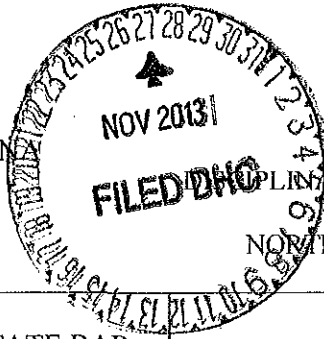


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
13 DHC 32

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

SUSAN M. SATURNO, Attorney,

Defendant

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
CONSENT ORDER OF DISCIPLINE

THIS MATTER was considered by a hearing panel of the Disciplinary Hearing Commission composed of Joshua W. Willey, Jr., Chair, Walter E. Brock, Jr., and Percy L. Taylor pursuant to 27 N.C. Admin. Code 1B § .0114 of the Rules and Regulations of the North Carolina State Bar. Plaintiff, the North Carolina State Bar, was represented by Brian P.D. Oten. Defendant, Susan M. Saturno, was represented by Alan M. Schneider. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the entry of this order and to the discipline imposed. Defendant waives any right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based upon 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 ("Plaintiff" or "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. Defendant, Susan M. Saturno ("Defendant" or "Saturno"), was admitted to the North Carolina State Bar on 1 March 1996 and is, and was at all 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 herein, Saturno was actively engaged in the practice of law in the State of North Carolina and maintained a law office in Ocean Isle Beach, Brunswick County, North Carolina.

4. Defendant was properly served with process and received due notice of the hearing in this matter.

5. In or around August 2011, Margaret M. Mackin ("Mackin") retained Saturno to act as the closing attorney in the refinancing of her home.

6. As closing attorney, Saturno represented Mackin and the bank lending Mackin funds to conduct her refinance transaction ("Mackin's lender").

7. As part of the refinance transaction, Mackin's lender instructed Saturno to prepare a Road Maintenance Agreement ("Agreement") and have Mackin execute the Agreement at closing.

8. Saturno failed to have Mackin execute the Agreement at closing.

9. Mackin did not sign the Agreement at closing and did not authorize anyone to sign the Agreement on her behalf.

10. After the closing took place, Saturno signed Mackin's name to the Agreement.

11. Saturno was a Notary Public in the State of North Carolina at the time she served as closing attorney for Mackin's refinance transaction.

12. Saturno notarized her signature of Mackin's name on the Agreement.

13. On 29 August 2011, Saturno filed and recorded the Agreement at the Brunswick County Register of Deeds Office.

Based upon the foregoing Findings of Fact, the panel enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the hearing panel and the panel has jurisdiction over Defendant, Susan M. Saturno, and over the subject matter of this proceeding.

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

- (a) By failing to follow the lender's closing instructions requiring that Mackin execute the Agreement at closing, Saturno failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3; and
- (b) By signing Mackin's name to the Agreement, by notarizing her signature of Mackin's name on the Agreement, and by filing the Agreement with the Brunswick County Register of Deeds Office, Saturno engaged in conduct involving dishonesty, deceit or misrepresentation in violation of Rule 8.4(c)

and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d).

Based upon the consent of the parties, the hearing panel also finds by clear, cogent, and convincing evidence the following

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. There is an absence of evidence demonstrating that Defendant intended to defraud the parties to the refinance transaction by signing Mackin's name to the agreement. However, Defendant acted in a dishonest and deceitful manner when she signed her client's name, notarized the false signature of her client's name, and filed the Agreement with the Register of Deeds. Despite Defendant's good reputation as described below, Defendant's conduct demonstrated a lack of honesty, trustworthiness, and integrity in representing her client.
2. There is an absence of any evidence that Defendant intended to harm her client(s) or that she exhibited a dishonest or selfish motive.
3. Defendant has since taken remedial action to correct her misconduct associated with this transaction by filing a corrected Agreement containing Mackin's actual signature with the Register of Deeds. Defendant has also voluntarily surrendered her notary license. Nevertheless, Defendant's conduct caused potential significant harm to her client's refinance transaction in that Defendant's improperly signed and notarized agreement was a necessary component of the process by which her client's lender approved the loan transaction. At the time of her conduct, Defendant knew or should have known that her actions could cause potential harm to her client's refinance transaction.
4. Defendant's conduct caused potential significant harm to the standing of the legal profession in the eyes of the public in that such conduct by attorneys erodes the trust of the public in the profession. 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.
5. Defendant's disregard for the notary requirements of this State caused potential significant harm to the administration of justice in the eyes of the public and in the eyes of employees of the judicial system in that such conduct by attorneys damages and undermines the integrity of a notarized signature. By disregarding these requirements, Defendant showed her indifference to her obligations as both a licensed attorney and as a licensed notary.
6. Defendant, who was licensed to practice law in North Carolina in 1996, has substantial experience in the practice of law.
7. Defendant enjoys a reputation of honesty, integrity, and good character in her professional and personal life. At least four former clients have conveyed their satisfaction in working with Defendant. The conduct described herein appears to be an aberration of Defendant's character.

8. Defendant has acknowledged her conduct violated the Rules of Professional Conduct and is remorseful for her actions.

9. Subsequent to the State Bar's initiation of the investigation of this matter, Defendant was diagnosed with various mental health conditions for which Defendant has sought treatment. These conditions have the potential to affect Defendant's ability to practice law.

10. Defendant has voluntarily closed her law practice and is currently not practicing law.

Based upon the Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, the hearing panel also enters the following

CONCLUSIONS REGARDING DISCIPLINE

1. The hearing panel has carefully considered all of the different forms of discipline available to it. In addition, the hearing panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w)(3) of the Rules and Regulations of the North Carolina State Bar and determines the following factors are applicable:

- a. Defendant's good faith efforts to make restitution or rectify consequences of her misconduct;
- b. Remorse;
- c. Defendant's reputation for good character; and
- d. Defendant's substantial experience in the practice of law.

2. The hearing panel has carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w)(2) of the Rules and Regulations of the North Carolina State Bar and concludes that although acts of misrepresentation are present in this case, disbarment is not necessary in order to protect the public.

3. The hearing panel has carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B § .0114(w)(1) of the Rules and Regulations of the North Carolina State Bar and determines the following factors warrant suspension of Defendant's license:

- a. Defendant's intent to commit acts where the harm or potential harm is foreseeable;
- b. Circumstances reflecting Defendant's lack of honesty, trustworthiness, or integrity;
- c. Defendant's actions potentially had a negative impact on the public's perception of the legal profession;

- d. Defendant's actions potentially had a negative impact on the administration of justice;
- e. Defendant's conduct had a potential adverse affect on third parties; and
- f. Defendant's conduct included acts of dishonesty, misrepresentation, deceit, or fabrication.

4. The hearing panel has considered all other forms of discipline and concludes that any sanction less than suspension would fail to acknowledge the seriousness of the offenses committed by Defendant, would not adequately protect the public, and would send the wrong message to attorneys and to the public regarding the conduct expected of members of the Bar.

5. Due to the misrepresentations described in the present action as well as the potential significant harm resulting from Defendant's conduct, the hearing panel concludes that active suspension of Defendant's license for a set period of time is the only discipline that will adequately protect the public from future transgressions by Defendant, that acknowledges the seriousness of the offenses Defendant committed, and that sends a proper message to attorneys and the public regarding the conduct expected of members of the Bar of this State.

6. Under other circumstances, the misconduct in this case would warrant more serious discipline. The misconduct caused substantial potential harm to the public's confidence in the integrity of the legal profession and the judicial system. However, the hearing panel finds and concludes that the unique circumstances surrounding this case justify lesser discipline than would otherwise be appropriate. The factors that particularly warrant lesser discipline include: there is no evidence Defendant intentionally harmed her client; Defendant took remedial action to correct her misconduct; Defendant has accepted personal responsibility for her actions; Defendant acknowledges the wrongfulness and seriousness of her misconduct; and Defendant is genuinely remorseful.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings Regarding Discipline, the hearing panel enters the following

ORDER OF DISCIPLINE

1. The license of Defendant, Susan M. Saturno, is hereby suspended for one year. This Order shall be effective upon filing.

2. Defendant shall submit her license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following the date of this Order. Defendant shall comply with the wind down provisions contained in Rule .0124 of the North Carolina State Bar Discipline and Disability Rules, located at 27 N.C. Admin. Code 1B § .0124.

3. Defendant shall pay the costs and administrative fees of this proceeding as assessed by the Secretary within 120 days of service of the statement of costs upon her.

4. At the end of the one-year active period of suspension, Defendant may apply for reinstatement by filing a petition with the DHC in accordance with the North Carolina State Bar Discipline and Disability Rules and by showing by clear, cogent, and convincing evidence that she has complied with the following conditions for reinstatement:

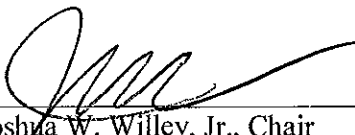
- (a) That she has complied with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0125 of the North Carolina State Bar Discipline & Disability Rules;
- (b) That, within 90 days prior to filing her petition for reinstatement, she has been evaluated by a licensed and qualified psychiatrist or psychologist who certifies under oath, based on his or her independent and comprehensive evaluation of Defendant, that in his or her professional opinion Defendant does not currently have any mental, psychological, behavioral, cognitive, or emotional condition or disorder that impairs Defendant's ability to practice law, that impacts Defendant's ability or willingness to comply with the Rules of Professional Conduct, and/or that poses a risk of harm to the public if she engages in the practice of law. Such psychiatrist/psychologist shall be approved in advance by the North Carolina State Bar Office of Counsel. Defendant shall sign an authorization form consenting to the release of all medical records and information related to Defendant's evaluation to the Office of Counsel, and Defendant will not revoke that release. Defendant shall simultaneously provide a copy of such signed authorization to the Office of Counsel and the psychiatrist/psychologist. Defendant shall direct the evaluating psychiatrist/psychologist described herein to provide a written report of such evaluation and recommended treatment, if any, to the Office of Counsel within thirty (30) days of the evaluation taking place. All expenses of such evaluation and report shall be borne by Defendant;
- (c) That she has complied with all treatment recommendations of the evaluating psychiatrist/psychologist described in paragraph (c) above. Defendant shall sign an authorization form consenting to the release of any medical records and information related to Defendant's treatment to the Office of Counsel, and Defendant will not revoke that release. Defendant shall simultaneously provide a copy of such signed authorization to the Office of Counsel and her treatment provider. Defendant shall direct her treatment provider to provide the Office of Counsel with a written report detailing Defendant's treatment plan and Defendant's compliance or lack of compliance with such plan. All expenses of such treatment and reports shall be borne by Defendant;
- (d) That she has paid all outstanding membership dues and Client Security Fund assessments and that there is no deficit in her fulfillment of any obligation of membership;
- (e) That she has kept the North Carolina State Bar membership department advised of her current physical home and business addresses and telephone numbers, and that she has accepted all certified mail from the North Carolina

State Bar and responded to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication or within fifteen (15) days of receipt of such communication, whichever is later;

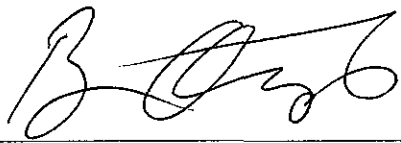
- (f) That she has not violated any state or federal laws or any provisions of the Rules of Professional Conduct; and
- (g) That she has paid all costs and administrative fees associated with this case as assessed by the Secretary.

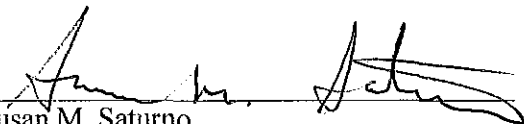
5. Defendant may file a petition seeking reinstatement pursuant to 27 N.C. Admin. Code 1B § .0125 up to 30 days prior to the end of the one year period but shall not be reinstated prior to the end of that one year period.

25 Signed by the Chair with the consent of the other hearing panel members, this the
day of NOVEMBER 2013.


Joshua W. Willey, Jr., Chair
Disciplinary Hearing Panel

CONSENTED TO BY:


Brian P.D. Oten
Deputy Counsel
North Carolina State Bar
Counsel for Plaintiff


Susan M. Saturno
Defendant


Alan M. Schneider
Counsel for Defendant