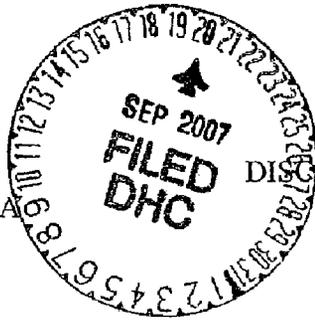


WAKE COUNTY  
NORTH CAROLINA



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
07 BSR 3

IN RE THE MATTER OF THE PETITION )  
FOR REINSTATEMENT )

ORDER STAYING  
SUSPENSION

BOUNTHANI VONGXAY )

With the consent of all parties, this matter was heard by telephone conference call at 2:30 p.m. on September 11, 2007 before a hearing committee composed of Tommy W. Jarrett, Chair; Sharon B. Alexander and R. Mitchel Tyler. A. Root Edmonson represented the N.C. State Bar. Alan M. Schneider represented the Defendant, Bounthani Vongxay. The parties stipulate and agree to the following.

#### FINDINGS OF FACT

1. On May 13, 2006, a hearing committee of the Disciplinary Hearing Commission (hereinafter, "DHC") issued its Consent Order of Discipline in a disciplinary case, file number 06 DHC 2 (hereinafter "Order").
2. The Order suspended Vongxay's license to practice law for a period of three years. The Order provided that, at any time after serving one year of the active suspension of his license, the Defendant could file a petition seeking a stay of the remaining period of his suspension upon compliance with the conditions stated in the Order.
3. On July 18, 2007, Vongxay submitted a petition requesting a stay of the remaining portion of his active suspension and seeking reinstatement to active status subject to the continuing conditions and requirements set forth in 06 DHC 2.
4. The Order required that Vongxay be in compliance with a number of conditions to qualify for a stay of the remaining period of his suspension.
5. In his petition, Vongxay described the actions he had taken to comply with the conditions of the Order with supporting documentation.



6. The State Bar presented no evidence in opposition to Vongxay's petition.
7. Vongxay satisfactorily completed a law office trust account course approved by the Office of Counsel of the North Carolina State Bar;
8. Vongxay satisfactorily cooperated with the Office of Counsel to identify and appropriately disburse the balance of the funds in his trust account; although the State Bar had to seek address information from Vongxay after the petition was filed;
9. Vongxay kept the North Carolina Membership Department advised of his current business and home address;
10. Vongxay responded to all communications from the North Carolina State Bar within 30 days of receipt or by the deadline stated in the communication;
11. Vongxay did not violate the Revised Rules of Professional Conduct or the laws of the United States or any state during his suspension;
12. Vongxay properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code Chapter 1, Subchapter B, Sec..0124 of the State Bar Discipline & Disability Rules;
13. Vongxay paid all Membership dues and Client Security Fund Assessments and complied with all Continuing Legal education Requirements on a timely basis as if still in practice during the period of his suspension
14. Vongxay paid the costs assessed in 06 DHC 2; and
15. Vongxay contracted with a licensed member of the North Carolina State Bar who is in good standing to serve as his monitor and this monitor has agreed to serve and has agreed to the requirements set forth in paragraph 5 of the Order of Discipline imposed in the above captioned matter.

BASED UPON the foregoing Findings of Fact, and without any evidence presented in opposition to the petition, the hearing committee enters the following

#### CONCLUSIONS OF LAW

1. The petitioner, Bounthani Vongxay, has satisfied the conditions established in the Order for a stay of his suspension and reinstatement to active status, subject to the continuing conditions set forth in the Order.
2. Vongxay's reinstatement to active status should be conditioned upon compliance with the conditions and requirements in the Order.

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BASED UPON the findings and conclusions stated herein, the hearing committee hereby enters the following:

ORDER

1. The remaining active suspension of Vongxay's license imposed by the Order is hereby stayed and Vongxay is reinstated to the active practice of law.
2. The stay of the remaining suspension is subject to the terms, conditions, and requirements of the Order.
3. Vongxay's status as an active member of the North Carolina State Bar is contingent upon his compliance with all of the remaining conditions set forth in the Order.

Signed by the undersigned Chair with the full knowledge and consent of the other Hearing Committee members, this the 19<sup>th</sup> day of September 2007.

  
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Tommy W. Jarrett, Chair,  
Disciplinary Hearing Committee

