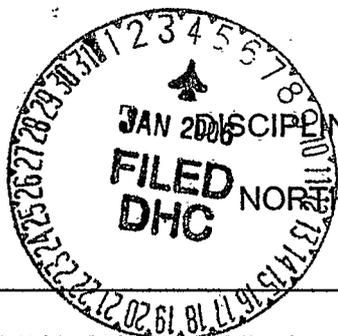


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
05 DHC 44

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
v.)
WILLIAM S. AGAPION, Attorney,)
Defendant)

CONSENT ORDER
OF DISCIPLINE

This matter was considered by a Hearing Committee of the Disciplinary Hearing Commission composed of Tommy W. Jarrett, Chair, John M. May, and Lorraine Stephens. Margaret Cloutier represents plaintiff. Defendant appears pro se. Defendant has agreed to waive a formal hearing in the above referenced matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order and to the discipline imposed. Defendant also stipulates that he waives his right to appeal this consent order or challenge in any way the sufficiency of the findings by consenting to the entry of this order.

Based on the consent of the parties, the Hearing Committee hereby finds by clear, cogent and convincing evidence the following

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "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 promulgated thereunder.

2. Defendant, William S. Agapion (hereinafter "Agapion" or "Defendant"), was admitted to the North Carolina State Bar on September 16, 1952 and is, and was at all relevant times herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Revised Rules of Professional Conduct of the North Carolina State Bar and the laws of North Carolina.

3. At Defendant's request, former President of the North Carolina State Bar Fred H. Moody, Jr. entered an Order Granting Inactive Membership Status to

Defendant on January 12, 1996. Before that date Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Greensboro, Guilford County, North Carolina.

4. Defendant owns and manages numerous investment rental properties, operating under the name Arco Realty Company.

5. On or about May 13, 2004, the Grievance Committee of the North Carolina State Bar issued an Admonition to Defendant for filing a motion in court on behalf of Arco Realty Company, for displaying a sign outside the Arco Realty Company office reading "Bill Agapion, Attorney At Law," and for listing himself as an attorney in the black and white pages of the Greensboro telephone directory in 2002 and 2003.

6. On or about March 29, 2005 Defendant mailed a letter received by a resident in Greensboro in which he held himself out as an active attorney by placing the words "Attorney at Law" next to his name at the top of the letterhead just below the name of Arco Realty Company.

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. Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §84-28(b)(2) in that he violated one or more of the Revised Rules of Professional Conduct in effect at the time of the actions as follows:

a. by identifying himself as an attorney at law in a letter that he mailed to an address in Greensboro, Defendant held out to the public or otherwise represented that he is admitted to practice at a time when he was not an active member of the North Carolina State Bar in violation of Rule 5.5(b)(2);

b. by identifying himself as an attorney at law in a letter and thereby holding himself out as an active attorney, Defendant made a false or misleading communication about himself as a lawyer in violation of Rule 7.1; and

c. by holding himself out as an active attorney after the State Bar had disciplined him for similar conduct, Defendant engaged in conduct involving misrepresentation in violation of Rule 8.4(c).

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Committee also finds by clear, cogent and convincing evidence the following

FINDINGS REGARDING DISCIPLINE

1. Defendant's misconduct is aggravated by the following factors:
 - (a) a pattern of misconduct; and
 - (b) substantial experience in the practice of law.
2. Defendant's misconduct is mitigated by the following factors:
 - (a) the absence of a dishonest or selfish motive;
 - (b) cooperative attitude toward these proceedings; and
 - (c) recognition of the wrongful nature of his actions.
3. The mitigating factors counterbalance the aggravating factors.
4. Defendant's conduct caused potential harm to the profession and members of the public who might rely on Defendant's representations as to the status of his license, and Defendant violated one or more rules of professional conduct.
5. Based on the mitigating factors, Defendant's recognition of the ethical prohibitions to his conduct, and Defendant's commitment to refrain from similar violations in the future, entry of an order imposing a censure is unnecessary to protect the public from potential future transgressions by Defendant. However, entry of an order of less than a reprimand would fail to acknowledge the seriousness of the offenses committed by Defendant, would fail to recognize the prior discipline issued to Defendant for similar conduct, and would send the wrong message to attorneys regarding the conduct expected of members of the Bar in this State. The Hearing Committee finds and concludes that under the circumstances of this case issuing a reprimand to Defendant will adequately protect the public.

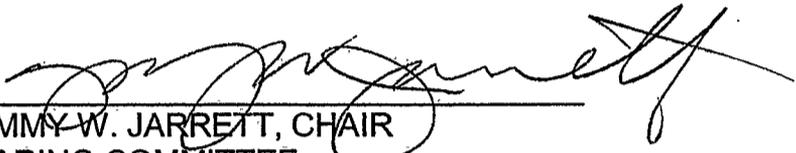
Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings Regarding Discipline, and upon consent of the parties, the Hearing Committee enters the following

ORDER OF DISCIPLINE

1. The discipline to be imposed in this matter is a Reprimand. The Reprimand, of even date herewith, accompanies this Order.

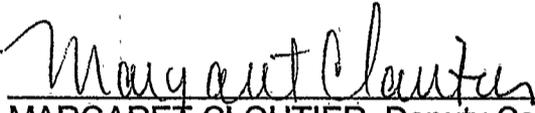
2. Defendant is taxed with the costs of this action, which costs shall specifically include the expense of the deposition taken of Defendant on December 8, 2005, as assessed by the Secretary and shall be paid within thirty days of service of the notice of costs upon the Defendant.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee, this 3 day of January, 2006



TOMMY W. JARRETT, CHAIR
HEARING COMMITTEE

CONSENTED TO:



MARGARET CLOUTIER, Deputy Counsel
Attorney for Plaintiff



WILLIAM S. AGAPION, Defendant

NORTH CAROLINA
WAKE COUNTY



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REPRIMAND

Pursuant to §§.0109, .0114, and .0123 of the Discipline and Disability Rules of the North Carolina State Bar, a Hearing Committee of the Disciplinary Hearing Commission entered a Consent Order of Discipline of even date herewith. After considering the information contained in the pleadings and within the findings of facts, conclusions of law and findings regarding discipline of the Order of Discipline, the Hearing Committee has determined that a reprimand is an appropriate discipline given the circumstances of this action.

The rules provide that after a finding of misconduct, the Hearing Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Hearing Committee may issue an admonition, reprimand, censure, suspension or disbarment.

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.

On January 12, 1996 your membership with the North Carolina State Bar, at your request, was transferred to inactive status. Since that time you have owned and managed numerous rental properties under the name Arco Realty Company. On May 13, 2004 the Grievance Committee of the North Carolina State Bar issued an Admonition to you for holding yourself out as an active attorney at law. Nevertheless, on or about March 29, 2005 you mailed a letter received by a resident in Greensboro in which you again held yourself out as an active attorney by placing the words "Attorney at Law" next to your name at the top of your letterhead just below the name of Arco Realty

Company. The Hearing Committee found that this conduct violated Rules 5.5(b)(2), 7.1 and 8.4(c) of the Revised Rules of Professional Conduct.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Hearing 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.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee, this 3 day of January 2006



TOMMY W. JARRETT, CHAIR
HEARING COMMITTEE