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NORTH CAROLINA 2018 APR 30 PM 4:44 IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
PITT COUNTY, C.S.C. 17 CRS 1930

PITT COUNTY

BY LO

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In The Matter Of: )  
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PHILLIP ENTZMINGER )  
Assistant District Attorney )  
Prosecutorial District 3A )  
\_\_\_\_\_ )

**Order of Discipline**

THIS MATTER was heard on 22, 23, and 29 March 2018 before Pitt County Senior Resident Superior Court Judge Marvin K. Blount. Joshua T. Walthall and G. Patrick Murphy, Deputy Counsel at the North Carolina State Bar, appeared and prosecuted this matter pursuant to appointment by the Court. Phillip Entzminger was present and represented by Glenn A. Barfield.

Based upon the pleadings, the stipulated facts, and the evidence admitted at the hearing, including having an opportunity to observe the demeanor of the witnesses, resolving all facts in conflict and giving the appropriate weight to evidence, the Court hereby finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Phillip Entzminger (“Entzminger”), was admitted to the North Carolina State Bar on 28 August 2009, and 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 inherent authority of the Court, the Rules and Regulations of the North Carolina State Bar, and the Rules of Professional Conduct.
2. During all of the relevant periods referred to herein, Entzminger was engaged in the practice of law in North Carolina as an Assistant District Attorney employed by the Pitt County District Attorney’s Office.
3. On the afternoon of 13 September 2017, Entzminger appeared on behalf of the State of North Carolina in Pitt County Superior Court before the Honorable Judge Jeffery B. Foster in *State v. Haleigh Aguilar*, 14 CRS 060314, wherein Aguilar was charged with Driving While Impaired and driving after consuming alcohol while under 21 years of age.

4. Attorney Les Robinson (“Robinson”) represented Aguilar in *State v. Haleigh Aguilar*, 14 CRS 060314.

5. On 1 August 2107, during the Pitt County Superior Court Criminal Administrative Session, the *State v. Haleigh Aguilar* matter was set for trial for the week of 11 September 2017.

6. Weeks prior to the 11 September 2017 Trial Session of Superior Court, when Aguilar’s case was scheduled to be on the docket, Robinson and/or his legal assistant sent communications to three assistant district attorneys in the DA’s office, including Entzminger, to notify the assistant district attorney(s) who would be handling Aguilar’s case during the 11 September 2017 Session that Aguilar had moved to Hawaii and would have to expend significant time and money to be available for the 11 September 2017 Trial Session. The correspondences were submitted to the DA’s office by Robinson on 8, 23 and 25 August 2107, respectively.

7. Robinson requested that Aguilar’s case be given priority due to her travel and that if the State was not going to be able to reach Aguilar’s case during the 11 September 2017 Session to please let Robinson know and he would consent to a continuance in order to save Aguilar the expense to travel from Hawaii.

8. Robinson further notified the State (on three different occasions) that if Aguilar traveled to Pitt County for the 11 September 2017 Session and her case was not reached that week, Robinson would oppose any motion by the State to continue Aguilar’s case.

9. In response to Robinson’s letters and requests, the State advised Robinson that it could not grant Aguilar’s case any priority on the trial docket.

10. Entzminger advised Robinson in writing on 25 August 2017 that he would not be handling Aguilar’s case during the 11 September 2017 trial session, and that Assistant District Attorney Brandon Atwood (“Atwood”) would be handling the case. Atwood was assigned to Pitt County District Attorney’s Office from the North Carolina Conference of District Attorneys as the Regional Traffic Safety Coordinator.

11. Atwood was the assistant district attorney assigned to handle all the Driving While Impaired cases that were on the 11 September 2017 Pitt County Superior Court trial calendar.

12. During the 11 September 2017 trial session, the State first called two other Driving While Impaired cases for the hearing of pending motions in those matters. Atwood represented the State in both of these cases.

13. The case of *State v. Haleigh Aguilar*, was the oldest pending case on the 11 September 2017 trial calendar.

14. Aguilar traveled from Hawaii to Greenville, North Carolina for the 11 September 2017 Pitt County Superior Court trial session.

15. Aguilar had relocated to Hawaii from North Carolina due to military obligations of her husband’s service in the United States Marines.

16. Aguilar was present for the calendar call on Monday 11 September 2017 and answered on her own behalf at approximately 10:00 am. Aguilar remained either in the courtroom or available each day until her matter was addressed on 13 September 2017.

17. On 11 September 2017, at approximately 10:18 am, Lynn Stroud (“Stroud”), the Pitt County District Attorney’s Victim Witness Assistant for Superior Court was notified via email that the State’s witness Officer Larita Sinclair (“Officer Sinclair”) would not be appearing in Pitt County Superior Court for the Aguilar trial.

18. Stroud notified Atwood on Monday 11 September 2017 that Officer Sinclair would not be available to testify in the trial of *State v. Haleigh Aguilar*.

19. Officer Sinclair was chemical analyst who administered the breath test for the alcohol impairment of Defendant Aguilar. Officer Sinclair’s testimony would be required for the State to meet its burden of proving that Defendant Aguilar was Driving While Impaired.

20. In August 2017, Tyler Regis (“Regis”), the Pitt County District Attorney’s DWI Victim’s Witness Assistant contacted Officer Sinclair regarding her attendance in the *State v. Haleigh Aguilar* matter during the week of 11 September 2017.

21. On 5 September 2017 Officer Sinclair notified Regis, that she could not be in Pitt County Superior Court during the week of 11 September 2017 due to training in Huntersville, North Carolina.

22. Regis failed to advise Atwood or Stroud of Officer Sinclair’s unavailability.

23. Officer Sinclair was not subpoenaed by the Pitt County District Attorney’s Office to testify in the *State v. Haleigh Aguilar* matter. Copies of the subpoena would be kept in the District Attorney’s file of *State v. Haleigh Aguilar*.

24. Attorney’s for the State Bar requested in discovery that the Pitt District Attorney office produce the DA’s file in the *State v. Haleigh Aguilar* matter and were advised by the DA’s office that the file had been lost or misplaced.

25. The District Attorneys file in the *State v. Haleigh Aguilar* matter was subsequently located but did not include anything related to the subpoena or testimony of Officer Sinclair.

26. On or before 11 September 2017, the Pitt County District Attorney’s Office was aware that Officer Sinclair would not be testifying the in the *State v. Haleigh Aguilar* matter.

27. At no point did anyone in the Pitt County District Attorney’s Office notify or inform Robinson that Officer Sinclair was unavailable to testify in the *State v. Haleigh Aguilar*.

28. Following the first days of the trial session, Atwood heard “grumblings” from the Pitt County District Attorney’s Office about his handling of the DWI cases earlier in the week.

29. Following Atwood's performance earlier in the week, someone in the Pitt County District Attorney's office wanted Entzminger to come to Superior Court and handle the *State v. Haleigh Aguilar* matter.

30. Atwood was unaware that Entzminger would be coming to handle the *State v. Haleigh Aguilar* matter on 13 September 2017.

31. At approximately 12:15 pm on 13 September 2017, Atwood advised Entzminger of Officer Sinclair's unavailability in the *State v. Haleigh Aguilar* matter.

32. On 13 September 2017, Robinson met Entzminger in the hallway outside of the Superior Court prior to the afternoon hearing. Entzminger made no comment to Robinson about Officer Sinclair's unavailability nor his intention to move to continue the *State v. Haleigh Aguilar* matter.

33. Entzminger had no involvement in the *State v. Haleigh Aguilar* matter from 25 August 2017 until approximately 12:15 pm on 13 September 2017.

34. Entzminger had not participated in any trial preparation regarding the *State v. Haleigh Aguilar* matter.

35. Entzminger was not assigned to represent the State during the 11 September 2017 trial session and did not appear in court before Judge Foster during that session until he was summoned to by someone in the DA's office to appear in Superior Court.

36. On the afternoon of 13 September 2017, Entzminger appeared before Judge Foster in Pitt County Superior Court and made a motion to continue in *State v. Haleigh Aguilar*.

37. As he had stated he would, Robinson opposed the State's motion to continue and gave the Court a history of the case.

38. Judge Foster then asked Entzminger a series of questions regarding the scheduling of the case and the officer's availability.

39. Judge Foster asked Entzminger why the State did not call Aguilar's case earlier in the week; Entzminger responded by saying, "There were felonies on the docket is my understanding."

40. The felonies that were originally on the docket had been resolved the week prior and were not the reason the case was not called earlier.

41. Entzminger's statement that "there were felonies on the docket" as the reason why Aguilar's case was not called earlier in the week was not an accurate statement.

42. The State did not produce any evidence for Judge Foster to show that Officer Sinclair had been advised that Aguilar was coming in from Hawaii for the court session or that any attempt had been made to reschedule Officer Sinclair's training. Nor did the State produce any evidence that Officer Sinclair had been properly subpoenaed.

43. After hearing from Robinson, Entzminger and Atwood, Judge Foster denied the State's motion to continue.

44. On 14 September 2017, Entzminger completed, signed and filed in Aguilar's case file a "Prosecutor's Dismissal and Explanation" wherein Entzminger made the following statements, in part: "Oddly enough, the Judge indicated the DWI case should have been set further up in calendar because defendant was from Hawaii. All defendants simply need to move out of the state after being charged with a crime if that is the case."

45. Entzminger also indicated on the "Prosecutor's Dismissal and Explanation" that he "could have proved all of the elements but a Superior Court Judge denied the motion to continue for lack of an analyst to show the .12."

46. Entzminger shared the "Prosecutor's Dismissal and Explanation" with at least one other person employed by the Pitt County District Attorney's office.

47. In a filing dated 28 September 2017, the Court, pursuant to its inherent authority to discipline attorneys and N.C. Gen. Stat. § 5A-15(a), initiated the above-captioned proceeding regarding Entzminger's conduct; Entzminger was directed to show cause (a) why he should not be held in criminal contempt of court, and (b) why he should not be disciplined for violations of the Rules of Professional Conduct.

48. On 9 October 2017, this Court, pursuant to its inherent authority and N.C. Gen. Stat. § 5A-15(g), entered an order appointing and directing the Office of Counsel of the State Bar to prosecute this action, and the State Bar consented to this appointment.

49. On 17 January 2018, this Court entered an Order to Show Cause directing Entzminger to appear and show cause why he should not be held in contempt or disciplined for:

- a. His filing of a "Prosecutor's Dismissal and Explanation" with the Court that shows disregard for the dignity of the Court and demonstrates undignified and discourteous conduct that is degrading to the Court and that breeds disrespect for the Court and the legal profession in violation of Rule 8.4(d), Rule 8.2(a), and Rule 4.4(a) of the Rules of Professional Conduct and N.C. Gen. Stat. § 5A-11(a)(2), (3), and (6); and
- b. His claiming to the Court (i) to have learned of an officer's unavailability only minutes before the hearing and (ii) that there were "felonies on the docket," thereby acting to create a false record of what actually occurred in *State v. Haleigh Aguilar*, 14 CRS 060314, and misleading the Court by making statements to the Court regarding his knowledge of an officer's availability and the calendaring of the case that he knew or should have known to be false, and which created a material misrepresentation of facts upon which the Court acted, in violation of Rule 8.4(c) and Rule 3.3(a)(1) of the Rules of Professional Conduct and N.C. Gen. Stat. § 5A-11(a)(2), (3), and (6).

50. On 22, 23, and 29 March 2018, Entzminger and the State Bar appeared before the Court pursuant to N.C. Gen. Stat. § 5A-15(g), N.C. Gen. Stat. § 84-36, and the Court's inherent authority, for a hearing on the Order to Show Cause.

51. Senior Resident Superior Court Judge Marvin K. Blount presided over the hearing, served as the finder of fact, entered verdict on the guilt phase issues, and determined what discipline was appropriate.

52. The hearing was comprised of two phases; the first phase was entirely focused on determining if Entzminger violated the statutes or rules outlined in paragraph 26 above; the second phase was entirely focused on determining what discipline or sanction was appropriate.

Based on the foregoing Findings of Fact, the Court enters the following:

#### CONCLUSIONS OF LAW

1. All of the parties are properly before the Court and the Court has jurisdiction over Assistant District Attorney Phillip Entzminger and the subject matter.

2. Entzminger's conduct, as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2), N.C. Gen. Stat. § 5A-15(g), N.C. Gen. Stat. § 84-36, and the Court's inherent authority in that Entzminger violated the Rules of Professional Conduct as follows:

- a. That Entzminger, by filing a "Prosecutor's Dismissal and Explanation" with the Court that shows disregard for the dignity of the Court and demonstrates undignified and discourteous conduct that is degrading to the Court and that breeds disrespect for the Court and the legal profession, violated Rule 8.4(d), Rule 8.2(a), and Rule 4.4(a) of the Rules of Professional Conduct;
- b. That Entzminger, by claiming to the Court to have learned of Officer Sinclair's unavailability only minutes before a hearing on the State's motion to continue and thereby misleading the Court by making a material misrepresentation of facts upon which the Court acted, violated Rule 8.4(c) and Rule 3.3(a)(1) of the Rules of Professional Conduct; and
- c. That Entzminger, by claiming that there were "felonies on the docket" in response to a question from the Court and thereby creating a material misrepresentation regarding the calendaring of the case that Entzminger knew or should have known to be false, violated Rule 8.4(c) of the Rules of Professional Conduct.

3. Entzminger is not guilty of all criminal contempt charges.

Based on the foregoing Findings of Fact and Conclusions of Law, the Court hereby finds by clear, cogent and convincing evidence the following additional

FINDINGS OF FACT REGARDING DISCIPLINE

1. Entzminger sent an electronic communication to Judge Foster on 3 November 2017 stating, in part, that his language in the Aguilar dismissal was directed at Robinson, not Judge Foster.
2. Entzminger's electronic communication to Judge Foster further states that there was no disrespect for Judge Foster's ruling in the filed dismissal.
3. Leading up to and through the hearing in this matter, Entzminger continued to claim, in the face of clear evidence to the contrary, that the language in the "Prosecutor's Dismissal and Explanation" was not directed at Judge Foster.
4. Entzminger did not apologize to Judge Foster at any point from the time he filed the "Prosecutor's Dismissal and Explanation" to the time of the hearing in this matter. Entzminger took the stand on the second day of the hearing, after the Court found that Entzminger had engaged in professional misconduct, and apologized to Judge Foster.
5. Entzminger's apology to Judge Foster was unavailing.
6. During Judge Foster's testimony in the hearing in this matter, Entzminger spent time looking at his phone on multiple occasions, apparently texting and not making eye contact with either the Court or Judge Foster.
7. At one point in the hearing in this matter, when the Court asked counsel for Entzminger and counsel for the State Bar to approach the bench for a private conversation, Entzminger, who at that point was on the witness stand, leaned forward in his chair and listened intently to the exchange between the Court and the attorneys, despite the Court's clear intention that the conversation be held privately between the Court and the attorneys.
8. Entzminger regularly exchanged text messages with his colleagues regarding the scheduling of cases, officers' availability for court, and other work-related matters; however, Entzminger deleted his ingoing and outgoing text messages from the time period surrounding and including his involvement in *State v. Haleigh Aguilar*, 14 CRS 060314.
9. Whenever attorneys show disregard for the dignity of the Court and demonstrate undignified and discourteous conduct that is degrading to the Court and that breeds disrespect for the Court and the legal profession, the party that is ultimately harmed or potentially harmed is the public. The public suffers when the participants in the justice system do not treat each other with respect and when attorneys do not display candor toward the Court: one of the principal roles of the criminal justice system is to enforce the rule of law and achieve justice for the public; accomplishing this goal is significantly impeded when the attorneys participating in the justice system are not forthright with the Court and show the Court disrespect.

10. Whenever attorneys act disrespectfully toward the Court and make misrepresentations to the Court, it thwarts the proper administration of justice. Indeed, as Comment [5] to Rule of Professional Conduct 8.4 notes: “Threats, bullying, harassment, and other conduct serving no substantial purpose other than to intimidate, humiliate, or embarrass anyone associated with the judicial process including judges, opposing counsel, litigants, witnesses, or other court personnel violate the prohibition on conduct prejudicial to the administration of justice.”

11. Whenever attorneys act disrespectfully toward the Court and make misrepresentations to the Court, it sullies the perception of the profession in the eyes of the public; this is particularly the case when such misconduct occurs in public settings, as it did in this case: the “Prosecutor’s Dismissal and Explanation,” which shows disregard for the dignity of the Court and demonstrates undignified and discourteous conduct that is degrading to the Court and that breeds disrespect for the Court and the legal profession, is a public document, and the misrepresentations Entzminger made toward the Court occurred in open court in full view of the public.

12. In an adversarial criminal justice system, attorneys should yield gracefully to the rulings of the Court. The dismissal that Entzminger filed in response to Judge Foster’s denial of his motion to continue was a deliberate act on his part that runs counter to the conduct expected of an attorney appearing before the General Court of Justice.

13. Rather than admitting that the language he included in the dismissal was disrespectful, Entzminger characterized the language in the dismissal as “jocular.”

14. Contrary to the overwhelming weight of the evidence presented at the hearing, Entzminger’s continued attempts to maintain that the dismissal language was not directed at Judge Foster and that he meant no disrespect to Judge Foster by his conduct demonstrates Entzminger’s refusal to acknowledge the wrongfulness of his conduct.

15. Entzminger’s conduct, from the time of his oral motion through the hearing in this disciplinary proceeding, has demonstrated his lack of remorse for his misconduct.

16. Entzminger’s conduct from the time of the motion to continue through the hearing in his disciplinary proceeding has involved misrepresentations, a lack of candor, and publically filing a dismissal disrespectful to the court’s ruling; his actions have caused significant harm or potential significant harm to his client, the public, the administration of justice, and/or the legal profession.

17. Entzminger has not previously been disciplined for violating the Rules of Professional Conduct.

18. The Court has considered all forms of discipline available to the Court in weighing and determining the appropriate discipline for Entzminger’s conduct both in the exercise of the Court’s discretion pursuant to the Court’s inherent authority to discipline attorneys appearing before the Court and as informed by the provisions of the Rules of Professional Conduct of the North Carolina State Bar and the rules and regulations for disciplinary proceedings under 27 N.C. Admin. Code 1B .0116 (f).

19. In weighing and determining the appropriate discipline for Entzminger's conduct, the Court has considered all the forms of discipline available to the Court.

Based on the foregoing Findings of Fact, Conclusions of Law, and Additional Findings Regarding Discipline, the Court enters the following

CONCLUSIONS REGARDING DISCIPLINE

1. The Court considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(f) of the Rules and Regulations of the State Bar, and concludes that the following factors are applicable:

a. From subpart (1), factors considered when imposing suspension or disbarment:

- i. Factor (B), Intent of Entzminger to commit acts where the harm or potential harm is foreseeable;
- ii. Factor (C), Circumstances reflecting Entzminger's lack of honesty, trustworthiness, or integrity;
- iii. Factor (F), Negative impact of Entzminger's actions on the administration of justice; and
- iv. Factor (I), Entzminger's acts of dishonesty, misrepresentation, deceit, or fabrication;

b. From subpart (2), factors considered when imposing disbarment:

- i. Factor (A), Entzminger's acts of dishonesty, misrepresentation, deceit, or fabrication; and
- ii. Factor (B), Entzminger's impulsive acts of dishonesty, misrepresentation, deceit, or fabrication without timely remedial efforts;

c. From subpart (3), factors considered when imposing any discipline:

- i. Factor (A) the absence of prior disciplinary offenses;
- ii. Factor (C), Entzminger's dishonest or selfish motive; and
- iii. Factor (O), Entzminger's refusal to acknowledge wrongful nature of conduct.

2. Suspension or disbarment is appropriate where there is evidence that an attorney's actions resulted in "significant harm or potential significant harm to the clients, the public, the administration of justice, or the legal profession, and lesser discipline is insufficient to adequately protect the public." Title 27 N.C. Admin. Code, Chapter 1B, § .0116(f)(1).

3. Although the Court determined two of the factors under 27 N.C.A.C. 1B § .0116(f)(2) to be present, disbarment is not necessary in light of all of the circumstances of the case.

4. Entzminger's misconduct in *State v. Haleigh Aguilar*, 14 CRS 060314, caused significant harm or potential significant harm to the legal profession.

5. During his representation of the State of North Carolina in *State v. Haleigh Aguilar*, 14 CRS 060314, Entzminger displayed blatant disrespect to the Court and misled the Court, thereby causing significant harm or potential significant harm to the public.

6. The language Entzminger included in the "Prosecutor's Dismissal and Explanation" in *State v. Haleigh Aguilar*, 14 CRS 060314, served no other purpose than to embarrass and humiliate Judge Foster; thus, Entzminger's misconduct caused significant harm or potential significant harm to the administration of justice.

7. Whenever attorneys refuse to acknowledge the wrongful nature of their conduct and refuse to show remorse for their actions, it demonstrates, at best, a lack of appreciation for the bounds of professional conduct on the part of the attorney and highlights the strong likelihood that the attorney will engage in the behavior again in the future. This is unsurprising: if an attorney does not believe he has done anything improper, there is nothing to stop him from acting in such a manner in the future.

8. This likelihood for recidivism creates a danger to the public, and this danger must be mitigated by ongoing accountability and supervision of the attorney and a temporary cessation of the attorney's ability to practice law.

9. Such ongoing accountability and supervision of the attorney and temporary cessation of the attorney's ability to practice law cannot be achieved through written discipline; it can only be achieved through a suspension of the attorney's license to practice law. Thus, suspension of Entzminger's license to practice law is necessary to protect the public.

10. Accordingly, given Entzminger's poor attitude, his lack of remorse, his refusal to acknowledge the wrongful nature of his conduct, and the lack of confidence Entzminger inspires that this will not reoccur without further supervision and accountability, it is evident that Entzminger is a danger to the public and that, if he is permitted to continue to practice law unabated, it is likely that the public will be harmed again, as it was in this matter.

11. Furthermore, it is evident, given Entzminger's disrespectful and unprofessional conduct and his refusal to acknowledge the wrongful nature of the same, that Entzminger requires further education and instruction regarding professionalism within the legal profession.

12. Moreover, given that Entzminger's misconduct resulted in the litigation of this matter and the appointment of the State Bar to prosecute this matter, Entzminger – and not the public or the dues-paying members of the State Bar – should bear the costs of this matter.

Based on the foregoing Findings of Fact, Conclusions of Law, and additional Findings of Fact and Conclusions of Law Regarding Discipline, the Court hereby enters the following

## ORDER OF DISCIPLINE

1. Phillip Entzminger is hereby **SUSPENDED** from the practice of law for two years, effective 30 days from service of this Order upon Entzminger.

2. Entzminger is taxed with all of the costs of this proceeding, including any borne by the State of North Carolina, the Pitt County Clerk of Court, and the North Carolina State Bar. Entzminger shall pay the costs within 30 days of service of the statement of costs upon him.

3. Entzminger 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 him.

4. Entzminger shall comply with the wind down provisions of 27 N.C.A.C. 1B § .0128 of the State Bar Rules.

5. No earlier than six months after the effective date of this Order, Entzminger may seek a stay of the remaining period of suspension by filing a verified motion demonstrating by clear, cogent and convincing evidence that Entzminger has met all requirements for reinstatement set out in 27 N.C.A.C. 1B § .0129(b), and has complied with each of the following:

- a. Entzminger paid all administrative fees and costs of this proceeding within 30 days of service of the statement of costs upon him;
- b. Entzminger did not violate any state or federal laws or any provisions of the Rules of Professional Conduct during the period of the suspension;
- c. Entzminger responded to all State Bar requests for information as required by Rule 8.1(b) of the Rules of Professional Conduct by the deadline stated in the communication or within 30 days of receipt, whichever is sooner;
- d. Entzminger kept the North Carolina State Bar membership department advised of his current home and business street (no P.O. Box) addresses and telephone numbers during the period of the suspension; and
- e. Entzminger completed no fewer than six hours of continuing legal education hours specifically concerning professionalism, such hours being in addition to the CLE requirements set out in North Carolina Administrative Code, Title 27, Chapter 1, Subchapter D § .1518. These courses must be reported on the annual CLE report forms.

6. If Entzminger obtains a stay of his suspension pursuant to the preceding paragraph of this Order of Discipline, he must comply and continue to comply with all of the following conditions, or the stay of the suspension of his law license may be lifted as provided in 27 N.C.A.C. 1B § .0118:

- a. Entzminger shall maintain all of his annual CLE requirements as required by the State Bar;

- b. Entzinger shall not violate any state or federal laws or any provisions of the Rules of Professional Conduct during the period of the stayed suspension;
- c. Entzinger shall respond to all State Bar requests for information by the deadline stated in the communication or within 30 days of receipt, whichever is sooner;
- d. Entzinger shall timely comply with all State Bar membership and Continuing Legal Education requirements;
- e. Entzinger shall keep the North Carolina State Bar membership department advised of his current home and business street (no P.O. Box) addresses and telephone numbers; and
- f. Entzinger shall earn nine hours of continuing legal education hours focused on ethics each year of his suspension, including the first year when he must earn six hours of continuing legal education hours focused on professionalism prior to qualifying for a stay and three hours after qualifying for a stay, such hours being in addition to the CLE requirements set out in North Carolina Administrative Code, Title 27, Chapter 1, Subchapter D § .1518. These courses must be reported on the annual CLE report forms.

7. If the stay of the suspension is lifted and the suspension is activated for any reason or if Entzinger never obtains a stay of the suspension, the Court may enter an Order imposing such conditions as it deems necessary for the reinstatement of Entzinger's license at the end of the suspension. Furthermore, Entzinger must have complied with each of the following conditions precedent to reinstatement before he can be reinstated to the active practice of law:

- a. Entzinger shall have submitted his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days from the effective date of the order activating his suspension;
- b. Entzinger shall have complied with all provisions of 27 N.C.A.C. 1B, § .0128 of the North Carolina State Bar Discipline and Disability Rules on a timely basis;
- c. Entzinger shall have maintained all of his annual CLE requirements as required by the State Bar;
- d. Entzinger shall have not violated any state or federal laws or any provisions of the Rules of Professional Conduct during the period of the stayed suspension;
- e. Entzinger shall have responded to all State Bar requests for information by the deadline stated in the communication or within 30 days of receipt, whichever is sooner;
- f. Entzinger shall have timely complied with all State Bar membership and Continuing Legal Education requirements;
- g. Entzinger shall have kept the North Carolina State Bar membership department advised of his current home and business street (no P.O. Box) addresses and telephone numbers; and

h. Entzminger shall have earned nine hours of continuing legal education hours focused on ethics each year of his suspension, such hours being in addition to the CLE requirements set out in North Carolina Administrative Code, Title 27, Chapter 1, Subchapter D § .1518. These courses must be reported on the annual CLE report forms.

8. The Court will retain jurisdiction of this matter pursuant to N.C. Gen. Stat. § 84-28(b)(2), N.C. Gen. Stat. § 5A-15(g), N.C. Gen. Stat. § 84-36, and the Court's inherent authority throughout the period, if any, of the stayed suspension.

So ordered, this, the 30<sup>th</sup> day of April 20 18.



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HON. MARVIN K. BLOUNT III  
Senior Resident Superior Court Judge, Pitt County