

6743

WAKE COUNTY

NORTH CAROLINA



DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR 01 DHC 14

THE NORTH CAROLINA STATE BAR  
PLAINTIFF

v.

RALPH EDWARD MCLAURIN, JR  
DEFENDANT

)  
)  
)  
) FINDINGS OF FACT  
) CONCLUSIONS OF LAW  
) AND ORDER OF DISCIPLINE  
)  
)

THIS MATTER came on to be heard and was heard on Friday, May 9, 2003, before a duly assigned committee of the Disciplinary Hearing Commission composed of Richard T. Gammon, Chair; W. Steve Allen and Lorraine Stephens. The defendant, Ralph Edward McLaurin, Jr. did not appear in person or through counsel. Carolin Bakewell represented the N.C. State Bar. Based upon the evidence presented at trial and the pleadings herein, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. On Nov. 6, 2001, the Disciplinary Hearing Commission entered a consent order of discipline herein. The Defendant signed the order and was aware of its terms.
2. The order suspended Defendant's law license for two years and stayed the suspension of Defendant's law license for three years, based on various conditions. Pursuant to the order, Defendant was required, inter alia, to:
  - a. timely pay all required estimated state and federal income taxes;
  - b. timely file all state and federal tax returns;
  - c. provide written verification to the Office of Counsel that he has filed all of the required state and federal tax returns or has sought a timely extension in April of each year of the stayed suspension.
2. The Defendant's first report to the State Bar concerning his 2001 tax returns was due on April 15, 2002.

3. The Defendant did not file a timely report to the State Bar concerning his 2001 tax return.

4. On Aug. 22, 2002, the Defendant advised the State Bar that he had filed his tax returns for 2000 and that he had received an extension to file his 2001 returns.

5. The Defendant's August 22, 2002 letter did not state when he received the extensions to file his 2001 returns and did not address the question of whether his 2001 taxes had been paid.

6. On Jan. 13, 2003, Plaintiff's counsel wrote to Defendant and requested him to produce copies of the extensions he received for filing his 2001 returns. He was also asked to advise the Bar whether he had filed his 2001 returns and paid his 2001 taxes.

7. The Defendant did not respond to the Jan. 13, 2003 letter, nor did he produce the requested information to the State Bar.

8. On Feb. 11, 2003, Plaintiff's counsel filed a motion asking the Chair of the Disciplinary Hearing Commission to order Defendant to appear and show cause why the suspension of his law license should not be activated for his failure to comply with the Nov. 6, 2001 disciplinary order.

9. In a letter dated Feb. 20, 2003, Defendant advised Plaintiff's counsel that he filed his 2001 taxes in October 2002 and that he paid all taxes owed for calendar 2001, with one exception.

10. The Defendant did not provide copies of his 2001 returns, the extensions or proof of payment of the 2001 taxes to Plaintiff's counsel.

11. The Defendant's report to the State Bar respecting his 2002 taxes was due on or about April 15, 2003.

12. The Defendant has not filed any report to the State Bar respecting his 2002 taxes.

13. The Defendant has not provided any evidence to the State Bar that he paid his 2002 taxes when due and that he either filed his 2002 returns on a timely basis or obtained appropriate extensions.

14. The Defendant was properly served with all process herein and the Disciplinary Hearing Commission has jurisdiction over Defendant's person and the subject matter of this proceeding.

15. Defendant was properly notified of the time, date and place of the show cause hearing herein.

Based on the foregoing Findings of Fact, the Disciplinary Hearing Commission hereby enters the following:

### CONCLUSIONS OF LAW

1. The Defendant's violation of this Commission's Nov. 6, 2001 order was knowing and willful.
2. A total of 90 days of the two-year stayed suspension of the Defendant's law license should be activated, based upon his knowing and willful violation of this Commission's Nov. 6, 2001 order.

In addition to the foregoing Findings of Fact and Conclusions of Law, based upon the evidence adduced at hearing, the Hearing Committee hereby also enters the following:

### ORDER OF DISCIPLINE

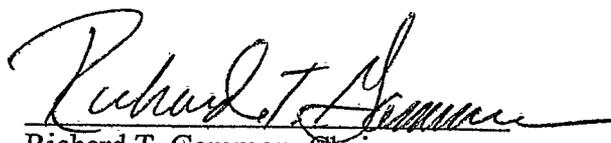
1. The stay of the suspension of the law license of the Defendant, Ralph Edward McLaurin, is hereby lifted and McLaurin's license to practice law is suspended for a period of 90 days, effective 30 days from service of the order of discipline upon him.
2. Prior to resuming the practice of law, McLaurin must file a petition demonstrating compliance with the following conditions:
  - a. That he provided copies of all state and federal tax returns, applications for extensions to file and proof of payment of his taxes for tax years 2001 and 2002 to the Office of Counsel within 30 days of service of this order upon him.
  - b. That he has paid the costs of this proceeding within 30 days of service of the order upon him.
  - c. That he properly wound down his practice as required by .0124 of the State Bar Discipline & Disability Rules.
3. Following the Defendant's reinstatement to the practice of law, the remaining portion of the two-year suspension of his license shall be stayed until Dec. 24, 2004 on the following conditions:
  - a. Defendant shall timely pay all state and federal taxes and shall file all state and federal returns on a timely basis.

- b. Defendant shall file copies of his state and federal income tax returns with the Office of Counsel no later than 30 days from the date on which he files the returns.
- c. Defendant shall file proof of payment of all state and federal taxes with the Office of Counsel no later than 30 days from the date on which payment is made.
- d. Defendant shall provide copies of all requests for extension of time to file state and federal tax returns to the Office of Counsel within 30 days from the date on which the extension is sought.
- e. Defendant shall respond to all inquiries of the State Bar Office of Counsel concerning the subject matter of the Nov. 6, 2001 disciplinary order within 30 days of the date of the inquiry.
- f. Defendant shall comply with the Revised Rules of Professional Conduct.
- g. Defendant shall comply with the laws of the State of North Carolina and of the United States.

4. If the stay of the suspension of the Defendant's law license is activated for a second time or if Defendant does not seek reinstatement of his law license following the 90-day suspension of his license, Defendant shall comply with the provisions of ¶ 2 (a) – (g) before seeking reinstatement of his law license.

Signed by the Chair of the Hearing Committee with the knowledge and consent of the other Committee members.

This the 12<sup>th</sup> day of May, 2003.

  
Richard T. Gammon, Chair  
Disciplinary Hearing Commission