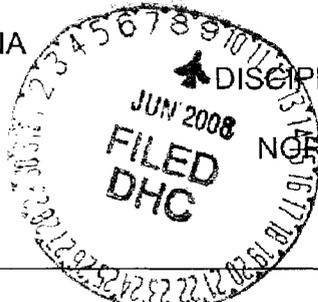


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
07 DHC 30

THE NORTH CAROLINA STATE BAR,)
Plaintiff)

v.)

RHONDA R. HIPKINS, Attorney,)
Defendant)

ORDER OF
DISCIPLINE

This matter was heard on May 16, 2008 by a Hearing Committee of the Disciplinary Hearing Commission composed of Tommy W. Jarrett, Chair, Donna R. Rascoe and Johnny A. Freeman. Margaret Cloutier represented Plaintiff. Douglas J. Brocker represented Defendant. Based upon the record and the evidence introduced at the hearing, the Hearing Committee by clear, cogent and convincing evidence hereby makes the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code ("NCAC")).

2. Defendant Rhonda R. Hipkins was admitted to the North Carolina State Bar in August 1998, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Revised Rules of Professional Conduct.

3. During the times relevant hereto, Defendant was actively engaged in the practice of law in the State of North Carolina as Counsel for the Town and Police Department of Stallings, North Carolina.

4. Defendant was properly served with process and received due notice of the hearing in this matter.

5. On the afternoon of Friday, March 3, 2006, Defendant purchased grocery items from a Harris Teeter grocery store located at 1811 Matthews Township Parkway, Matthews, North Carolina.

6. During this transaction, Defendant found an unmarked BB&T bank envelope containing \$180 in \$20 bills on the check cashing stand of the checkout counter, which had been left there by the previous customer, and subsequently placed the envelope and cash into her purse and left the store.

7. The parties presented conflicting evidence and testimony concerning what Defendant planned to do with this money after she left the store and whether she intended to use it for her own purpose.

8. On Saturday, March 4, 2006, Cpl. Greene of the Matthews Police Department and Officer Giglio of the Mint Hill Police Department interviewed Defendant at her residence about the money she had found at Harris Teeter the previous day.

9. Defendant admitted finding the money. During the interview, Defendant told Cpl. Greene that she had deposited the money into her bank account.

10. Defendant did not deposit the money into a bank account at any time and the funds were physically present in her home at the time of her conversation with Cpl. Greene.

11. Shortly after Cpl. Greene left Defendant's residence, Defendant called the Matthews Police Department and left a message for Cpl. Greene. When Cpl. Greene returned Defendant's call, Defendant told Cpl. Greene she would come to the Matthews Police Department the next Monday and return the money to the Chief of Police.

12. Defendant turned over an unmarked BB&T bank envelope containing \$180 in \$20 bills to the Matthews Police Chief the next Monday morning. The envelope and \$180 were returned the same day to the customer who had left the cash in Harris Teeter.

Based on the foregoing Findings of Fact, the Committee enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee, and the Committee has jurisdiction over defendant and the subject matter of this proceeding.

2. The North Carolina State Bar has not shown by clear, cogent and convincing evidence that Defendant committed the criminal act of larceny, and therefore, Defendant did not violate Rule 8.4(b) of the Rules of Professional Conduct.

3. Defendant made a false representation to Cpl. Greene of the Matthews Police Department which constituted conduct involving deceit, dishonesty and misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Conduct.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Committee also enters the following

FINDINGS REGARDING DISCIPLINE

1. Defendant's misconduct is aggravated by the following factors:

(a) vulnerability of the victim; and

(b) substantial experience in the practice of law, specifically in advising law enforcement agencies.

2. Defendant's conduct is mitigated by the following factors:

(a) absence of a prior disciplinary record;

(b) timely, good-faith effort to rectify the consequences of her actions, having called Cpl. Greene soon after their conversation at Defendant's home on March 4, 2006 indicating her willingness to return the money the next Monday;

(c) full and free disclosure to the Hearing Committee and cooperative attitude toward the proceedings;

(d) good character and reputation; and

(e) remorse.

3. The mitigating factors outweigh the aggravating factors.

4. The Hearing Committee finds and concludes that Defendant's conduct caused significant harm or potential significant harm to the administration of justice, to the profession or to the public.

5. The Committee finds that entry of an order imposing an admonition or reprimand would fail to acknowledge the seriousness of the offense committed by Defendant and would send the wrong message to attorneys regarding the conduct expected of members of the Bar in this State. However, under the circumstances of this matter, public protection does not require a suspension of Defendant's law license.

6. Depositions of two witnesses were taken by Plaintiff and the expenses incurred by the Plaintiff for those depositions were reasonable and necessary in the litigation of this case. The expense of the deposition should be taxed to the Defendant.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings Regarding Discipline, all found by clear, cogent and convincing evidence, the Hearing Committee enters the following

ORDER OF DISCIPLINE

1. The Defendant, Rhonda R. Hipkins, is hereby CENSURED for her misconduct.

2. Defendant is taxed with the costs of this action as assessed by the Secretary, which costs shall include the cost of the depositions taken of the witnesses, and shall be paid within thirty (30) days of service of the notice of costs upon the Defendant.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee, this 4th day of June, 2008.



TOMMY W. JARRETT, CHAIR
HEARING COMMITTEE