

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
21G0445 & 21G0448

IN THE MATTER OF)
)
CHARLES M. KUNZ,) REPRIMAND
ATTORNEY AT LAW)

On January 20, 2022 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. S. and B. H. The grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

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 December 2019, J.S. retained you to file a new I-130 immigration petition for S.P. The petition you filed omitted various pieces of necessary information, including information about S.P.'s current and former spouses and when she was in the United States. The petition you filed did not reflect that J.S. had previously filed a petition for S.P. and did not contain any of the supporting documents J.S. had provided to you for submission with the petition. Your failure to ensure that the petition was complete and accurate and that the supporting documentation was attached thereto violated Rule 1.3.

You represented C.H. in a small claims action against B.H. that concluded with entry of an order awarding B.H. certain items of personal property, including a diamond engagement ring. B.H. demanded return of the property that had been awarded to him, and you arranged to meet B.H. and his lawyer at your client's storage unit on a Sunday without disclosing that you were safeguarding the ring and would be unwilling or unable to tender the ring to B.H. if you met him on the weekend. You violated Rules 4.4(a) and 8.4(c) by leading B.H.'s lawyer to believe that B.H. would be able to retrieve all of the items that had been awarded to him, including the ring, and inducing B.H. to drive from South Carolina with his lawyer for the purpose of collecting the ring and other property. You also violated Rules 4.4(a) and 8.4(c) by promising to mail the ring to B.H. when you did not intend to do so.

In imposing this reprimand, the Grievance Committee took into consideration your prior discipline for failures of diligence and conduct involving dishonesty.

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 16th day of February, 2022.



Matthew W. Smith, Chair
Grievance Committee

MWS/lb