing shows an entry indicating gift funds being provided by A.P. in the amount of \$16,000.00. The HUD-1 Settlement Statement also indicates that A.P. was required to provide \$5,202.39 at closing in

addition to the gift funds. A.P. did not provide \$5,202.39 at closing. Instead, you accounted for the \$5,202.39 by subtracting that amount from the seller's proceeds disbursed to D.C., issuing D.C. a check for \$37,742.23 instead of the \$43,201.62 listed on the HUD-1 Settlement Statement as due to seller. A.P. signed a promissory note and a deed of trust secured by the property to D.C. for the amount of \$21,202.39, which is the total of the \$16,000.00 in gift funds and the \$5,202.39 listed on the HUD-1 Settlement Statement as coming from A.P. The lender was not notified that A.P. was not providing the funds indicated on the HUD-1 Settlement Statement. Furthermore, the lender's closing instructions required any secondary financing be approved by the lender. D.C.'s secondary financing to A.P. was not approved by the lender. Your conduct is in violation of Rule 1.3 (diligence to lender as client), Rule 1.4(a)(3) (failure to communicate accurate information to client), Rule 1.15-2(m), and Rule 5.3(b) (failure to supervise assistant). The Grievance Committee considered in mitigation that you were relying on a non-attorney assistant for the processing of real estate closings in your office at that time, that you ceased conducting real estate closings prior to contact from the State Bar after your independent recognition that you were not able to devote the amount of time necessary to practice in this area, that this appears to have been an isolated occurrence, and your remorse. Accordingly, the Grievance Committee decided to issue you this reprimand.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this the 26th day of November, 2008



James R. Fox, Chair
Grievance Committee

JRF/lr