

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
19G1124

IN THE MATTER OF)
)
PETER J. ROMARY,) REPRIMAND
ATTORNEY AT LAW)

On January 13, 2021 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff’s investigation of this matter.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee 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.

In the fall of 2019, news broke that ECU Interim Chancellor Dan Gerlach had allegedly become intoxicated while out at various establishments in Greenville among ECU students, after which he drove his car. Soon thereafter, you began communicating with the Greenville Police Department and the City Attorney in an effort to obtain video footage related to the Gerlach matter from police surveillance cameras. During these communications, you asserted that you were representing: (a) multiple members of the UNC Board of Governors and the ECU Board of Trustees; (b) members of the North Carolina General Assembly, whose desires and intentions


you claimed to be relaying to the City Attorney; and (c) the State (and National) Police Benevolent Association (PBA). All of these assertions were misrepresentations in violation of Rule 8.4(c), in that a reasonable lawyer under the circumstances would not have formed the opinion that these individuals and entities were his clients. During these communications, you also alleged without basis in fact that the law firm investigating the matter for the UNC system had potentially engaged in misconduct, in violation of Rule 3.1.

After negotiating a consent order with the City Attorney, you filed a petition (purportedly on behalf of two clients, one of which was the State PBA) to obtain the video footage. By representing to the City Attorney that you were acting on behalf of the State PBA, you made a false statement of material fact to a third party in violation of Rule 4.1, and by filing a petition with the court on behalf of an organization that had not authorized the filing, you made a false statement of material fact to the tribunal in violation of Rule 3.3(a)(1).

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 July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 15th day of February, 2021.



Matthew W. Smith, Chair
Grievance Committee

MWS/lb