

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
08G0149

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IN THE MATTER OF	)	
	)	
Ryan D. Shoaf,	)	REPRIMAND
Attorney At Law	)	
	)	

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On April 23, 2009 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by D. W.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee 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 1999, D. W. sold property located at 2405 Chevron Drive to D. T. and wife. The deed to D. T. and his wife had an incorrect legal description; thus, the wrong property was conveyed to D.T. and wife. The 1999 conveyance from D.W. to D.T. and wife was not handled by your office, but by D.W.’s attorney.

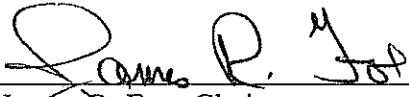
D.T. and wife conveyed the property to L.H. and husband in a closing transaction in 2007. S.H., an attorney employed in your office, closed the transaction. The same incorrect legal description was used in the conveyance of the property from D.T. and wife to L.H. and husband. The deed of trust for L. H. and husband encumbers the wrong property. In your response to this grievance, you stated that the error on the property description made in 1999 by D. W.'s attorney precipitated the "inevitable error on our part".

The Grievance Committee nevertheless found that your office was the last to handle this closing and thus you had a responsibility to correct the situation. In your initial response dated February 29, 2008 to this grievance, you stated the following: "I can assure you my full attention will be given to ensure this matter will be resolved as quickly as possible." The State Bar's staff attorney wrote you on March 24, 2008 and advised that the grievance would be held open so that you could provide a status update as to how you were trying to resolve D. W.'s problem. You did not respond to the March 24, 2008 letter, so the staff attorney sent you another letter dated May 9, 2008 asking that you provide an update on the status of resolving D. W.'s problem. You appeared before the Grievance Committee in October 2008 and January 2009. During your appearances before the Grievance Committee, you told the Grievance Committee that you had recorded a new deed that would correct this problem. In actuality, you had not recorded the deed. The Grievance Committee was convinced that you made misrepresentations to the Committee concerning how you were trying to resolve this situation. Your conduct violated Rule 8.4(c) and (d).

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 January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$100.00 are hereby taxed to you.

Done and ordered, this the 15<sup>th</sup> day of May, 2009

  
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James R. Fox, Chair  
Grievance Committee

JRF/lr