

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
17 BSR 6 & 12 DHC 25

IN THE MATTER OF
Petition for Stay of Balance of Suspension
STEVEN B. DECILLIS, Attorney

ORDER ALLOWING STAY OF
BALANCE OF SUSPENSION

THIS MATTER was heard on October 18, 2017 by a Hearing Panel of the Disciplinary Hearing Commission upon Petitioner Steven B. DeCillis' April 24, 2017 Petition for Reinstatement filed pursuant to 27 N.C.A.C. 1B .0125¹ and the terms of the Order of Discipline in 12 DHC 25. Petitioner appeared *pro se*. The North Carolina State Bar was represented by Mary D. Winstead. The Hearing Panel consisted of Chair Donald C. Prentiss and members David W. Long and Christopher Bruffey. Based upon the record and the evidence presented, the Panel makes the following:

FINDINGS OF FACT

1. On July 3, 2013, the Disciplinary Hearing Commission ("DHC") entered an Order of Discipline ("Order") suspending Petitioner Steven B. DeCillis ("DeCillis" or "Defendant") from the practice of law for five years effective thirty days from the date the order was served on DeCillis. The effective date of the Order was August 2, 2013.

2. The Order provided that DeCillis could apply for a stay of any remaining period of suspension after serving three years of the active suspension and upon compliance with conditions stated in the Order. DeCillis was required to comply with the procedures set forth in 27 N.C.A.C. 1B.0125(b) in applying for a stay.

3. DeCillis filed a "Petition for Reinstatement" on April 24, 2017, and the North Carolina State Bar filed a Response and Objection to Petition for Reinstatement on May 23, 2017. A hearing before the DHC was scheduled pursuant to 27 N.C.A.C. 1B.0125(b)(7).

4. To be eligible for a stay of the remaining period of suspension, DeCillis had the burden of establishing by clear, cogent and convincing evidence that he complied with the following conditions set forth in paragraph 6 of the Order:

¹ 27 N.C.A.C. 1B.0125 has been renumbered as 27 N.C.A.C. 1B.0129

- (a) That Defendant has been continuously in group therapy treatment with the Center for Assessment and Treatment of Sexual Disorder for the entire time period from the time of suspension through the time he files a petition;
- (b) That Defendant has been continuously in treatment with a psychologist/psychiatrist who specializes in treating sexual offenders in the professions and who has been approved in advance by the North Carolina State Bar Office of Counsel and that he has complied with all current (from the date of this order) and future treatment recommendations of his treating psychologist/psychiatrist until such time as a modality of treatment is no longer necessary as determined by his treating clinician, including but not limited to:
 - i) Individual therapy at least monthly;
 - ii) Weekly SAA meetings including the 12 steps with a sponsor;
 - iii) Submission to any physiological monitoring (including polygraph and plethysmograph) to monitor compliance with treatment recommendations as recommended by the treating psychologist/psychiatrist;
- (c) That Defendant does not currently have any mental, psychological, behavioral, cognitive, or emotional condition or disorder, behavioral or cognitive tendency, characteristic, personality trait, circumstance, or proclivity: (1) which currently makes Defendant prone to or inclined toward inappropriate sexual behavior; and (2) that Defendant does not currently pose a sexual threat to females with whom he comes in contact professionally, including female clients and/or female witnesses; and (3) that Defendant should be allowed to have unsupervised contact with females with whom Defendant comes in contact professionally including female clients and/or witnesses;
- (d) That within six months of filing a petition, Defendant has submitted to comprehensive evaluations, at Defendant's sole expense, by a psychologist/psychiatrist who specializes in treating sexual offenders in the professions and who has been approved in advance by the Office of Counsel, and one additional psychologist or psychiatrist who specializes in treating sexual offenders in the professions, and who has been approved in advance by the Office of Counsel of the North Carolina State Bar;
- (e) That both of the evaluating clinicians have certified under oath, based on their independent comprehensive evaluations of Defendant, that in their professional opinion; 1) Defendant does not currently have any mental, psychological, behavioral, cognitive, or emotional condition or disorder, behavioral or cognitive tendency, characteristic, personality trait, circumstance, or proclivity: (1) which makes Defendant currently prone to or inclined toward inappropriate sexual behavior; and (2) that Defendant does not currently pose a sexual threat to females with whom Defendant comes in contact with professionally, including female clients and/or witnesses;

- (f) That from the date this Order is entered through the date any petition is filed, Defendant has complied with all recommendations of his treating psychologist and/or psychiatrist regarding medications;
 - (g) That within six months of filing the petition Defendant has submitted to physiological testing and reported the results to the Office of Counsel;
 - (h) That Defendant has attached to his reinstatement petition the sworn statements referred to in paragraph 6(e) from the two evaluating clinicians along with releases or authorizations signed by Defendant instructing the evaluating clinicians to discuss their evaluations of Defendant with, and to release any corresponding records to, a representative of the Office of Counsel;
 - (i) That Defendant has had no contact, direct or indirect, with L.T.H. or any member of her family;
 - (j) That Defendant has kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the Bar of any change in address within ten days of such change;
 - (k) That Defendant has responded to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and has participated in good faith in the State Bar's fee dispute resolution process for any petition received after the effective date of this Order;
 - (l) That Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension other than minor traffic violations;
 - (m) That Defendant has properly wound down his law practice and complied with the requirements of §.0124 of the North Carolina State Bar Discipline and Disability Rules; and
 - (n) That Defendant has otherwise complied with the requirements of 27 N.C.A.C. 1B §.0125(b).
5. DeCillis satisfied the conditions set forth in paragraphs 4(a) through (n) above.

Based on the foregoing Findings of Fact, the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All parties are properly before the Disciplinary Hearing Commission and the Disciplinary Hearing Commission has jurisdiction over Petitioner, Steven B. DeCillis, and the subject matter of this proceeding.

2. DeCillis has satisfied the requirements for a stay set out in the Order and the remainder of the suspension imposed therein should be stayed, subject to conditions set out in paragraph 7 of the Order with the modifications made by this Hearing Panel as reflected in paragraph 2(e) below.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel enters the following

ORDER

1. Steven B. DeCillis' petition to stay the balance of suspension is ALLOWED, the balance of the suspension of his law license is stayed, and he shall be permitted to resume practicing law subject to the conditions set forth in paragraph 2, below.

2. The balance of DeCillis' suspension is stayed so long as DeCillis complies with the following conditions:

- (a) DeCillis shall keep the North Carolina State Bar Membership Department advised of his current business and home addresses;
- (b) DeCillis shall respond to all communications from the North Carolina State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner, and participate in good faith in the State Bar's fee dispute resolution process for any petition received during the stay;
- (c) DeCillis shall not violate the Rules of Professional Conduct or the laws of the United States or any state or local government other than minor traffic violations;
- (d) DeCillis shall timely comply with all State Bar membership and continuing legal education requirements and shall pay all fees and costs assessed by the applicable deadline;
- (e) DeCillis shall comply with all treatment, if any, prescribed by his therapist, currently John D. Pierce, who specializes in treating sex addicts and who was approved in advance by the State Bar Office of Counsel. If any treatment is recommended, DeCillis shall ensure that the therapist provides quarterly written reports concerning DeCillis' compliance with the treatment plan as well as the certification under oath that DeCillis meets the criteria in paragraph 4(e) above, to the State Bar Office of Counsel. The reports shall be due January 1, April 1, and July 1 of 2018. All expenses of such treatment and reports shall be borne by DeCillis; and
- (f) DeCillis shall execute written waivers and releases authorizing and directing his treating therapist to provide to the Office of Counsel all information necessary to permit the Office of Counsel to determine if DeCillis has cooperated and complied with the recommended treatment and DeCillis shall not revoke such releases during the period of stayed suspension.

3. If DeCillis fails to comply with one or more of the conditions stated in Paragraph 2 above, then the stay of the suspension of his law license may be lifted as provided in 27 N.C.A.C. 1B.0118 of the North Carolina State Bar Discipline and Disability Rules. If the stay granted herein is lifted or the suspension of DeCillis' license is activated for any reason, before a subsequent stay of the suspension can be entered Petitioner must show by clear, cogent, and convincing evidence that he has complied with the conditions referenced in Paragraph 6(d) through (n) of the original Order of Discipline.

4. The Disciplinary Hearing Commission shall retain jurisdiction throughout the period of DeCillis' stayed suspension pursuant to N.C.A.C. 1B.0118 of the North Carolina State Bar Discipline and Disability Rules.

5. DeCillis is taxed with the costs and administrative fees of this proceeding, which he shall pay within 30 days of the date of this Order.

6. This Order is effective immediately upon entry.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, this 18 day of December, 2017.


Donald C. Prentiss, CHAIR
HEARING PANEL