

NORTH CAROLINA

WAKE COUNTY

28111

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
05G1066 & 06G0380

IN THE MATTER OF)

PAUL M. SYLVIA,)
Attorney At Law)

REPRIMAND

On October 19, 2006 the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by Kelley Wiggs (06G0380) and Darlene Swinson (05G1066).

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 closed two real estate transactions for Kelley Wiggs in late November 2005 and early December 2005. The Grievance Committee determined that you failed to communicate with Ms. Wiggs and BB&T regarding the closing and the problems related thereto. You have therefore violated Rule 1.4(a)(3)(4), Communication. The Grievance Committee also

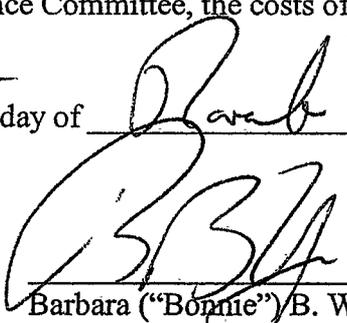
determined that you failed to provide a final title opinion in a timely manner and failed to record the deed in a timely manner in violation of Rule 1.3, Diligence. A review of your trust account revealed that your records are in a state of disarray and you have failed to reconcile your trust account in violation of Rule 1.15-3(c). In addition, you failed to answer the Letter of Notice until a Bar Investigator personally served you and you did not respond to the Bar's telephone messages. You have violated Rule 8.1(b), Bar Admission and Disciplinary Matters.

In the Darlene Swinson matter, you closed a real estate transaction on February 28, 2005. However, you did not pay the property taxes or the title insurance premium and cancel a prior deed of trust until some eight months later. You have therefore violated Rule 1.3, Diligence. You were also slow to respond to the Letter of Notice and only did so after receiving personal service by a Bar Investigator and you failed to respond to the Bar's telephone messages. You have therefore violated Rule 8.1(b), Bar Admission and Disciplinary Matters.

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 \$50.00 are hereby taxed to you.

Done and ordered, this the 8th day of March, 2006


Barbara ("Bonnie") B. Weyher, Chair
Grievance Committee

BW/npm