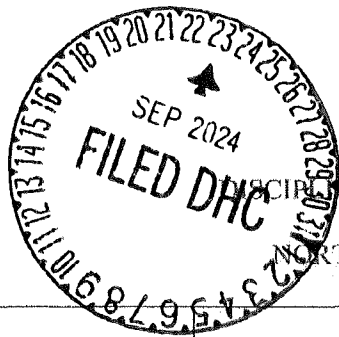


STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
24 DHC 14 N

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

ANDREW KURT CHAFIN, Attorney,

Respondent

ORDER SUSPENDING
RESPONDENT'S LAW LICENSE
FOR NONCOMPLIANCE

THIS MATTER was considered by the Chair of the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code 1B.0135. Petitioner, the North Carolina State Bar, was represented by Jessica M. Arnold. Respondent, Andrew Kurt Chafin, was not represented, did not make an appearance in this matter, and did not file any response to the Order to Show Cause for Grievance Noncompliance served upon him. Based on the filings, the Chair of the Disciplinary Hearing Commission finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Petitioner, the North Carolina State Bar ("State Bar"), is a state agency 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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Respondent, Andrew Kurt Chafin ("Respondent"), was licensed to practice law in North Carolina in 2010. From 22 June 2023 to 27 October 2023 Respondent's law license was administratively suspended. Other than the period of time Respondent was administratively suspended, Respondent is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

3. The State Bar's membership database shows the following address for Respondent: 1011 Sunset Avenue, Asheboro, NC 27203.

4. On 22 September 2023, Petitioner served Respondent via certified mail with the Letters of Notice in grievance file nos.: 23G0690 and 23G0691.

5. Respondent's responses to the Letters of Notice were due within 15 days of Respondent's receipt of the Letters of Notice.

6. On 5 October 2023, Respondent emailed Petitioner requesting an extension of time until 27 October 2023 to respond to the Letter of Notice in 23G0691.

7. While Respondent did not specifically request an extension of time in 23G0690, Petitioner believed Respondent's 5 October 2023 email intended to include 23G0690. Petitioner sent Respondent an email on 5 October 2023 stating his new deadline to respond was 27 October 2023.

8. On 27 October 2023, Respondent emailed Petitioner that he was putting his responses to 23G0960 and 23G0961 in the mail "as soon as [he could] drive to the post office." Respondent also stated he would "email [a] copy of the same with documents as a separate PDF attachment."

9. Petitioner did not receive any mailings from Respondent after 27 October 2023 containing responses to the Letters of Notice in 23G0960 and 23G0961.

10. Petitioner did not receive any emails from Respondent after 27 October 2023 containing responses to the Letters of Notice in 23G0960 and 23G0961.

11. On 7 December 2023, Petitioner sent an email to Respondent informing Respondent that Petitioner had not yet received responses to the Letters of Notice in 23G0960 and 23G0961 by U.S. Mail or email.

12. Respondent did not respond to Petitioner's 7 December 2023 email.

13. On 10 April 2024, Petitioner emailed Respondent notifying him the State Bar had not received his responses to the Letters of Notice in 23G0690 and 23G0691.

14. Respondent did not respond to Petitioner's 10 April 2024 email.

15. On 31 May 2024 Petitioner spoke to Respondent on the phone regarding his failure to respond to the Letters of Notice in 23G0690 and 23G0691.

16. On 3 June 2024 Petitioner sent Respondent an email confirming the content of the 31 May 2024 phone call. Petitioner gave Respondent a chance to re-accept service of the Letters of Notice in 23G0690 and 23G0691, re-starting Respondent's 15-day deadline to respond to the Letters of Notice, if Respondent returned new Acceptances of Service by 5 June 2024. Respondent failed to respond to Petitioner's 3 June 2024 email and failed to sign and re-submit new Acceptances of Service for 23G0690 and 23G0691.

17. Respondent did not respond to Petitioner's 3 June 2024 email.

18. On 18 June 2024 Petitioner sent Respondent an email asking Respondent to acknowledge and respond to Petitioner's 3 June 2024 email.

19. Respondent emailed Petitioner on 28 June 2024 stating he would call Petitioner before noon that day. Petitioner responded she was unavailable before noon on 28 June 2024 and reiterated that Respondent needed to submit responses to 23G0960 and 23G0961.

20. Respondent failed to respond to the Letters of Notice in 23G0690 and 23G0691.

21. On 30 July 2024, Respondent was served via Sheriff's Deputy with the Letters of Notice in grievance file nos.: 23G0668 and 24G0594.

22. Respondent's responses to the Letters of Notice were due within 15 days of Respondent's receipt of the Letters of Notice.

23. Respondent did not respond to the Letters of Notice in 23G0668 and 24G0594 within 15 days of Respondent's receipt of the Letters of Notice.

24. Respondent did not request an extension of time to respond to the Letters of Notice.

25. As of the date of filing of this petition, Respondent has not responded to Petitioner's Letters of Notice with which he has been served in grievance files nos. 23G0690, 23G0691, 23G0668, and 24G0594.

26. 27 N.C. Admin. Code 1B.0135(a) defines "noncompliant" or "noncompliance" as: "Failure to respond fully and timely to a letter of notice issued pursuant to N.C. Admin Code 1B .0112, failure to respond fully and timely to any request from the State Bar for additional information in any pending grievance investigation, failure to respond fully and timely to any request from the State Bar to produce documents or other tangible or electronic materials in connection with a grievance investigation, and/or failure to respond fully and timely to a subpoena issued by the chair of the Grievance Committee or issued by the secretary of the State Bar[.]"

27. Because he failed to fully and timely respond to the State Bar's Letters of Notice in grievance files nos. 23G0668, 23G0690, 23G0691 and 24G0594, Respondent is noncompliant as defined in 27 N.C. Admin. Code 1B.0135(a).

28. Pursuant to 27 N.C. Admin. Code 1B.0135(b), if a respondent against whom a grievance file has been opened and who has been served with a Letter of Notice is noncompliant, the State Bar may petition the Chair of the Disciplinary Hearing Commission for an order requiring the respondent to show cause why the Chair should not enter an order suspending the respondent's law license.

29. The allegations contained herein are supported by the affidavit of State Bar paralegal Rebecca Carroll.

15. On 29 August 2024, the DHC entered an Order ("Order") directing Respondent to show cause within 14 days of the date of service of the Order upon Respondent why his law license should not be suspended for noncompliance.

16. Respondent was properly served with the Order, pursuant to 27 N.C. Admin. Code 1B.0135(d)(4), on 29 August 2024.

17. The Order warned Respondent that failure to respond to the Order may result in the suspension of his law license.

18. Respondent did not respond to the Order.

19. Respondent has not shown he is in compliance, has not cured his noncompliance with the State Bar, and has not shown good cause for his noncompliance.

Based on the foregoing Findings of Fact, the Chair makes the following

CONCLUSIONS OF LAW

1. All parties are properly before the Chair of the Disciplinary Hearing Commission, and the Disciplinary Hearing Commission has jurisdiction over Respondent, Andrew Kurt Chafin, and over the subject matter of this proceeding.

2. Pursuant to 27 N.C. Admin. Code 1B.0135(e)(3), if the respondent does not file a response to the order to show cause within 14 days of the date of the service of the order to show cause upon the respondent, the Chair of the DHC may enter an order suspending the respondent's law license.

3. The State Bar met its burden of proof by establishing by clear, cogent, and convincing evidence that Respondent is noncompliant in grievance file nos. 23G0668, 23G0690, 23G0691 and 24G0594.

4. Respondent failed to meet his burden of proof to establish that he was and is in compliance, that he fully cured all noncompliance, or that there is good cause for his noncompliance. None of these three circumstances have been established in this case.

5. Respondent is noncompliant in grievance file nos. 23G0668, 23G0690, 23G0691 and 24G0594 as defined in 27 N.C. Admin. Code 1B.0135(a).

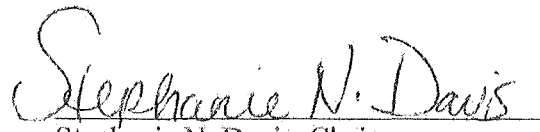
6. Respondent's noncompliance is grounds for the suspension of his law license pursuant to 27 N.C. Admin. Code 1B.0135(e)(3) and (g).

Based upon the foregoing Findings of Fact, and Conclusions of Law, the Chair of the Disciplinary Hearing Commission enters the following:

ORDER

1. Respondent, Andrew Kurt Chafin, is hereby suspended from the practice of law.
2. This order shall be effective 30 days after it is served upon Respondent by mailing a copy of the order by regular mail to the following address: 1011 Sunset Avenue, Asheboro, NC 27203
3. Respondent shall comply with all the wind-down provisions of 27 N.C. Admin. Code 1B.0128, as provided in 27 N.C. Admin. Code 1B.0135(h).
4. Any petition by Respondent to be reinstated to the practice of law shall be governed by 27 N.C. Admin. Code 1B.0135(i).

This the 23rd day of September 2024.


Stephanie N. Davis, Chair
Disciplinary Hearing Commission