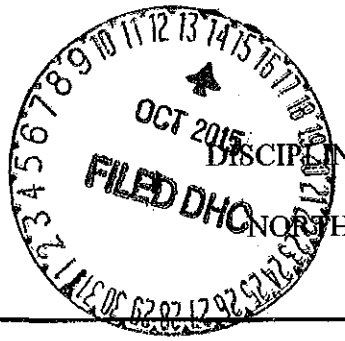
NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
15 DHC 11

THE NORTH CAROLINA STATE BAR, Plaintiff	)	
v.	)	ORDER OF DISBARMENT
GAREY M. BALLANCE, Attorney, Defendant	)	

This matter came before the undersigned Chair of The Disciplinary Hearing Commission pursuant to 27 N.C.A.C. 1B §.0117(d) upon an affidavit of surrender of license executed by Garey M. Ballance on October 8, 2015 and filed in the offices of the North Carolina State Bar on October 9, 2015..

Based upon the pleadings and the record, the undersigned makes the following:

FINDINGS OF FACT

1. The plaintiff, the North Carolina 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. The defendant, Garey M. Ballance (hereinafter "Ballance") was admitted to the North Carolina State Bar on August 18, 1995 and was at the times referred to herein an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. On March 30, 2015, the North Carolina State Bar filed a formal complaint against Ballance alleging, among other things, that he had appropriated funds entrusted to him by his clients to his own use. The State Bar's complaint is incorporated by reference herein.

4. Ballance has indicated his consent to disbarment by filing an affidavit of surrender with the Disciplinary Hearing Commission. The affidavit meets all requirements set forth in 27 N.C.A.C. 1B §.0117(a)(1)-(4) and (d).

Based upon the foregoing Findings of Fact. the undersigned makes the following:

CONCLUSIONS OF LAW

1. 27 N.C.A.C. 1B §.0108(a)(6) provides that the Chair of the Disciplinary Hearing Commission has the power and duty to enter orders disbarring members by consent.

2. Defendant's affidavit meets all requirements set forth in 27 N.C.A.C. 1B §.0117(a)(1)-(4) and (d) and the facts upon which the affidavit is predicated warrant Defendant's disbarment.

3. Defendant has admitted that the material facts upon which the State Bar's complaint is predicated are true and the misconduct alleged in the complaint has been established.

4. Ballance's conduct constitutes grounds for discipline under N.C. Gen. Stat. § 84-28 (b)(2) in that Ballance violated the Rules of Professional Conduct as alleged in the complaint.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following:

ORDER

1. The surrender of the license of Garey M. Ballance is hereby accepted.

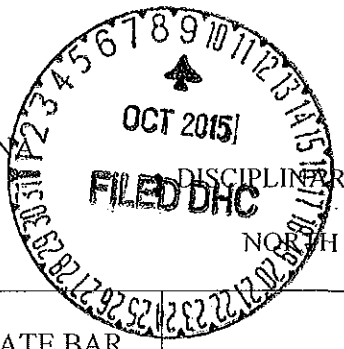
2. Garey M. Ballance is DISBARRED from the practice of law in North Carolina effective 30 days from the entry of this order with the Secretary of the North Carolina State Bar.

3. Garey M. Ballance shall comply with the provisions of 27 N.C.A.C. 1B §.0124 of the State Bar Discipline and Disability Rules.

4. The costs of this action are taxed against Garey M. Ballance.

This the 13th ~~day of~~ October 2015.

Steven D. Michael, Chair
Disciplinary Hearing Commission



STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
15 DHC 11

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

GAREY M. BALLANCE,

Attorney, Defendant

AFFIDAVIT OF
SURRENDER OF
LAW LICENSE

GAREY M. BALLANCE, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina.

2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am represented by counsel and I am fully aware of the implications of submitting my resignation.

3. I am aware that there is pending a complaint against me before the Disciplinary Hearing Commission, a copy of which is attached hereto.

4. I acknowledge that the material facts alleged in the complaint are true.

5. I am submitting my resignation because I know that I could not successfully defend against these disciplinary charges.

This the 8th day of October, 2015.

Garey M Ballance
GAREY M. BALLANCE

I, Susan A. DicKerson, Notary Public of the County of Halifax, State of North Carolina, certify that GAREY M. BALLANCE personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

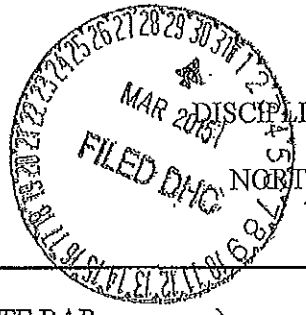
This the 8th day of October, 2015.

Susan A. DicKerson
Notary Public

My Commission Expires: 8-28-2018

NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
15 DHC 11

THE NORTH CAROLINA STATE BAR, Plaintiff	)	
v.	)	COMPLAINT
GAREY M. BALLANCE, Attorney, Defendant	)	

The plaintiff, complaining of the defendant, alleges and says:

1. The plaintiff, the North Carolina 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. The defendant, Garey M. Ballance (hereinafter "Ballance") was admitted to the North Carolina State Bar on August 18, 1995 and was at the times referred to herein an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the times relevant to this Complaint, Ballance actively engaged in the practice of law in the State of North Carolina and maintained a law office in the city of Henderson, Vance County, North Carolina.

Upon information and belief, the plaintiff alleges:

4. On February 16, 2012, Ballance opened a trust account at SunTrust Bank, account number ending in 9452 (hereinafter "trust account"), as the only general trust account for his law firm to use to maintain funds entrusted to him by or for his clients. Ballance was the only signatory on his trust account.

FIRST CLAIM FOR RELIEF

5. Paragraphs 1–4 are incorporated by reference as if fully set forth herein.

6. On July 4, 2012, Ms. A. Richardson was injured in an automobile accident caused by the driver of the other automobile involved in the accident. Richardson was taken to the hospital where she was again injured in a fall caused by hospital personnel who were treating her.

7. Soon after the automobile accident and the fall at the hospital, Richardson retained Ballance to represent her in pursuing claims for the injuries she suffered in both the automobile accident and the hospital fall.

8. In November 2012, Richardson asked Ballance when she was going to get any money from an insurance company.

9. Although he had not received any money on Richardson's behalf, on November 8, 2012, Ballance wrote trust account check number 1013 to Richardson for $2,000.00. Check number 1013 cleared the bank on November 13, 2012.

10. At the time that Ballance wrote check number 1013, Ballance had not made a deposit into his trust account on behalf of Richardson. Ballance used other clients' entrusted funds to pay check number 1013.

11. On or before January 28, 2013, Ballance settled Richardson's liability claim for $30,000.00 with the insurance carrier for the driver who caused Richardson's automobile accident. On January 28, 2013, Ballance deposited the liability settlement into his trust account.

12. On January 26, 2013, before the liability insurance deposit was credited to his trust account, Ballance wrote trust account check number 1019 to Richardson for $10,050.00 as her share of the liability settlement. Check number 1019 cleared the bank on January 28, 2013.

13. On January 29, 2013, Ballance wrote trust account check number 1020 to his law firm for $9,900.00 as his attorney fee for his representation of Richardson in achieving the liability settlement. Check number 1020 cleared the bank on January 29, 2013.

14. Ballance retained the $10,050.00 balance of the liability settlement in his trust account for the purpose of paying Richardson's medical providers.

15. On August 5, 2013, without the knowledge and consent of Richardson, Ballance wrote trust account check 1029 to his law firm for $1,265.65. Ballance indicated on trust account check 1029 that it was issued for "Richardson partial settlement". At the time that Ballance wrote trust account check 1029, he had not received any further funds on Richardson's behalf from which he was entitled to an additional fee.

16. On August 20, 2013, without the knowledge and consent of Richardson, Ballance wrote trust account check 1034 to his law firm for $2,037.65. Balance indicated on trust account check 1034 that the check was drawn against funds on deposit for Richardson. At the time that Ballance wrote trust account check 1034, he had not received any further funds on Richardson's behalf from which he was entitled to an additional fee.

17. Ballance appropriated funds he held in trust for the payment of Richardson's medical providers to his own use, without the knowledge and consent of Richardson.

18. After Ballance had settled all of Richardson's claims and had disbursed all of the funds Ballance held for her, Ballance failed to provide a written accounting to Richardson of the receipts and disbursements of all of the funds Ballance had received on Richardson's behalf.

19. Richardson, or someone on her behalf, made one or more requests for Ballance to account for amounts received and disbursed on Richardson's behalf.

20. Ballance failed to provide Richardson with a written accounting of the receipt and disbursement of Richardson's entrusted funds.

THEREFORE, the plaintiff alleges that Ballance's foregoing actions constitute grounds for discipline pursuant to NCGS 84-28(b)(2) in that Ballance violated the Rules of Professional Conduct as follows:

(a) by using other clients' entrusted funds to write trust account check number 1013 to pay $2,000.00 to Richardson, Ballance failed to maintain his other clients' entrusted property in his trust account until disbursed in accordance with Rule 1.15 in violation of Rule 1.15-2(a); used entrusted property to the benefit of himself or persons other than the legal or beneficial owner of the funds in violation of Rule 1.15-2(j); committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b); and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);

(b) by appropriating to his own use the funds entrusted to him by Richardson to pay her medical providers when he wrote trust account checks numbered 1029 and 1034 to his law firm, Ballance failed to maintain Richardson's entrusted property in his trust account until disbursed in accordance with Rule 1.15 in violation of Rule 1.15-2(a); used entrusted property to his own benefit in violation of Rule 1.15-2(j); committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b); and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c); and

(c) by failing to provide Richardson with a written accounting for the receipt and disbursement of Richardson's settlement funds after he had completed the disbursement of those funds and after being asked to do so by Richardson or someone on her behalf, Ballance failed to render a written accounting of the receipts and disbursements of all trust funds to his client Richardson in violation of Rule 1.15-3(e) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4).

SECOND CLAIM FOR RELIEF

21. Paragraphs 1–20 are incorporated by reference as if fully set forth herein.

22. On July 10, 2013, Ballance wrote trust account check number 1025 to the Vance County Clerk of Superior Court for $952.50 on behalf of a client whose last name is Rhodes. Check number 1025 cleared the bank on July 15, 2013.

23. At the time that Ballance wrote check number 1025, Ballance had not made a deposit into his trust account on behalf of Rhodes. Ballance used other clients' entrusted funds to pay check number 1025.

24. Before he wrote check number 1025, Ballance had received funds from Rhodes to be used to pay the obligation for which Ballance wrote check number 1025. Ballance failed to deposit Rhodes' entrusted funds into his trust account.

25. Ballance appropriated Rhodes' entrusted funds to his own use.

26. On July 18, 2013, Ballance wrote trust account check number 1026 to the Warren County Clerk of Superior Court for $316.00 on behalf of a client whose first name begins with a P. and whose last name is Kearney. Check number 1026 cleared the bank on July 19, 2013.

27. At the time that Ballance wrote check number 1026, Ballance had not made a deposit into his trust account on behalf of P. Kearney. Ballance used other clients' entrusted funds to pay check number 1026.

28. Before he wrote check number 1026, Ballance had received funds from P. Kearney to be used to pay the obligation for which Ballance wrote check number 1026. Ballance failed to deposit P. Kearney's entrusted funds into his trust account.

29. Ballance appropriated P. Kearney's entrusted funds to his own use.

30. On July 26, 2013, Ballance wrote trust account check number 1028 to the Granville County Clerk of Superior Court for $150.00 on behalf of a client whose last name is Cooke. Check number 1028 cleared the bank on July 30, 2013.

31. At the time that Ballance wrote check number 1028, Ballance had not made a deposit into his trust account on behalf of Cooke. Ballance used other clients' entrusted funds to pay check number 1028.

32. Before he wrote check number 1028, Ballance had received funds from Cooke to be used to pay the obligation for which Ballance wrote check number 1028. Ballance failed to deposit Cooke's entrusted funds into his trust account.

33. Ballance appropriated Cooke's entrusted funds to his own use.

34. On August 12, 2013, Ballance wrote trust account check number 1031 to the Warren County Clerk of Superior Court for $230.00 on behalf of a client whose last name is Townes. Check number 1031 cleared the bank on August 13, 2013.

35. At the time that Ballance wrote check number 1031, Ballance had not made a deposit into his trust account on behalf of Townes. Ballance used other clients' entrusted funds to pay check number 1031.

36. Before he wrote check number 1031, Ballance had received funds from Townes to be used to pay the obligation for which Ballance wrote check number 1031. Ballance failed to deposit Townes' entrusted funds into his trust account.

37. Ballance appropriated Townes' entrusted funds to his own use.

38. On August 15, 2013, Ballance wrote trust account check number 1032 for $100.00 to a client whose last name is Gilliam to make a refund of Gilliam's costs in a traffic matter.

39. At the time that Ballance wrote check number 1032, Ballance had not made a deposit into his trust account on behalf of Gilliam. Ballance used other clients' entrusted funds to pay check number 1032.

40. Before he wrote check number 1032, Ballance had received funds from Gilliam to be used to pay Gilliam's costs. Ballance failed to deposit Gilliam's entrusted funds into his trust account.

41. Ballance appropriated Gilliam's entrusted funds to his own use.

42. On or about August 30, 2015, Ballance wrote trust account check number 1036 to Hester, Moore & Tucker for $361.00 on behalf of a client whose last name is Jeffries. Check number 1036 cleared the bank on September 3, 2013.

43. At the time that Ballance wrote check number 1036, Ballance had not made a deposit into his trust account on behalf of Jeffries. Ballance used other clients' entrusted funds to pay check number 1036.

44. Before he wrote check number 1036, Ballance had received funds from Jeffries to be used to pay the obligation for which Ballance wrote check number 1036. Ballance failed to deposit Jeffries' entrusted funds into his trust account.

45. Ballance appropriated Jeffries' entrusted funds to his own use.

46. On September 4, 2013, Ballance wrote trust account check number 1037 to a person named H. Wright for $55.00 on behalf of a client whose last name is Harris. Check number 1037 cleared the bank on September 20, 2013.

47. On September 11, 2013, Ballance wrote trust account check number 1040 to the Warren County Clerk of Superior Court for $180.00 on behalf of Harris. Check number 1040 cleared the bank on September 13, 2013.

48. On September 17, 2013, Ballance wrote trust account check number 1044 to the Warren County Clerk of Superior Court for $300.00 on behalf of Harris. Check number 1044 cleared the bank on September 18, 2013.

49. At the time that Ballance wrote checks numbered 1037, 1040 and 1044, Ballance had not made a deposit into his trust account on behalf of Harris. Ballance used other clients' entrusted funds to pay checks numbered 1037, 1040 and 1044.

50. Before he wrote checks numbered 1037, 1040 and 1044, Ballance had received funds from Harris to be used to pay the obligations for which Ballance wrote checks numbered 1037, 1040 and 1044. Ballance failed to deposit Harris' entrusted funds into his trust account.

51. Ballance appropriated Harris' entrusted funds to his own use.

52. On September 5, 2013, Ballance wrote trust account check number 1039 to the Warren County Clerk of Superior Court for $150.00 on behalf of a client whose first name begins with a J. and whose last name is Kearney. Check number 1039 cleared the bank on September 9, 2013.

53. At the time that Ballance wrote check number 1039, Ballance had not made a deposit into his trust account on behalf of J. Kearney. Ballance used other clients' entrusted funds to pay check number 1039.

54. Before he wrote check number 1039, Ballance had received funds from J. Kearney to be used to pay the obligation for which Ballance wrote check number 1039. Ballance failed to deposit J. Kearney's entrusted funds into his trust account.

55. Ballance appropriated J. Kearney's entrusted funds to his own use.

56. On September 12, 2013, Ballance wrote trust account check number 1041 to the Vance County Clerk of Superior Court for $463.00 on behalf of a client whose last name is Billings. Check number 1041 cleared the bank on September 13, 2013.

57. At the time that Ballance wrote check number 1041, Ballance had not made a deposit into his trust account on behalf of Billings. Ballance used other clients' entrusted funds to pay check number 1041.

58. Before he wrote check number 1041, Ballance had received funds from Billings to be used to pay the obligation for which Ballance wrote check number 1041. Ballance failed to deposit Billings' entrusted funds into his trust account.

59. Ballance appropriated Billings' entrusted funds to his own use.

60. On September 12, 2013, Ballance wrote trust account check number 1042 to the Vance County Clerk of Superior Court for $233.00 on behalf of a client whose last name is Leathers. Check number 1042 cleared the bank on September 13, 2013.

61. At the time that Ballance wrote check number 1042, Ballance had not made a deposit into his trust account on behalf of Leathers. Ballance used other clients' entrusted funds to pay check number 1042.

62. Before he wrote check number 1042, Ballance had received funds from Leathers to be used to pay the obligation for which Ballance wrote check number 1042. Ballance failed to deposit Leathers' entrusted funds into his trust account.

63. Ballance appropriated Leathers' entrusted funds to his own use.

64. On September 12, 2013, Ballance wrote trust account check number 1043 to his law firm for $1,500.00 and indicated on the check that it was a payment on behalf of a client whose last name is Rodgers. Check number 1043 cleared the bank on September 12, 2013.

65. At the time that Ballance wrote check number 1043, Ballance had not made a deposit into his trust account on behalf of Rodgers. Ballance used other clients' entrusted funds to pay check number 1043.

66. By using other clients' entrusted funds to pay himself the proceeds of check number 1043, Ballance appropriated those clients' funds to his own use.

67. On September 27, 2013, Ballance wrote trust account check number 1045 to the Franklin County Clerk of Superior Court for $150.00 on behalf of a client whose last name is Milon. Check number 1045 cleared the bank on October 2, 2013.

68. Also on September 27, 2013, Ballance wrote trust account check number 1047 to the Franklin County Clerk of Superior Court for $100.00 on behalf of Milon. Check number 1047 cleared the bank on October 2, 2013.

69. At the time that Ballance wrote checks numbered 1045 and 1047, Ballance had not made a deposit into his trust account on behalf of Milon. Ballance used other clients' entrusted funds to pay checks numbered 1045 and 1047.

70. Before he wrote checks numbered 1045 and 1047, Ballance had received funds from Milon to be used to pay the obligations for which Ballance wrote checks numbered 1045 and 1047. Ballance failed to deposit Milon's entrusted funds into his trust account.

71. Ballance appropriated Milon's entrusted funds to his own use.

72. On February 6, 2014, Ballance received notice from the North Carolina State Bar's random auditor that he had been selected for an audit. Ballance and the auditor agreed on the date of April 10, 2014 for Ballance's audit to be performed.

73. On April 8, 2014, knowing exactly how much he had misappropriated, Ballance wrote thirteen checks from his operating account in the exact amounts he had misappropriated from his other clients when he had written checks from his trust account on behalf of Rhodes, P. Kearney, Cooke, Townes, Gilliam, Jeffries, Harris, J. Kearney, Billings, Leathers, Rodgers and Milon when those clients had no funds on deposit, and bundled those thirteen checks into a single deposit of $5,240.50 into his trust account to cover the known shortage prior to the audit.

THEREFORE, the plaintiff alleges that Ballance's foregoing actions constitute grounds for discipline pursuant to NCGS 84-28(b)(2) in that Ballance violated the Rules of Professional Conduct as follows:

(a) by using other clients' entrusted funds to pay the obligations of Rhodes, P. Kearney, Cooke, Townes, Gilliam, Jeffries, Harris, J. Kearney, Billings, Leathers, and Milon and to pay himself a fee for his client Rodgers, Ballance failed to maintain his other clients' entrusted property in his trust account until disbursed in accordance with Rule 1.15 in violation of Rule 1.15-2(a); used entrusted property to the benefit of himself or persons other than the legal or beneficial owner of the funds in violation of Rule 1.15-2(j); committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b); and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c); and

(b) by appropriating to his own use the funds entrusted to him by Rhodes, P. Kearney, Cooke, Townes, Gilliam, Jeffries, Harris, J. Kearney, Billings, Leathers, and Milon to pay court costs, fines or other obligations of those clients, Ballance failed to promptly deposit those clients' entrusted funds in a trust account in violation of Rule 1.15-2(b); failed to maintain his clients' entrusted property in a trust account until disbursed in accordance with Rule 1.15 in violation of Rule 1.15-2(a); used entrusted property to his own benefit in violation of Rule 1.15-2(j); committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b); and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c).

THIRD CLAIM FOR RELIEF

74. Paragraphs 1–73 are incorporated by reference as if fully set forth herein.

75. On February 16, 2012, Ballance opened his trust account with a $100.00 cash deposit.

76. On February 23, 2012, Ballance deposited a check for $363.00 into his trust account with no contemporaneous record being kept attributing the deposit to any particular client.

77. On March 7, 2012, Ballance made an over-the-counter cash withdrawal of $363.00 from his trust account with no contemporaneous record being kept attributing the withdrawal to any particular client.

78. On June 7, 2012, Ballance made a deposit of $7,500.00 into his trust account that he had received from the Vance County Clerk of Superior Court. Ballance made no contemporaneous record attributing the deposit to any particular client.

79. On June 8, 2012, Ballance made an over-the-counter cash withdrawal of $500.00 from his trust account with no contemporaneous client attribution made for the cash withdrawal. Ballance subsequently contended that the cash withdrawal was a portion of his fee for the client on whose behalf he had made the $7,500.00 deposit.

80. On June 11, 2012, Ballance made an over-the-counter cash withdrawal of $4,500.00 from his trust account with no contemporaneous client attribution made for the cash withdrawal. Ballance subsequently contended that the cash withdrawal was the remainder of his fee for the client on whose behalf he had made the $7,500.00 deposit.

81. Ballance failed to maintain the required minimum records for his trust account including, but not limited to:

(a) failing to maintain records listing the source and date of receipt of funds deposited into the trust account that listed the name of the client or other person to whom the funds belonged;

(b) failing to maintain instructions or authorizations to transfer, disburse, or withdraw funds from the trust account showing the name of the client or other person to whom the funds belonged; and

(c) failing to maintain a ledger containing a record of receipts and disbursements for each person or entity from whom or on behalf of whom funds were received and showing the current balance of funds held in the trust account for each such person or entity.

82. Ballance failed to perform quarterly trust account reconciliations that reconciled his individual client balances with his current bank statement balances.

THEREFORE, the plaintiff alleges that Ballance's foregoing actions constitute grounds for discipline pursuant to NCGS 84-28(b)(2) in that Ballance violated the Rules of Professional Conduct as follows:

(a) by failing to maintain records listing the source and date of receipt of funds deposited into the trust account that listed the name of the client or other person to

whom the funds belonged, Ballance failed to keep the minimum records for receipt of entrusted funds in violation of Rule 1.15-3(b)(1);

(b) by failing to maintain instructions or authorizations to transfer, disburse, or withdraw funds from the trust account showing the name of the client or other person to whom the funds belonged, Ballance failed to keep the minimum records for receipt and disbursement of entrusted funds in violation of Rule 1.15-3(b)(3);

(c) by making cash withdrawals from his trust account for fees allegedly owed without indicating the client balance against which it was drawn, Ballance withdrew payment for fees from a trust account without indicating on the item of withdrawal the client balance against which it was drawn in violation of Rule 1.15-2(h) and drew items from a trust account made payable to cash in violation of Rule 1.15-2(i);

(d) by failing to maintain a ledger containing a record of receipts and disbursements for each person or entity from whom or on behalf of whom funds were received and showing the current balance of funds held in the trust account for each such person or entity, Ballance failed to keep the minimum records for ledgers for each client's entrusted funds in violation of Rule 1.15-3(b)(5); and

(e) by failing to reconcile individual client balances with his current bank balances on at least a quarterly basis, Ballance failed to perform quarterly reconciliations in violation of Rule 1.15-3(d)(1).

WHEREFORE, the plaintiff prays that disciplinary action be taken against the defendant in accordance with N.C.G.S. § 84-28(a) and 27 N.C. Admin. Code, Chapter 1, Subchapter B, § .0114, the Rules and Regulations of the North Carolina State Bar, as the evidence on hearing may warrant, that the defendant be taxed with all costs and administrative fees permitted by law in connection with this proceeding, and for such other and further relief as is appropriate.

This the 30th day March 2015.

John M. Silverstein, Chair
Grievance Committee

A. Root Edmonson
Deputy Counsel
North Carolina State Bar
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Raleigh, NC 27611-5908

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