



STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
22 DHC 23

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

GEORGE EDWARD ROUCO, Attorney,

Defendant

CONSENT ORDER
OF
DISCIPLINE

This matter came before a hearing panel of the Disciplinary Hearing Commission composed of Margaret M. Hunt, Chair, Christon Stephanie Halkiotis, and Brandon Gosey. Joshua T. Walthall represented the Plaintiff, the North Carolina State Bar. Defendant, George Edward Rouco, was represented by Bradley J. Bannon. Defendant waives a formal hearing in this 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 the entry of this order, Defendant knowingly, freely and voluntarily waives his 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 enters 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, George Edward Rouco (“Defendant”) was licensed to practice law in North Carolina on August 24, 2007, 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 the State of North Carolina and maintained a law office in Mooresville, Iredell County, North Carolina.

4. From 2013 to 2016, Defendant obtained hundreds of prescriptions for opiate painkillers and other controlled substances from dozens of physicians, occasionally obtaining prescriptions from multiple physicians at the same time while not disclosing that he was obtaining prescriptions from others.

5. On September 26, 2016, the State brought criminal charges against Defendant in Iredell County, North Carolina, for three felony counts of acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge in violation of N.C. Gen. Stat. § 90-108(a)(10).

6. On March 2, 2020, Defendant pleaded guilty to one count of Felony Possession of a Schedule II Controlled Substance, in violation of N.C. Gen. Stat. § 90-95(A)(3), in *State of North Carolina v. George Edward Rouco*, 16 CRS 55504 (Iredell County). Violation of that statute does not require, and the elements of that offense do not reflect, any of the “misrepresentation, fraud, forgery, deception, or subterfuge” initially alleged by the State.

7. The crime Defendant pleaded guilty to and was convicted of is a felony and a serious offense showing professional unfitness under 27 N.C. Admin. Code 1B0103(17) of the State Bar Discipline and Disbarment Rules.

8. Defendant received a two-year criminal probationary sentence which required him, among other things, to submit to warrantless searches and random drug testing, obtain and comply with a substance abuse assessment, and not violate any of the laws of the State of North Carolina. Defendant successfully completed probation, without any violations, in March 2022.

Based on the foregoing Findings of Fact and with the consent of the parties, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, George Edward Rouco, and the subject matter of this proceeding.

2. Defendant was properly served with the summons and complaint in this matter.

3. Defendant’s conviction of a criminal offense constitutes misconduct and grounds for discipline in that such conviction is a criminal offense showing professional unfitness pursuant to N.C. Gen. Stat. § 84-28 (b)(1) and N.C. Admin. Code 1B §.0119.

4. Defendant’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 in effect at the time of the conduct as follows: by possessing a controlled substance in violation of N.C. Gen. Stat. § 90-95(A)(3), Defendant committed criminal acts that reflect adversely on his fitness as a lawyer in violation of Rule 8.4(b).

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

FINDINGS OF FACT REGARDING DISCIPLINE

1. The findings of fact above are reincorporated as if set forth herein.
2. Defendant complied with the requirements of his 24-months supervised probation.
3. Defendant has no prior discipline.
4. Before the criminal conviction underlying this disciplinary proceeding, Defendant had no prior criminal history.
5. Defendant has accepted responsibility for his actions and expresses remorse for his conduct.
6. The Hearing Panel finds by clear, cogent, and convincing evidence the facts contained in the conclusions set out below of the applicable factors regarding discipline from those listed in 27 N.C. Admin. Code 1B.0116(f).

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

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension and disbarment.
2. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(1) and determined the following factors are applicable in this matter:
 - a. Factor (E), negative impact of defendant's actions on client's or public's perception of the profession.
3. The Hearing Panel has considered the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(2) of the Rules and Regulations of the North Carolina State Bar and determined the following factor is applicable in this matter:
 - a. Factor (D), commission of a felony.
4. The Hearing Panel has considered the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(3) of the Rules and Regulations of the North Carolina State Bar and determined the following factors are applicable in this matter:
 - a. Factor (D), timely good faith efforts to make restitution or to rectify consequences of misconduct;
 - b. Factor (I), effect of any physical or mental disability or impairment on the conduct in question;

- c. Factor (J), interim rehabilitation;
- d. Factor (K), full and free disclosure to the hearing panel or cooperative attitude toward the proceedings;
- e. Factor (P), remorse;
- f. Factor (Q), character or reputation; and
- g. Factor (U), imposition of other penalties or sanctions;

5. A censure, reprimand, or admonition would be insufficient discipline because of the gravity of the harm and potential harm to the clients, the profession, and the public.

6. While there is a disbarment factor present, the Panel believes the public will be adequately protected by suspension of Defendant's license with the possibility of a stay upon Defendant's compliance with numerous conditions designed to minimize the risk of harm and ensure continued compliance with the Rules of Professional Conduct.

7. The Hearing Panel determined that discipline short of suspension would not adequately protect the public, the legal profession or the administration of justice for the following reasons:

- a. The factors under Rule .0116(f)(1) are of a nature that support imposition of a suspension as the appropriate discipline; and
- b. Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to attorneys and to the public regarding the conduct expected of members of the Bar of this state.

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

ORDER OF DISCIPLINE

1. Defendant, George Edward Rouco, is hereby suspended from the practice of law for three years. The effective date of this Order is 30 days from service of this Order upon Defendant pursuant to 27 N.C. Admin. Code 1B.0128(c). This suspension is stayed from its inception subject to the terms set out below.

2. Defendant is taxed with the administrative fees and costs of this proceeding. Defendant shall pay the administrative fees and costs of this proceeding as assessed by the Secretary of the North Carolina State Bar. Defendant must pay the costs within 30 days of service upon him of the statement of costs by the Secretary.

3. The stay of Defendant's suspension of his law license will continue in effect only as long as Defendant complies with the following conditions:

- a. Defendant shall not use or consume any controlled substances, except to treat a legitimate medical need as prescribed by a licensed medical professional authorized to issue such a prescription, and Defendant shall timely comply with any request by the State Bar to undergo drug testing for the purpose of determining compliance with this condition;
- b. Defendant timely complies with his State Bar Continuing Legal Education (CLE) requirements and pays all fees and costs associated by the applicable deadline. Defendant shall provide proof of the same to the Office of Counsel within ten (10) calendar days of completing the courses;
- c. For each calendar year of the stayed suspension, Defendant completes three (3) additional hours of CLE on the topic of ethics and three (3) additional hours of CLE on the topic of substance abuse. These CLE requirements are in addition to Defendant's other CLE requirements. Defendant shall provide proof of the same to the Office of Counsel within ten (10) calendar days of completing the courses;
- d. Defendant timely pays all Membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges that the State Bar is authorized to collect from him, to include all judicial district dues, fees, and assessments;
- e. Defendant keeps the State Bar's Membership Department advised of his current business address, which address must be a street address, not a post office box or drawer;
- f. Defendant notifies the State Bar of any changes of address within ten (10) days of such change;
- g. Defendant responds to all communications from the State Bar, including communications from the Attorney Client Assistance Program, within 30 days of receipt of such communication or by the deadline stated in the communication, whichever is sooner, and participates in good faith in the State Bar's fee dispute resolution process for any petition of which he receives notice;
- h. Defendant promptly accepts service of all certified mail that is sent to him from the State Bar; and
- i. Defendant does not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during the stayed suspension.

4. Unless Defendant's obligations under this Order are modified by further order of the DHC, Defendant's obligations under this Order end three years from the effective date of the Order provided there are no motions or proceedings pending 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 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 ability to lift the stay of the suspension and activate the three-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 proceeding.

5. If during the stay of the suspension Defendant fails to comply with any one or more of the conditions stated above, then the stay of the suspension of Defendant's law license may be lifted and the suspension activated as provided in 27 N.C. Admin. Code 1B.0118.

6. If Defendant's suspension is activated and Defendant fails to fully comply with 27 N.C. Admin. Code 1B.0128, Defendant shall reimburse the State Bar for any and all 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 any appointed trustee and/or the trustee's assistant for time and travel associated with the trusteeship. The State Bar shall send an invoice of wind-down expenses to Defendant at Defendant's last known address of record with the State Bar. Defendant shall not be eligible for any stay of suspension or reinstatement from suspension until he has reimbursed the State Bar for any and all wind-down expenses incurred.

7. If the stay of the suspension is lifted and the suspension is activated for any reason, upon application for another stay or for reinstatement, as permitted and applicable under the pertinent order(s) and rules, Defendant shall demonstrate by clear, cogent, and convincing evidence compliance with the requirements of the applicable rule as well as with the following requirements:

- a. Defendant properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code 1B.0128;
- b. Defendant submitted his law license and membership card to the Secretary of the State Bar no later than 30 days following the effective date of the order activating the suspension;
- c. Demonstrated that at the time of his application for reinstatement he is not suffering from any addiction, disability or condition that would impair his current ability to competently engage in the practice of law;
- d. Complied with 3(a) – 3(i) above;

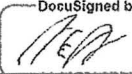
- e. Defendant did not violate any of the Rules of Professional Conduct in effect during the period of the suspension;
- f. Defendant did not violate any laws of the State of North Carolina or of the United States during the period of the suspension;
- g. Defendant paid all costs and administrative fees of this proceeding as assessed by the Secretary and all costs and administrative fees of the proceeding that resulted in activation of the suspension as assessed by the Secretary by the date of the filing of his petition for reinstatement; and
- h. Defendant reimbursed the State Bar for any wind-down expenses incurred by the State Bar.

8. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B.0118 until all conditions of the stay of suspension are satisfied.


Signed by the Chair with the consent of the other Hearing Panel members, this the 22nd day of December, 2022

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


Agreed and consented to by:

DocuSigned by:

George Edward Rouco
Defendant

12/22/2022
Date


Bradley J. Bannon
Attorney for Defendant

12/22/22
Date


Joshua T. Walthall
Attorney for Plaintiff

12/22/2022
Date