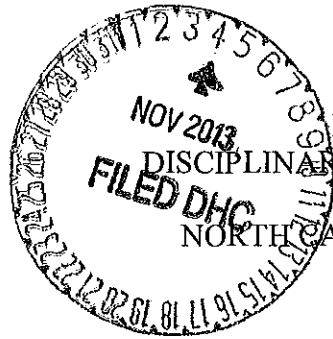


NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
13 DHC 6

THE NORTH CAROLINA STATE BAR,)
Plaintiff)

v.)

WILLIAM I. BELK, Attorney,)
Defendant)

ORDER OF DISCIPLINE

On August 23, 2013, the Hearing Panel in this matter entered an order of partial summary judgment, determining that there was no issue of material fact as to any of the factual allegations in the Complaint, concluding as a matter of law that the established facts were sufficient to support the Rule violations alleged in the Complaint, and reserving for hearing the issue of what discipline was appropriate. The sole remaining issue was heard on October 21, 2013 before a Hearing Panel of the Disciplinary Hearing Commission composed of Joshua W. Willey, Jr., Chair, Renny W. Deese and Karen B. Ray. Deputy Counsel Margaret Cloutier represented Plaintiff, the North Carolina State Bar. Defendant, William I. Belk, appeared pro se. Defendant was properly served with process and the hearing was held with due notice to all parties.

FACTS ESTABLISHED BY SUMMARY JUDGMENT

1. Plaintiff, the North Carolina State Bar (hereinafter "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 Discipline and Disability Rules of the North Carolina State Bar promulgated thereunder.

2. Defendant, William I. Belk (hereinafter "Belk" or "Defendant"), was admitted to the North Carolina State Bar in 1984 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, Defendant was a Judge duly elected in November 2008 to the District Court of Judicial District 26 in Mecklenburg County, North Carolina.

4. At the time of his election, Defendant served as a member of the Board of Directors of Sonic Automotive, Inc. Defendant did not resign his position on the Board of Directors after he was sworn in as a District Court Judge on January 1, 2009, despite being advised that failing to do so was in violation of the Code of Judicial Conduct.

5. On February 13, 2009 the Executive Director of the Judicial Standards Commission advised Defendant that the Commission was initiating a formal investigation regarding Defendant's continued board service and other matters.

6. Defendant stated to the Executive Director that Defendant was continuing to serve as a director of Sonic Automotive because he had a pre-existing medical condition and was provided with medical insurance by Sonic Automotive.

7. During a February 20, 2009 interview with a Judicial Standards Commission investigator, Defendant told the investigator that Sonic Automotive was the source of his health insurance.

8. Defendant's statements to the Executive Director and investigator about insurance coverage provided by Sonic Automotive were false.

9. At the time he made the statements to the Executive Director and investigator about insurance coverage provided by Sonic Automotive, Defendant knew the statements were false.

10. Defendant made the statements about the health insurance coverage for the purpose of misleading the Judicial Standard Commission in its investigation.

As set forth in the August 23, 2013 order of partial summary judgment, the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Panel and the panel has jurisdiction over Defendant, William I. Belk, and over the subject matter.

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:

By knowingly falsely stating during a Judicial Standards Commission investigation that he received insurance coverage from his service on the Board of Directors of Sonic Automotive, Defendant engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c) and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

Based upon the foregoing established facts and Conclusions of Law, and the additional evidence regarding discipline presented at the hearing, the Hearing Panel hereby finds by clear, cogent, and convincing evidence the following additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. The findings in paragraphs 1 through 10 above are reincorporated as if fully set forth herein.
2. The Supreme Court found it essential to the protection of the people of this State to remove Defendant from office and disqualify him from holding any further judicial office in North Carolina, despite the fact that Defendant had resigned his position before the Supreme Court issued its decision.
3. Defendant's judicial misconduct became publicly known: As a result of Defendant's misconduct, the Judicial Standards Commission held hearings over two days which received media coverage. Defendant's misconduct received public attention, bringing the legal profession into disrepute and significantly undermining the public's confidence in the integrity of the justice system.
4. The Supreme Court specifically found that Defendant's conduct was prejudicial to the administration of justice.
5. Defendant's conduct had the potential to negatively impact the Judicial Standards Commission's ability to appropriately protect the integrity of the judiciary in Defendant's judicial disciplinary case. A judge's failure to provide accurate information to the Commission has the potential to cause the Commission to expend additional resources in pursuing the investigation and/or trying the case.
6. Defendant received prior discipline in the form of a Reprimand in July 2012.
7. The Hearing Panel has carefully considered all of the different forms of discipline available to it, including admonition, reprimand, censure, suspension, and disbarment, in considering the appropriate discipline to impose in this case.

Based on the established facts and Conclusions of Law above and the additional Findings of Fact Regarding Discipline, the Hearing Panel makes 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.A.C. 1B § .0114(w)(1) of the Rules and Regulations of the North Carolina State Bar and concludes that the following factors are present:

- (a) Intent of the Defendant to cause the resulting harm or potential harm;
- (b) Intent of the Defendant to commit acts where the harm or potential harm is foreseeable;
- (c) Circumstances reflecting the Defendant's lack of honesty, trustworthiness, or integrity;
- (d) Negative impact of Defendant's actions on the public's perception of the profession;
- (e) Negative impact of the Defendant's actions on the administration of justice; and
- (f) Acts of dishonesty, misrepresentation, deceit or fabrication.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 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, as delineated §.0114(w)(2)(A), the circumstances of this case do not warrant disbarment in order to protect the public.

3. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0114(w)(3) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable in this matter:

- (a) Prior discipline in the form of a Reprimand issued in 2012;
- (b) Full and free disclosure to the Hearing Panel and cooperative attitude toward the proceedings;
- (c) Good character and reputation in his community; and
- (d) Imposition of other penalties or sanctions.

4. The Hearing Panel has considered lesser alternatives and finds that a public censure, reprimand, or admonition would not be sufficient discipline because of the gravity of the potential significant harm Defendant's conduct caused to the public, the administration of justice, and the legal profession.

5. The Hearing Panel has considered all lesser sanctions and finds that discipline short of suspension would not adequately protect the public, the profession and the administration of justice for the following reasons:

- (a) The factors under Rule .0114(w)(1) that are established by the evidence in this case 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.

6. In imposing the level of discipline herein, the Hearing Panel gave significant weight to the sanction imposed by the North Carolina Supreme Court in precluding the Defendant from running for a judgeship in the future.

Based upon the foregoing facts, findings and conclusions, the Hearing Panel hereby enters the following

ORDER OF DISCIPLINE

1. Defendant, William I. Belk, is hereby SUSPENDED from the practice of law for three years effective thirty days from the date this Order of Discipline is served on him.

2. Defendant shall surrender his law license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this Order upon Defendant.

3. Defendant shall pay the administrative fees and costs of this proceeding within 30 days of service of the statement of costs upon him by the Secretary of the State Bar.

4. Defendant shall comply with all provisions of 27 N.C.A.C. 1B § .0124 of the North Carolina State Bar Discipline & Disability Rules.

5. After the completion of twelve months of active suspension of his law license, Defendant may apply for a stay of the remainder of the suspension upon filing of a petition with the DHC at least thirty days before any proposed effective date of the stay and demonstrating by clear, cogent and convincing evidence the following:

- (a) Defendant 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) Defendant has kept the North Carolina State Bar Membership Department advised of his current business and home addresses (not P.O. box) and notified the Bar of any change in address within ten days of such change;

- (c) Defendant has responded to all communications from the State Bar within thirty days of receipt or by the deadline stated in the communication, whichever is sooner;
- (d) That at the time of his petition for stay, Defendant is current in payment of all Membership dues, fees, and costs, including all Client Security Fund assessments and other charges or surcharges the State Bar is authorized to collect from him, and including all judicial district dues, fees and assessments;
- (e) That at the time of his petition for stay, there is no deficit in Defendant's completion of mandatory Continuing Legal Education (CLE) hours, in reporting such hours or in payment of any fees associated with attendance at CLE programs;
- (f) 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;
- (g) Defendant properly wound down his law practice and complied with the requirements of 27 N.C.A.C. 1B§.0124, the North Carolina State Bar Discipline and Disability Rules; and
- (h) Defendant has paid the costs and fees of this proceeding as reflected on the statement of costs served upon him by the Secretary of the State Bar within thirty days of receipt of the statement of costs.

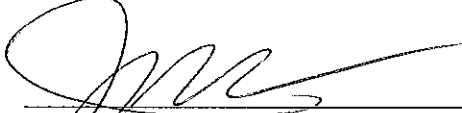
6. If Defendant successfully seeks a stay of suspension of his law license, such stay will continue in force only as long as Defendant complies with the following conditions:

- (a) Defendant is current in payment of 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;
- (b) That there is no deficit in Defendant's completion of mandatory CLE hours, in reporting of such hours, or in payment of any fees associated with attendance at CLE programs;
- (c) Defendant shall not violate the Rules of Professional Conduct or the laws of the United States or of any state or local government during his suspension; and

- (d) Defendant shall keep the State Bar Membership Department advised of his current business and home addresses; Defendant shall notify the State Bar of any change in address within ten days of such change. His current business address must be a street address, not a P.O. box or drawer.

7. If Defendant does not seek or fails to obtain a stay of the active portion of his suspension, or if some part of the suspension is stayed and thereafter the stay is lifted/revoked, Defendant must comply with the requirements of paragraphs 5(a) through (g) above before being reinstated to the practice of law.

15th 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