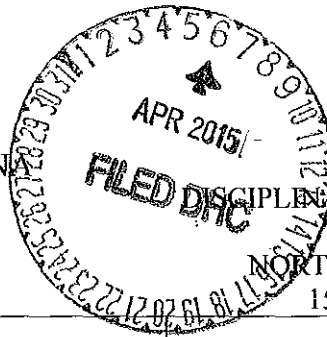


STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
15 BSR 2 and 13 DHC 27

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

ALLAN C. DE LAINE, Attorney,  
Defendant

ORDER ALLOWING PETITION FOR  
STAY OF SUSPENSION

THIS MATTER is before the Secretary ("Secretary") of the North Carolina State Bar ("State Bar") pursuant to 27 N.C. Admin. Code 1B § .0114 of the Rules and Regulations of the North Carolina State Bar on a Petition for Order Staying Suspension ("Petition") filed by Allan C. De Laine (hereinafter "De Laine") on March 5, 2015. Plaintiff, the North Carolina State Bar, was represented by Barry S. McNeill, Deputy Counsel. De Laine represented himself *pro se*.

Based upon a review of the records of the North Carolina State Bar, the Secretary makes the following:

**FINDINGS OF FACT**

1. The Disciplinary Hearing Commission ("DHC") of the State Bar suspended Mr. De Laine for two years beginning 30 days from the date of service of the Order of Discipline upon him in 13 DHC 27.
2. The Order of Discipline was filed on February 26, 2014.
3. Mr. De Laine's counsel accepted service of the Order of Discipline on February 26, 2014.
4. Mr. De Laine's two year suspension under the Order of Discipline became effective as of March 28, 2014.
5. The Order of Discipline provided that, after one year from the effective date, Mr. De Laine could file a verified petition for a stay of the remaining period of his suspension.
6. The Order of Discipline specified that Mr. De Laine could file the petition seeking a stay of the remaining period of his suspension up to 30 days prior to the end of

the first year of the two year suspension, but that the stay would not be lifted and Mr. De Laine would not be reinstated until the end of that first year of the two year suspension.

7. The Order of Discipline provided that, in order to be reinstated, Mr. De Laine had to demonstrate in his petition by clear, cogent and convincing evidence that, in addition to complying with the general provisions for reinstatement contained in 27 N.C. Admin. Code 1B § .0125 of the Rules and Regulations of the North Carolina State Bar, he had complied during his suspension with the following conditions:

- a. Defendant properly wound down his law practice and complied with the terms of 27 N.C. Admin. Code 1B § .0124 of the Rules and Regulations of the North Carolina State Bar;
- b. Defendant kept the Membership Department of the State Bar informed of his current information for his physical address (not a Post Office box), telephone number, and e-mail address throughout the period of his suspension;
- c. Defendant accepted all certified mail from the State Bar sent to the address on record with the Membership Department of the North Carolina State Bar throughout the period of the suspension;
- d. Defendant responded to all letters of notice and requests for information from the North Carolina State Bar by the deadline stated therein with full and complete responses and all requested documentation throughout the period of his suspension;
- e. Defendant has come into compliance with any outstanding continuing education or membership obligations at the time of the filing of his petition for reinstatement;
- f. Defendant did not violate any of the Rules of Professional Conduct in effect during the period of the suspension;
- g. Defendant did not violate any laws of the State of North Carolina or of the United States during the period of the suspension; and
- h. Defendant paid all costs and fees of this proceeding as assessed by the Secretary within thirty days of service of the statement of costs and fees upon him.

8. Mr. De Laine filed his verified Petition as provided in the Order of Discipline on March 5, 2015, and submitted that he had complied with all of the conditions specified in Paragraph 7 above for a stay of the remaining period of time of his two year suspension.

9. In his Petition, Mr. De Laine also proposed that attorney Charlene B. Nelson, an attorney in good standing with the State Bar, be his practice monitor as required by the Order of Discipline in the event Mr. De Laine sought a stay of any remaining active time of his two year suspension.

10. On March 20, 2015, Mr. De Laine amended his Petition to propose that attorney Craig James, also an attorney in good standing with the State Bar, be his practice monitor as required by the Order of Discipline.

11. After conducting an investigation of Mr. De Laine's eligibility and compliance with the general provisions for reinstatement contained in 27 N.C. Admin. Code 1B § .0125 of the Rules and Regulations of the North Carolina State Bar, as well as the conditions imposed by the Order of Discipline, counsel for the State Bar did not file a response objecting to Mr. De Laine's petition for a stay of the remaining active time of his two year suspension.

12. Mr. De Laine has shown by clear, cogent and convincing evidence that he has complied with the general provisions for reinstatement contained in 27 N.C. Admin. Code 1B § .0125 of the Rules and Regulations of the North Carolina State Bar, as well as the conditions imposed by the Order of Discipline.

13. Mr. De Laine's proposal of attorney Craig James as his practice monitor during the remaining period of his stayed suspension is acceptable to the State Bar's Office of Counsel.

BASED UPON the foregoing Findings of Fact, the Secretary makes the following:

#### **CONCLUSIONS OF LAW**

1. Pursuant to Rule .0125(b)(5), if the Counsel for the State Bar does not file a response to a petition for reinstatement before the petitioner is first eligible for reinstatement, then the secretary will issue an order of reinstatement.

2. Since the Counsel has not filed a response to Mr. De Laine's Petition, it is appropriate for the undersigned to issue an order of stay as to the remaining active time of his two year suspension.

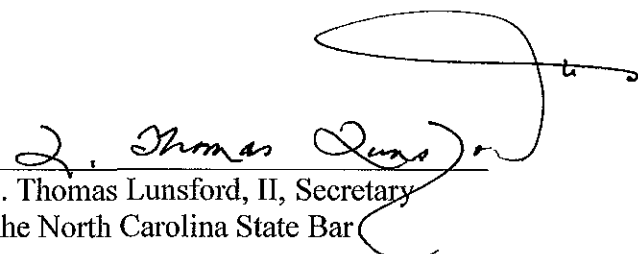
3. Based upon the date of his suspension, the date of his filing of his Petition, and his compliance with the conditions of his Order of Discipline, Mr. De Laine is eligible to have a stay of the remaining active time of his two year suspension.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Secretary enters the following:

**ORDER**

1. Mr. De Laine's Petition filed March 5, 2015, as amended on March 20, 2015, is allowed.
2. The remaining term of Mr. De Laine's two year suspension is hereby stayed as long as Mr. De Laine complies, and continues to comply during the period of the stay, with the conditions as specified in the DHC's Order of Discipline.
3. Attorney Craig James is accepted as Mr. De Laine's practice monitor for the remaining period of the stayed suspension, and Mr. James shall comply with the Order of Discipline's requirements for the practice monitor.

This the 6<sup>TH</sup> day of <sup>April</sup>~~March~~, 2015.

  
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L. Thomas Lunsford, II, Secretary  
The North Carolina State Bar