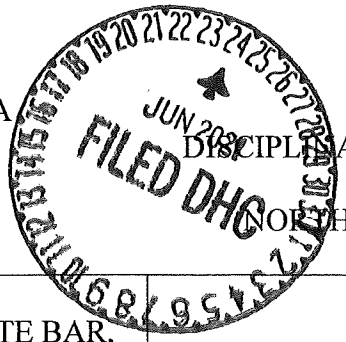

STATE OF NORTH CAROLINA WAKE COUNTY	BEFORE THE DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR 21 DHC 12
THE NORTH CAROLINA STATE BAR, Plaintiff v. GUANGYA LIU, Attorney, Defendant	CONSENT ORDER OF DISCIPLINE

This matter was considered by a hearing panel of the Disciplinary Hearing Commission composed of Margaret M. Hunt, Chair, Margit Monaco Hicks, and Synthia Scott Kearny. Savannah B. Perry and Maria J. Brown represented Plaintiff, the North Carolina State Bar. Defendant, Guangya Liu, was represented by Deanna Brocker. Defendant waives 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. The parties consent to the discipline imposed by this order. By consenting to this order, Defendant knowingly, freely, and voluntarily waives her right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based on the foregoing and on the consent of the parties, the Hearing Panel hereby makes by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Guangya Liu, was admitted to the North Carolina State Bar on 27 August 2018 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar, and the Rules of Professional Conduct.

3. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in Durham, Durham County, North Carolina.

4. During all or part of the relevant periods referred to herein, Defendant maintained two attorney trust accounts: one at Bank of America, account number ending in digits 6961 ("TA 6961"), and one at Paragon Bank, account ending in digits 8662 ("TA 8662").

5. On or about 11 March 2019, check no. 381 in the amount of $1,111.00 was presented for payment against TA 6961.

6. At the time check no. 381 was presented for payment, the funds in TA 6961 were insufficient to pay the $1,111.00, resulting in an overdraft from the account in the amount of $539.06.

7. On or about 26 March 2019, the State Bar opened a grievance against Defendant, file number 19G0305, as a result of the overdraft in her trust account.

8. In the investigation of grievance file number 19G0305, the State Bar conducted an audit of TA 6961 from 15 October 2018 through 22 April 2019 and of TA 8662 from 31 January through 30 April 2019.

9. Between 15 October 2018 and 22 April 2019, Defendant disbursed more funds from TA 6961 for clients than she held in TA 6961 for those clients, resulting in multiple negative client balances, and Defendant failed to ensure entrusted funds she received for two clients were deposited into a trust account before she disbursed against those funds.

10. Between 31 January and 30 April 2019, Defendant disbursed more funds from TA 8662 for a client than she had in TA 8662 for that client, resulting in a negative client balance.

11. The audits of TA 6961 and TA 8662 also revealed the following deficiencies in Defendant's trust account management and handling of entrusted funds:

a. Defendant did not at least quarterly prepare a reconciliation report for each trust account showing the balance that appeared in the general ledger as of the reporting date, the total of all positive subsidiary ledger balances in the trust account as of the reporting date, and the adjusted bank balance, and verify that the balances were identical;

b. Defendant did not monthly reconcile the balance of each trust account as shown in her records with the current bank statement balance for each trust account;

c. Defendant failed to maintain complete and accurate records of all entrusted property she received, including failing to create and maintain client ledgers containing a record of receipts and disbursements for all clients from whom and for whom funds were received and showing the current balance of entrusted funds in each of her trust accounts for each such client; and

d. Defendant intentionally comingled earned attorneys' fees and entrusted funds in her trust accounts.

12. Although Defendant intentionally maintained earned attorneys' fees in her trust accounts to "cushion" against client over-disbursement, on occasions between 12 February and 6 April 2019 where Defendant disbursed more funds from TA 6961 for clients than she held in trust for those clients, Defendant used entrusted funds she held on behalf of other clients to cover the over-disbursements. During that time, the total over-disbursements exceeded the amount of earned fees Defendant maintained in TA 6961.

13. In her 1 May 2019 response to the Letter of Notice sent in grievance file number 19G0305, Defendant acknowledged that her trust account practices were deficient and committed to bringing her practices into compliance with the Rules of Professional Conduct.

14. Defendant specifically committed to verifying funds received on behalf of clients prior to making disbursements on behalf of those clients and verifying after each transaction that no over-disbursements had occurred.

15. On 28 October 2019, the State Bar received a grievance from Y. Wang against Defendant, file number 19G1084, involving two real estate transactions Defendant had closed on Wang's behalf.

16. In grievance file number 19G1084, Wang alleged, among other things, that Defendant overpaid a prior lender in conjunction with one of the real estate closings.

17. The two transactions at issue in grievance file number 19G1084 took place in June and July 2019, after Defendant had responded to the Letter of Notice in grievance file number 19G0305 and committed to bringing her trust account practices into compliance with the Rules of Professional Conduct.

18. The State Bar's investigation of grievance file number 19G1084 revealed that Defendant mishandled Wang's entrusted funds in the following ways:

a. Defendant disbursed approximately $2,586.36 more to Wang's prior lender than she held in trust for the purpose of paying Wang's prior lender; and

b. Defendant inadvertently disbursed $25.00 to herself that Wang's lender had directed Defendant to disburse to a third-party service provider.

19. Defendant also delayed disbursement of entrusted funds held on Wang's behalf to a separate lender and promised to compensate Wang for additional interest he had to pay. Instead of making the payment to Wang from her operating account, Defendant disbursed entrusted funds to Wang even though she held no funds in her trust account for that purpose.

Based upon the consent of the parties and the foregoing Findings of Fact, the Hearing Panel enters the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the panel has jurisdiction over Defendant, Guangya Liu, and over the subject matter.

2. Liu's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

(a) By failing to ensure that entrusted funds she received for two clients were deposited into a trust account, Defendant failed to properly maintain and deposit entrusted funds in violation of Rules 1.15-2(a) and (b);

(b) By failing to prepare at least quarterly a reconciliation report for each trust account showing the balance that appeared in the general ledger as of the reporting date, the total of all positive subsidiary ledger balances in the trust account as of the reporting date, and the adjusted bank balance, and verify that the balances were identical, Defendant failed to conduct quarterly reconciliations of her trust accounts in violation of Rule 1.15-3(d)(1);

(c) By failing to reconcile the balance of each trust account as shown in her records with the current bank statement balance each month for each trust account, Defendant failed to conduct monthly reconciliations of her trust accounts in violation of Rule 1.15-3(d)(2);

(d) By failing to maintain complete and accurate records of all entrusted property she received, including failing to create and maintain client ledgers containing a record of receipts and disbursements for all clients from whom and for whom funds were received and showing the current balance of entrusted funds in each of her trust accounts for each such client, Defendant failed to maintain required records in violation of Rule 1.15-3(b)(5) and failed to properly identify and maintain entrusted funds in violation of Rule 1.15-2(a);

(e) By intentionally commingling earned attorneys' fees and entrusted funds in her trust accounts, Defendant failed to properly maintain and disburse entrusted funds in violation of Rule 1.15-2(a) and (f);

(f) By disbursing more funds from her trust accounts for clients than she held in trust for those clients between 12 February and 6 April 2019, Defendant failed to properly maintain and disburse entrusted funds and used funds for the benefit of one other than her client in violation of Rule 1.15-2(a), (k), and (n);

(g) By disbursing approximately $2,586.36 more to Wang's prior lender than she held in trust for the purpose of paying Wang's prior lender, Defendant failed to properly maintain and disburse entrusted funds and used funds for the benefit of one other than her client in violation of Rule 1.15-2(a), (k), and (n); and

(h) By disbursing $25.00 to herself that Wang's lender had directed Defendant to disburse to a third-party service provider and by making the promised interest payment to Wang from entrusted funds instead of her operating account, Defendant failed to properly maintain and disburse entrusted funds and used funds for her personal benefit in violation of Rule 1.15-2(a), (k), and (n).

Based upon the foregoing Findings of Fact and Conclusions of Law and the consent of the parties, the Hearing Panel hereby makes by clear, cogent, and convincing evidence the following:

ADDITIONAL FINDINGS OF FACT REGARDING DISCIPLINE

1. Defendant has no prior professional discipline.

2. Defendant, licensed in August 2018, began practicing in October 2018 and is new to the practice of law.

3. Defendant fully cooperated with all of the State Bar's inquiries regarding these matters.

4. Defendant retained an accountant on 6 April 2019 to assist with reconciliation reports for October 2018 through March 2019 and had, by 19 April 2019, rectified all errors discovered through those reconciliations. Defendant later implemented additional measures to safeguard her clients' entrusted funds, including the continued use of an accountant to assist with reconciliations, performing three-way reconciliations on a monthly basis, use of dedicated trust account software, and use of daily trust account reconciliation services.

5. Relative to Finding of Fact 9, Defendant presented checks for deposit into TA 6961, but the bank teller deposited the funds into Defendant's operating account. Defendant did not discover the bank error before disbursing against two of the checks, resulting in negative balances. The error was corrected during the next quarterly reconciliation.

6. By engaging in multiple instances of over-disbursement of client funds; intentional commingling of her property with client funds; and failure to ensure entrusted funds were deposited into a trust account, maintain accurate records of her receipt and disbursement of client funds, and perform the required reconciliations of her trust accounts, Defendant committed multiple offenses and engaged in a pattern of misconduct. At the time of this conduct, Defendant knew or should have known that her actions could harm her clients.

7. In particular, Defendant was aware that if she disbursed entrusted funds without verifying that her planned and actual disbursements for a particular matter did not exceed the funds she had received for that matter, client funds were at risk of being misapplied. Defendant's attempt to "cushion" against misapplication of client funds by commingling her earned fees with client funds did not protect her clients' funds but simply put them at risk in a different way.

8. Defendant acknowledged in her response to the Letter of Notice in grievance file number 19G0305 the numerous ways in which she was falling short of what the Rules of Professional Conduct require of her in the safekeeping of client funds and committed to bringing her conduct into compliance with the Rules. Although she took some corrective measures and committed to verifying that her planned disbursements for a transaction did not exceed the funds received for that transaction, the procedures Defendant implemented did not provide an effective backstop against the overdisbursement of client funds.

9. Defendant's failure to properly maintain, manage, and handle entrusted funds betrays a vital trust clients and the public place in attorneys and the legal profession. Clients are entitled to have their funds handled with the utmost care.

10. Defendant's failure to properly maintain a trust account placed entrusted client funds at risk and has the potential to cause significant harm to the standing of the profession in the eyes of the public because it shows her disregard for certain of her duties as an attorney. This tends to erode the public's confidence in attorneys. Such erosion of public confidence in attorneys tends to sully the reputation of, and fosters disrespect for, the profession as a whole. Confidence in the legal profession is a building block for public trust in the entire legal system.

Based on the foregoing Findings of Fact, Conclusions of Law, and Additional Findings of Fact Regarding Discipline, and with the consent of the parties, the Hearing Panel makes the following:

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has considered all of the factors contained in 27 N.C. Admin. Code 1B.0116(f)(1) and concludes that the following factors that warrant suspension or disbarment are present:

(a) intent of the defendant to commit acts where the harm or potential harm is foreseeable; and

(b) negative impact of defendant's actions on client's or public's perception of the profession.

2. The Hearing Panel has considered all of the factors contained in 27 N.C. Admin. Code 1B .0116(f)(2) and concludes that no factors that warrant disbarment are present.

3. The Hearing Panel has considered all of the factors contained in 27 N.C. Admin. Code 1B.0116(f)(3) and concludes that the following are applicable in this matter:

(a) the absence of prior disciplinary offenses in this state or any other jurisdiction;

(b) good character or reputation;

(c) a pattern of misconduct;

(d) multiple offenses;

(e) full and free disclosure to the hearing panel or cooperative attitude toward the proceedings; and

(f) degree of experience in the practice of law.

4. The Hearing Panel has considered all lesser sanctions including: censure, reprimand, and admonition, and finds that discipline less than a stayed suspension would not adequately protect the public from Defendant's future misconduct because Defendant has been unable to prevent over-disbursement and misapplication of entrusted funds in her possession, because of the gravity of potential significant harm to clients, and because a period of reporting

pursuant to a stayed suspension is necessary to ensure Defendant's proper handling of entrusted funds.

Based upon the foregoing Findings of Fact, Conclusions of Law, Additional Findings of Fact Regarding Discipline, and Conclusions of Law Regarding Discipline, and on the consent of the parties, the Hearing Panel enters the following:

ORDER OF DISCIPLINE

1. Defendant, Guangya Liu, is hereby suspended from the practice of law for two years, effective thirty days from service of this Order upon her. Service will be complete upon mailing this Order to Defendant at the address on file with the North Carolina State Bar Membership Department. This suspension is stayed immediately as set forth herein, subject to the terms of paragraph 3 below.

2. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary of the North Carolina State Bar. Defendant shall pay the administrative fees and costs of this proceeding assessed by the Secretary within thirty days of the State Bar mailing the statement of costs to Defendant at the address on file with the State Bar Membership Department.

3. The two-year suspension is stayed for a period of three years as long as Defendant complies with all of the following conditions:

a. Defendant shall have established and shall follow written procedures, to be provided to the Office of Counsel within 30 days of entry of this Order, setting forth the personnel to be involved, the documents to be utilized, and the process to be implemented, to accomplish the following:

(1) Ensuring a client identifier is used, and only one client identifier is used per client, on all pertinent trust account records, including on the client subsidiary trust account ledger, the general ledger, deposit slips, trust account checks, wire documentation, counter debits or credits, and any other instrument by which funds are deposited into or disbursed from a trust account for the client;

(2) Ensuring a client subsidiary trust account ledger is created for each client at the time of any deposit of entrusted funds into a trust account for the client;

(3) Ensuring an accurate and appropriate entry is made on the client subsidiary trust account ledger for the client at the time of any deposit or disbursement of funds for the client in the trust account;

(4) Ensuring no entry is made on a client subsidiary trust account ledger other than entries for actual deposits into or disbursements from the trust account (e.g. billing/invoicing record-keeping must be done separately);

(5) Ensuring a folder (paper or electronic) is created and maintained for each client containing the most current client subsidiary trust account ledger, a copy of each deposit slip and deposited item for any deposits made for the client into a trust account, and a copy of every trust account check, wire confirmation, or other instrument by which funds were disbursed from the trust account for the client. If Defendant utilizes a computer software program for trust account record-keeping and for the reports utilized in the three-way reconciliation, then the client subsidiary trust account ledger shall be printed from that program and maintained in the folder. If Defendant utilizes both handwritten ledgers and computer software program ledgers, then a copy of both shall be maintained in the client's file. For handwritten ledgers, the procedures must include ensuring that the copy of the handwritten ledger is clear and legible;

(6) Ensuring the client subsidiary trust account ledger is checked and the balance of funds in the trust account for the client is verified prior to any disbursement of funds being made from the trust account for the client. For handwritten ledgers, the procedures must include Defendant verifying that each balance in the running balance column was calculated accurately and is correct and notating this verification in a clear manner on the ledger;

(7) Ensuring clients are notified in writing upon each and every receipt of entrusted funds and disbursement of entrusted funds for the client;

(8) Ensuring accountings are sent annually to clients for whom funds are held in trust for more than one year;

(9) Timely completion of disbursements, including procedures for monitoring client balances and promptly disbursing all funds in trust for the client, and for monitoring outstanding checks and for taking action to complete disbursements for checks that have not been negotiated and cleared the trust account within six months of issuance;

(10) Timely monthly reconciliations of every trust account compliant with Rule 1.15-3(d)(2) and preparation and maintenance of the records required by Rule 1.15-3(d)(2) and (3);

(11) Timely quarterly reconciliations of every trust account compliant with Rule 1.15-3(d)(1) and preparation and maintenance of the records required by Rule 1.15-3(d)(1) and (3);

(12) Timely monthly reviews of every trust account compliant with Rule 1.15-3(i)(1) and preparation and maintenance of the records required by Rule 1.15-3(i)(1) and (5); and

(13) Timely quarterly reviews of every trust account compliant with Rule 1.15-3(i)(2) and (3) as applicable, and maintenance of the records required by Rule 1.15-3(i)(2), (3), and (5).

b. Defendant shall make any adjustments to her written procedures required by the Office of Counsel at any time during the stayed suspension to ensure compliance with the Rules of Professional Conduct and shall provide revised written procedures within ten days of notice from the Office of Counsel.

c. Defendant and all attorneys and staff in her office will follow the written procedures provided to the Office of Counsel. Defendant shall provide for each month, no later than the 15th day of the next subsequent month (e.g., certification for January due no later than February 15), a certification by her that all written procedures were followed by her, by any other attorneys in her firm, and by all staff in her firm, with respect to all trust accounts and all trust account transactions that month. If there was any failure to follow a written procedure, any and all such deficiencies shall be identified, explained, and corrective action implemented to ensure the procedure at issue is followed in the future. If Defendant identifies a need to change any procedure, Defendant must submit to the Office of Counsel the proposed change with explanation for approval and must receive approval prior to implementing the change.

d. Defendant shall pay the administrative fees and costs of this proceeding as assessed by the Secretary of the North Carolina State Bar within thirty days of the State Bar mailing the statement of costs to Defendant at the address on file with the State Bar Membership Department.

e. Within thirty days after entry of this Order, Defendant shall retain a Trust Account Monitor approved in advance by the North Carolina State Bar Office of Counsel, who shall independently audit her trust account(s).

f. Defendant shall pay all costs and/or fees, if any, charged by the Trust Account Monitor for his/her services, including any costs for preparation and submission of reports associated therewith.

g. Defendant shall cooperate with the Trust Account Monitor to ensure that an initial audit of her trust account(s) is completed within sixty days of the date the Trust Account Monitor is first retained. The Trust Account Monitor shall provide monthly written reports to the State Bar updating the State Bar on the audit's progress until the audit is complete. Upon completion of the audit, the Trust Account Monitor shall provide the State Bar with a written final audit report that identifies who owns the funds presently held in Defendant's trust account, identifies by owner and amount the funds Defendant was required to maintain in the trust account, and identifies any shortage in the trust account. The Trust Account Monitor shall provide supporting documentation with the audit report. It is Defendant's sole responsibility to ensure that the Trust Account Monitor completes and submits the report required herein.

h. Each month Defendant shall provide the North Carolina State Bar Office of Counsel with the three-way reconciliation described in the State Bar Lawyer's Trust Account Handbook, using the Trust Account Reconciliation sheet available on the State Bar's website, for all trust accounts she maintains. Defendant shall provide (i) the three-way reconciliation report, (ii) client ledgers for all clients with funds in the trust account(s) during that month as may be requested by the Office of Counsel, (iii) an administrative ledger for any personal funds maintained in the trust account(s) for bank or credit card fees, (iv) trust account general ledger for each trust account, (v) multiple balance ledger report (report listing balance of funds maintained in trust for each client during reporting period), (vi) the bank statements, (vii) cancelled checks, and (viii) as may be requested by the Office of Counsel, deposit slips and copies of deposited items for each month. These documents are due on the fifteenth day of the following month – for example, the three-way reconciliation for the month of January is due on February 15.

i. Each quarter, Defendant shall have a Trust Account Monitor, approved by the North Carolina State Bar Office of Counsel, audit all trust accounts maintained by Defendant. Defendant shall provide to the Trust Account Monitor copies of her monthly three-way reconciliations and supporting documentation. This audit shall assess whether Defendant has in her trust account the client funds she is required to maintain for her clients at that time, as well as Defendant's compliance with all requirements of Rule 1.15-2 and Rule 1.15-3. The audit shall include addressing the items on the Trust Account Monitor Report Template, which will be provided by the State Bar to Defendant, and shall identify any deficiencies in Defendant's compliance with Rule 1.15-2 and Rule 1.15-3. The quarterly audit reports from the Trust Account Monitor are due no later than thirty days after the end of the quarter – for example, the audit for the first quarter of the calendar year (January, February, and March) is due on or before April 30. It is Defendant's sole responsibility to ensure that the Trust Account Monitor completes and timely submits the reports required herein. Defendant shall bear the cost of preparation and submission of these reports.

j. If either the monthly three-way reconciliation report or the audit reveals any deviation from Defendant's obligations under Rule 1.15-2 or Rule 1.15-3, Defendant shall take remedial action within ten days of the date of the three-way reconciliation report or the Trust Account Monitor audit and shall provide to the North Carolina State Bar Office of Counsel documentation showing the remedial action taken within two days of the date of the remedial action.

k. Defendant shall provide any records or information regarding her trust account(s) requested by the North Carolina State Bar Office of Counsel and, when requested by the Office of Counsel to do so, sign and provide any release or authorization to allow the Office of Counsel to obtain information directly from any bank in which Defendant maintains a trust account, within ten days of the request or by the deadline stated in the request, whichever is sooner.

l. If, at any point during the pendency of the stay of this suspension, Defendant ceases handling entrusted or fiduciary funds and maintaining an attorney trust account, Defendant shall submit to the North Carolina State Bar Office of Counsel copies of all her current fee agreement templates and, on a monthly basis, an affidavit certifying that she did not handle any entrusted or fiduciary funds in that month. This affidavit shall be executed on the last day of each month and provided to the Office of Counsel by the fifth day of the following month (e.g. the affidavit for March would be executed on March 31st and provided to the Office of Counsel by April 5th). This affidavit shall be in lieu of the three-way reconciliation report and Trust Account Monitor audit required in paragraphs 3(h) and 3(i) above for any period in which Defendant did not handle entrusted funds or fiduciary funds. For as long as Defendant is not handling any entrusted funds or fiduciary funds and is not maintaining an attorney trust account, the requirements of paragraph 3(h) and 3(i) above shall be tolled.

m. Within six months after the entry of this Order, Defendant shall complete two hours of continuing legal education (CLE) in the area of trust account management approved by the North Carolina State Bar Office of Counsel. This CLE requirement is in addition to the CLE requirements set out in 27 N.C. Admin. Code 1D.1518.

n. Defendant shall keep the North Carolina State Bar Membership Department advised of her current physical business address (not post-office box or drawer addresses), telephone number(s), and e-mail address(es). Defendant shall notify the State Bar Membership Department of any change within ten days of such change.

o. Defendant shall accept all certified mail from the North Carolina State Bar sent to the address on record with the State Bar Membership Department.

p. Defendant shall provide full and complete responses to and all requested documentation in response to all communications from the North Carolina State Bar, including letters of notice, requests for information, and communications from the Attorney Client Assistance Program, within fifteen days of receipt of such communication or by the deadline stated in the communication, whichever is sooner, and participate in good faith in the State Bar's fee dispute resolution program for any petition that is pending at the time of the entry of this Order or of which she receives notice after entry of the Order.

q. Defendant shall timely comply with all North Carolina State Bar CLE requirements as set forth in 27 N.C. Admin. Code 1D.1518 and pay all fees and costs assessed therefor by the applicable deadline. Defendant shall provide proof of the same to the State Bar Office of Counsel within ten days of completing the courses.

r. Defendant shall pay all North Carolina State Bar membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from her, including all judicial district dues, fees,

and assessments. Defendant shall provide proof that she paid such dues, fees, and/or costs to the State Bar Office of Counsel within ten days of paying them.

s. Defendant shall not violate the Rules of Professional Conduct of North Carolina or of any other jurisdiction in which she is or may become licensed to practice law or the laws of the United States or of any state or local government, other than minor traffic violations.

4. If Defendant fails to comply with any one or more of the conditions set out above in this Order of Discipline, then the stay of the suspension may be lifted in accordance with 27 N.C. Admin. Code 1B.0118.

5. If the stay of the suspension is lifted and the suspension is activated for any reason, the DHC may enter an order imposing such conditions as it deems proper for the reinstatement of Defendant's license at the end of the suspension. Defendant must establish the following by clear, cogent, and convincing evidence prior to being reinstated to the practice of law after any period of active suspension:

(a) That Defendant submitted her law license and membership card to the Secretary of the North Carolina State Bar within thirty days of the date of the order lifting the stay and/or activating the suspension of her law license;

(b) That Defendant properly wound down her law practice and complied with the provisions of 27 N.C. Admin. Code 1B.0128 following entry of the order lifting the stay and/or activating the suspension of her law license;

(c) That Defendant timely paid all administrative fees and costs assessed against her in this proceeding as reflected on the statement of costs served upon her by the Secretary of the North Carolina State Bar;

(d) That within fifteen days of the effective date of the order lifting the stay and/or activating the suspension of her law license, Defendant provided the North Carolina State Bar Office of Counsel with an address and telephone number at which clients seeking return of files could communicate with Defendant and obtain such files;

(e) That Defendant provided within ten days client files to all clients who made a request for return of their files;

(f) That Defendant kept the North Carolina State Bar Membership Department advised of her current physical business address (not post-office box or drawer addresses), telephone number(s), and e-mail address(es) and notified the State Bar Membership Department of any change in address within ten days of such change;

(g) That Defendant provided full and complete responses to and all requested documentation in response to all communications from the North Carolina State

Bar, including letters of notice, requests for information, and communications from the Attorney Client Assistance Program (ACAP), within fifteen days of receipt of such communication or by the deadline stated in the communication, whichever is sooner, and participated in good faith in the State Bar's fee dispute resolution program for any petition that was pending at the time of the entry of this Order or of which she received notice after entry of the Order;

(h) That, at the time of her petition for reinstatement, Defendant is current in payment of all North Carolina State Bar membership dues, fees and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from her, including all judicial district dues, fees, and assessments;

(i) That, at the time of her petition for reinstatement, there is no deficit in Defendant's completion of mandatory CLE hours, in reporting of such hours, or in payment of any fees and costs associated with attendance at CLE programs;

(j) That, Defendant completed, within the six months that immediately preceded her petition for reinstatement, two hours of CLE in the area of trust account management approved by the North Carolina State Bar Office of Counsel, in addition to the CLE requirements set out in 27 N.C. Admin. Code 1D.1518; and

(k) That Defendant did not violate the Rules of Professional Conduct of North Carolina or of any other jurisdiction in which she is licensed to practice law or the laws of the United States or of any state or local government, other than minor traffic violations.

6. If the stay of suspension is lifted and the suspension is activated for any reason, and if Defendant fails to fully comply with 27 N.C. Admin. Code 1B.128, Defendant shall reimburse the North Carolina State Bar for any expenses incurred by the State Bar in winding down Defendant's practice. Such expenses may include, but are not limited to, storage facility fees, rent payments, moving expenses, charges for secure disposal of client files, postage or other mailing expenses, and compensation paid to the appointed trustee and/or the trustee's assistant(s) for time and travel associated with the trusteeship. The State Bar shall send an invoice of the expenses incurred by the State Bar in winding down Defendant's practice to Defendant at the address on file with the State Bar Membership Department. Defendant shall pay the expenses within thirty days of the State Bar mailing the invoice to her.

7. Unless Defendant's obligations under this Order are modified by further order of the Disciplinary Hearing Commission (DHC), Defendant's obligations under this Order end three years from the effective date of this Order, provided there are no pending motions to activate the suspension of her law license alleging lack of compliance with the conditions of the stay of the suspension. Pursuant to 27 N.C. Admin. Code 1B.0118, the DHC retains jurisdiction until all conditions of the stay of the suspension have been met. If a motion or show cause proceeding alleging lack of compliance with the conditions for the stay of the suspension is pending when the period of the stay of the suspension would otherwise have terminated, the DHC retains the jurisdiction and may lift the stay of the suspension and activate the two-year suspension in whole

or in part if it finds that any of the conditions of the stay have not been met. The stay of the suspension and Defendant's obligation to comply with the conditions for the stay will continue until resolution of any such pending motion or show cause proceeding.

Signed by the Chair with the consent of the other Hearing Panel members this the 24th day of June, 2021.

Margaret M. Hunt
Margaret M. Hunt, Chair
Disciplinary Hearing Panel

WE CONSENT:

Deanna S. Brocker
Deanna Brocker
Attorney for Defendant

Savannah Perry
Savannah B. Perry, Deputy Counsel

Guangya Liu
Defendant

Maria J. Brown, Deputy Counsel
Attorneys for Plaintiff