



STATE OF NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
18 DHC 4

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

Jeffrey W. Ellingworth, Attorney,  
Defendant

ORDER  
OF DISCIPLINE

This matter came on for consideration before the Hearing Panel composed of Donald C. Prentiss, Chair, Richard V. Bennett and Cindy Marrelli upon the State Bar's Motion for Default Order Imposing Discipline pursuant to 27 N.C. Admin. Code 1B .0115(g). Katherine E. Jean represented plaintiff, the North Carolina State Bar. Defendant, Jeffrey W. Ellingworth, has not participated in this matter and no counsel of record appeared on his behalf. On June 26, 2018, the Hearing Panel entered a Default Order Making Findings of Fact and Conclusions of Law, determining the facts and the violations of the Rules of Professional Conduct. The only issue remaining for determination is the appropriate discipline to be imposed for established violations of the Rules of Professional Conduct.

#### ESTABLISHED FACTS

1. Defendant, Jeffrey Warren Ellingworth (hereafter "Defendant"), was admitted to the State Bar on 26 November 2010 and is an attorney at law 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.
2. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in the State of North Carolina and maintained a law office in Charlotte, Mecklenburg County, North Carolina.
3. On 27 January 2016, an Order of Administrative Suspension was issued to Defendant which resulted in Defendant's license to practice law being suspended effective 26 February 2016.
4. After the effective date of his suspension, Defendant was not an active member of the State Bar and thus was not permitted to hold himself out as competent or qualified to give legal advice, counsel or furnish the services of a lawyer to another, or collect a legal fee.
5. In or around early 2014, Defendant established an attorney-client relationship with N. Terzakis (hereafter "Terzakis") and undertook to represent Terzakis with respect to his claims against Bank of America and an individual for fraud, theft, elder abuse and other potential claims.

6. At that time, Defendant collected a \$2,000 payment from Terzakis to apply to legal fees.
7. Terzakis entrusted Defendant with original documents related to his claims.
8. Thereafter, Defendant did not respond to numerous calls and voicemail messages from Terzakis.
9. On or about 20 January 2016, Terzakis sent Defendant a letter by certified mail and email inquiring about the status of his legal matter and requesting a refund of the \$2000 payment and return of his original documents within one week, if Defendant did not intend to follow through with representation.
10. Defendant did not respond to the letter or email sent by Terzakis to Defendant on or about 20 January 2016.
11. On or about 29 February 2016, the certified letter was returned to Terzakis marked "unclaimed."
12. Defendant failed to perform any meaningful work on Terzakis's behalf.
13. Defendant failed to keep Terzakis informed about the status of his case.
14. Defendant had not completed his representation of Terzakis when he was suspended from the practice of law.
15. During the wind-down period between 27 January 2016 and 26 February 2016, Defendant failed to notify Terzakis of his suspension, the reason for his suspension, and his consequent inability to act as an attorney after the effective date of his suspension.
16. Defendant failed to withdraw from his representation of Terzakis before the effective date of his suspension.
17. Defendant did not earn the \$2,000 payment he collected from Terzakis.
18. Defendant did not refund the unearned fee.
19. Defendant did not return Terzakis's original documents to him.
20. Defendant failed to advise Terzakis to seek legal advice elsewhere.
21. On or about 12 April 2016, the State Bar opened a fee dispute resolution file number 16FD0151 against Defendant based on information provided by Terzakis.

22. On 12 April 2016, the State Bar sent a Notification of Mandatory Fee Dispute Resolution to Defendant by certified mail to his address of record with the State Bar.
23. The Notification of Mandatory Fee Dispute Resolution was served on Defendant on 14 April 2016 informing Defendant that he had a duty to respond in writing to the fee dispute petition within 15 days of receipt.
24. Defendant did not respond to the fee dispute petition.
25. On 18 and 19 May 2016, the State Bar fee dispute facilitator left voicemail messages for Defendant.
26. Defendant did not respond to the voicemail messages left by the State Bar fee dispute facilitator on 18 and 19 May 2016.
27. On or about 23 May 2016, the State Bar opened a grievance file against Defendant concerning his conduct in the Terzakis matter, assigned file number 16G0572.
28. On 29 June 2016, the State Bar sent a Letter of Notice in file number 16G0572 by certified mail to the address that had been provided to the State Bar by Defendant on 22 June 2016.
29. The Letter of Notice was served on Defendant on 5 July 2016 informing Defendant that he had a duty to respond in writing to the grievance within 15 days of receipt of the Letter of Notice.
30. Defendant did not submit a written response to the grievance.
31. On or about 19 October 2016, Defendant responded to an email from State Bar deputy counsel, stating that he was unaware of the grievance and that he was no longer practicing law.
32. At Defendant's request, deputy counsel emailed the Substance of Grievance to Defendant on 19 October 2016.
33. Defendant failed to provide any response to the grievance in file number 16G0572.
34. In or around July 2015, A. Gorton (hereafter "Gorton") retained Defendant to defend him against two criminal charges.
35. On or about 15 July 2015, Defendant collected \$3,000 from Gorton as payment of his legal fee to provide this representation.
36. Defendant failed to perform any meaningful work on Gorton's behalf.

37. Defendant failed to keep Gorton informed about the status of the criminal charges.
38. On or about 24 November 2015, Gorton emailed Defendant to terminate representation on one of the criminal charges and to request at least a partial refund of the advance fee payment.
39. Defendant did not return any portion of the advance fee payment to Gorton.
40. Defendant had not completed his representation of Gorton on the remaining criminal charge when he was suspended from the practice of law.
41. During the wind-down period between 27 January 2016 and 26 February 2016, Defendant failed to notify Gorton of his suspension, the reason for his suspension, and his consequent inability to act as an attorney after the effective date of his suspension
42. Defendant failed to withdraw from his representation of Gorton before the effective date of his suspension.
43. Defendant did not earn the entire amount of the \$3,000 fee he collected from Gorton.
44. Defendant failed to refund the unearned portion of the fee.
45. Defendant failed to advise Gorton to seek legal advice elsewhere.
46. On or about 11 April 2016, after the effective date of Defendant's suspension, Defendant responded to an email from Gorton, stating "I will schedule the necessary court appearances as soon as possible."
47. Defendant communicated with Gorton using the following email address: [jeffrey@ellingworthlaw.com](mailto:jeffrey@ellingworthlaw.com).
48. Defendant's response to Gorton on or about 11 April 2016 and use of the email address [jeffrey@ellingworthlaw.com](mailto:jeffrey@ellingworthlaw.com) gave the false appearance that Defendant was authorized to practice law.
49. Defendant's communication with Gorton in the email used the signature line "Jeffrey W. Ellingworth, Esq."
50. By using the signature line "Jeffrey W. Ellingworth, Esq." Defendant gave the false appearance that Defendant was authorized to practice law.
51. Defendant otherwise failed to respond to numerous telephone calls and emails from Gorton.

52. By letter dated 18 July 2016 sent to Defendant, Gorton terminated his representation by Defendant in the other criminal charge and sought a refund of unearned fees.
53. Defendant did not respond to Gorton's 18 July 2016 letter.
54. On or about 24 October 2016, the State Bar opened a fee dispute resolution file number 16FD0482 against Defendant based on information provided by Gorton.
55. On 24 October 2016, the State Bar sent a Notification of Mandatory Fee Dispute Resolution to Defendant by certified mail to his address of record with the State Bar.
56. On 14 November 2016, the State Bar fee dispute facilitator sent Defendant an email alerting him further of the efforts of the State Bar to reach him.
57. Defendant did not respond to the 14 November 2016 email to him from the State Bar fee dispute facilitator.
58. On or about 17 November 2016, the certified mailing of the Notification of Mandatory Fee Dispute Resolution in file number 16FD0482 was returned to the State Bar marked "unclaimed."
59. On or about 22 November 2016, the State Bar opened a grievance file against Defendant concerning his conduct in the Gorton matter, assigned file number 16G1281.
60. On 22 March 2017, the State Bar sent a Letter of Notice in file number 16G1281 by certified mail to Defendant's address of record with the State Bar.
61. On or about 24 April 2017, the certified mailing of the Letter of Notice in file number 16G1281 was returned to the State Bar marked "unclaimed."
62. In June 2017, a State Bar investigator spoke with Defendant's mother.
63. Defendant thereafter left a voicemail message for the investigator.
64. All further attempts by the State Bar to communicate with Defendant regarding the Gorton matter were unsuccessful.
65. On or about 26 January 2017, the State Bar opened a fee dispute resolution file number 17FD0042 against Defendant based on information provided by J. Howerton (hereafter "Howerton").

66. On 26 January 2017, the State Bar sent a Notification of Mandatory Fee Dispute Resolution to Defendant by certified mail to his address of record with the State Bar.
67. The Notification of Mandatory Fee Dispute Resolution was served on Defendant on 31 January 2017 informing Defendant that he had a duty to respond in writing to the fee dispute petition within 15 days of receipt.
68. Defendant did not respond to the fee dispute petition.
69. On or about 8 March 2017, the State Bar opened a grievance file against Defendant concerning his conduct in the Howerton matter, assigned file number 17G0235.
70. On 22 March 2017, the State Bar sent a Letter of Notice in file number 17G0235 to Defendant by certified mail to his address of record with the State Bar.
71. On or about 24 April 2017, the certified mailing of the Letter of Notice in file number 17G0235 was returned to the State Bar marked "unclaimed."

Based on the foregoing Established Facts, the Hearing Panel made the following:

#### **CONCLUSIONS OF LAW**

1. All parties are properly before the Hearing Panel and the panel has jurisdiction over Defendant and over the subject matter of this proceeding.
2. Entry of default was proper.
3. Pursuant to N.C. Admin. Code 1B.0115(g) and 1B.0115(l)(4), Plaintiff's Motion for Default Order Imposing Discipline may be decided based on the parties' written submissions.
4. Defendant's conduct, as set forth in the Established Facts above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:
  - a. By failing to communicate with Terzakis, Defendant failed promptly to comply with reasonable requests for information in violation of Rule 1.4(a)(4) and failed to explain the matter to the extent reasonably necessary to permit Terzakis to make informed decisions regarding the representation in violation of Rule 1.4(b);
  - b. By failing to perform any meaningful work on Terzakis's behalf, Defendant failed to act with reasonable diligence and promptness in representing Terzakis in violation of Rule 1.3;

- c. By collecting \$2,000 from Terzakis to handle his claims and then failing to perform any meaningful work on Terzakis's behalf and failing to refund the unearned \$2000 he collected from Terzakis, Defendant collected a clearly excessive fee in violation of Rule 1.5(a) and failed to take steps to protect his client's interests in violation of Rule 1.16(d);
- d. By failing to inform Terzakis of his suspension from the practice of law, Defendant failed to keep the client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to consult with Terzakis about this relevant limitation on Defendant's conduct when Defendant knew that Terzakis expected assistance not permitted by the Rules of Professional Conduct due to Defendant's suspension in violation of Rule 1.4(a)(5);
- e. By failing to withdraw from his representation of Terzakis before the effective date of his suspension, Defendant failed to terminate representation of a client where the representation will result in a violation of the Rules of Professional Conduct in violation of Rule 1.16(a)(1);
- f. By failing to return Terzakis's original documents, Defendant failed promptly to deliver to the client entrusted property belonging to the client to which the client is currently entitled in violation of Rule 1.15-2(n) and N.C. Admin. Code 1B .0128(a);
- g. By failing to communicate with Gorton, Defendant failed promptly to comply with reasonable requests for information in violation of Rule 1.4(a)(4) and failed to explain the matter to the extent necessary to permit Gorton to make informed decisions regarding the representation in violation of Rule 1.4(b);
- h. By failing to perform any meaningful work on Gorton's behalf, Defendant failed to act with reasonable diligence and promptness in representing Gorton in violation of Rule 1.3;
- i. By collecting \$3000 from Gorton to defend the criminal charges against him and then failing to perform any meaningful work on Gorton's behalf and failing to refund the unearned \$3000 he collected from Gorton, Defendant collected a clearly excessive fee in violation of Rule 1.5(a) and failed to take steps to protect his client's interests in violation of Rule 1.16(d);
- j. By failing to inform Gorton of his suspension from the practice of law, Defendant failed to keep the client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to consult with Gorton about this relevant limitation on Defendant's conduct when Defendant knew that Gorton expected assistance not permitted by the Rules of Professional Conduct due to Defendant's suspension in violation of Rule 1.4(a)(5);

- k. By failing to withdraw from his representation of Gorton before the effective date of his suspension, Defendant failed to terminate representation of a client where the representation will result in a violation of the Rules of Professional Conduct in violation of Rule 1.16(a)(1);
- l. By holding himself out to Gorton as an attorney admitted to practice in North Carolina after his suspension, Defendant engaged in the unauthorized practice of law in violation of Rule 5.5(b)(2) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
- m. By failing to submit a written response to the Notification of Mandatory Fee Dispute Resolution in 16FD0151 and 17FD0042, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f)(2); and
- n. By failing to submit a written response to the Letter of Notice in 16G0572, Defendant failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

#### **Additional Findings of Fact Regarding Discipline**

1. Defendant was admonished by the Grievance Committee in 2016 for failing to respond to the 26<sup>th</sup> Judicial District Bar Grievance Committee, for failing to respond timely to the State Bar Grievance Committee, and for failing to respond to requests for additional information from the State Bar Grievance Committee.
2. The purpose of the State Bar's fee dispute resolution program is to give clients a readily accessible and free process by which to attempt to resolve issues relating to disputed fees. Defendant's failure to respond to and participate in good faith in the fee dispute resolution program denied his clients this benefit and interfered with the State Bar's self-regulatory function.
3. Defendant's dishonest and selfish actions caused actual or potential significant harm to the public's trust and confidence in the legal profession.

Based on the Established Facts, the Conclusions of Law and the Additional Findings of Fact Regarding Discipline, the Hearing Panel makes the following:

#### **CONCLUSIONS OF LAW REGARDING DISCIPLINE**

1. 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.

2. The Hearing Panel has considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(a)(1), (2), and (3) of the Rules and Regulations of the North Carolina State Bar and concludes the following factors are applicable:

27 N.C.A.C. 1B §. 0116(a)(1):

- a. Factor (B), intent of Defendant to commit acts where the harm or potential harm is foreseeable;
- b. Factor (C), circumstances reflecting the Defendant's lack of honesty, trustworthiness, or integrity;
- c. Factor (D), elevation of the defendant's own interest above that of the client;
- d. Factor (E), negative impact of the Defendant's actions on the client's or public's perception of the profession;
- e. Factor (G), impairment of the client's ability to achieve the goals of the representation;
- g. Factor (I), acts of dishonesty and misrepresentation; and
- h. Factor (J), multiple instances of failure to participate in the legal profession's self-regulation process.

27 N.C.A.C.1B § .0116(a)(2):

- a. Factor (A), acts of dishonesty, misrepresentation, or deceit.

27 N.C.A.C. 1B § .116(a)(3):

- a. Factor (A), prior disciplinary offenses;
  - b. Factor (C), dishonest or selfish motive;
  - c. Factor (D), lack of timely good faith efforts to make restitution or to rectify consequences of misconduct;
  - d. Factor (E), indifference to making restitution;
  - e. Factor (F), a pattern of misconduct; and
  - f. Factor (G), multiple offenses.
2. The Hearing Panel has considered all of the disciplinary options available to it and determined that a period of active suspension is appropriate and necessary.

3. Defendant's conduct resulted in significant harm to his clients.

4. By failing to disclose his upcoming suspension to his client, Defendant failed to act in his client's best interests and acted with a dishonest and selfish motive.
5. The legal profession is entrusted with the privilege of self-regulation. The State Bar can only regulate the profession if its members respond timely and fully to inquiries of the State Bar.
6. The Hearing Panel has considered lesser sanctions and concludes that any discipline short of suspension would not adequately protect the public for the following reasons:
  - a. Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses, would not adequately protect the clients, the public, and the administration of justice, and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar of this State;
  - b. Defendant has failed to reform his conduct in response to lesser prior discipline; and
  - c. For the public to have confidence in the State Bar's regulation of the profession, lawyers who continuously engage in improper conduct must be removed from the profession.

Based upon the foregoing Established Facts, Conclusions of Law, Additional Findings of Fact Regarding Discipline and Conclusions of Law Regarding Discipline, the Hearing Panel hereby enters the following:

#### **ORDER OF DISCIPLINE**

1. Defendant's license to practice law in the State of North Carolina is hereby suspended for four years, beginning 30 days from the date of service of this order upon Defendant.
2. Defendant shall submit 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 comply with the wind down provisions contained in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0128 ("Obligations of Disbarred or Suspended Attorneys"). As provided in § .0128(d), Defendant shall file an affidavit with the Secretary of the North Carolina State Bar within 10 days of the effective date of this order, certifying he has complied with the wind down rule.
4. The administrative fees and costs of this action are taxed to Defendant. Defendant must pay the costs of this action within 30 days after the statement of costs is served upon Defendant by the Secretary of the State Bar.

5. Within 30 days after service of this Order, Defendant shall provide the State Bar's Office of Counsel with an address and telephone number at which clients seeking their files can communicate with Defendant. Defendant shall promptly deliver all files to his clients upon request.
6. After serving no less than two years of the suspension, Defendant may apply for a stay of the remaining period of suspension imposed by this Order by filing a motion in the cause and demonstrating by clear, cogent, and convincing evidence that, in addition to complying with the general provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0129 ("Reinstatement"), he has complied with the following conditions:
  - a. Defendant timely complied with paragraphs 2-5 of this section of the Order of Discipline;
  - b. Defendant kept the North Carolina State Bar membership department advised of his current physical (not P.O. Box or Drawer) home and business addresses, telephone numbers, and email address, and notified the membership department within 10 days of any change to his contact information;
  - c. Defendant 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—including communications from the Attorney Client Assistance Program—within 30 days of receipt or by the deadline stated in the communication, whichever was earlier;
  - d. Defendant participated fully, timely, and in good faith in the State Bar's fee dispute resolution program when notified of any petitions for resolution of disputed fees;
  - e. Defendant timely complied with State Bar membership requirements and paid all fees and costs assessed by the State Bar and the Client Security Fund by the applicable deadline. At the time he petitions for reinstatement or seeks a stay, Defendant must demonstrate that he is current in payment of all applicable membership dues, fees, costs, penalties accrued, Client Security Fund assessments, judicial district dues, and any other charges the State Bar is authorized to collect;
  - f. During the period of active suspension, Defendant attended twelve hours of accredited Continuing Legal Education (CLE) courses annually, as if he were a member in good standing. No more than six of the twelve annual CLE hours may be completed via online courses. Six of the twelve annual CLE hours must be in the areas of ethics and professionalism. At the time he petitions for reinstatement or seeks a stay, Defendant must demonstrate that there is no deficit in his completion of CLE hours, in reporting of CLE hours, or in payment to the State Bar of any fees associated with attendance at CLE programs. The CLE requirements shall apply to each


calendar year during which Defendant is actively suspended as of December 31;

- g. Defendant completed a course of training in law office management, approved in advance by the Office of Counsel. It is recommended, although not required, that Defendant read the treatise entitled "How to Start and Build a Law Practice" by Jay Foonberg.
  - h. Defendant does not, at the time he petitions for reinstatement or seeks a stay, have any physical or mental impairment or other condition or illness that significantly impairs his professional performance, judgment or competence.
  - i. Defendant has not engaged in the unauthorized practice of law during the period of active suspension; and
  - j. Defendant has not violated the Rules of Professional Conduct or any state or federal laws (including the revenue and tax laws of any jurisdiction) other than minor traffic violations during the period of active suspension.
7. Defendant may file a motion in the cause seeking a stay of the remainder of the suspension up to 30 days prior to completing two years of active suspension but shall not be permitted to resume practicing until he has served at least two years of active suspension.
8. If Defendant successfully seeks a stay of the suspension of his law license pursuant to this Order, the stay will continue in force only as long as Defendant complies with the following conditions:
- a. Defendant shall keep the North Carolina State Bar membership department advised of his current physical (not P.O. Box or Drawer) home and business addresses, telephone numbers, and email address, and shall notify the membership department within 10 days of any change to his contact information;
  - b. Defendant shall accept all certified mail from the North Carolina State Bar and respond to all letters of notice and requests for information from the North Carolina State Bar within 30 days or by the deadline stated in the communication, whichever is earlier;
  - c. Defendant shall timely comply with his State Bar membership and continuing legal education requirements and shall pay all fees and costs assessed by the State Bar and the Client Security Fund by the applicable deadline;
  - d. Defendant shall satisfy the CLE requirements for members in good standing. Six of the annual CLE hours completed by Defendant during the stayed suspension must be in the areas of ethics and professionalism;

- e. Defendant shall participate fully, timely, and in good faith in the State Bar's fee dispute resolution program when notified of any petitions for resolution of disputed fees;
- f. Defendant shall arrange for an active member in good standing of the North Carolina State Bar who has been approved by the Office of Counsel and practices in the county of Defendant's practice to serve as Defendant's practice monitor. The monitor shall: (i) meet with Defendant monthly to review Defendant's cases; (ii) provide supervision to ensure that Defendant timely and completely handles client matters; and (iii) provide written quarterly reports of this supervision to the Office of Counsel on the following dates as they occur during the duration of the stay of the suspension: January 30, April 30, July 30, and October 30. Defendant will be solely responsible for the cost, if any, charged by the monitor for providing supervision and/or generating quarterly reports. Failure to ensure that the reports required herein are timely submitted shall be grounds for lifting the stay and reactivating the suspension;
- g. Defendant must submit to the Office of Counsel the name of the proposed monitor within 15 days after the order staying the suspension. Upon approval, and within 30 days after entry of the order staying the suspension, Defendant must submit to the Office of Counsel a letter from the approved monitoring attorney confirming his or her agreement to perform the duties outlined above. Defendant's failure to timely submit the name of a proposed monitor will not toll or excuse noncompliance with Defendant's obligations under this Order to meet monthly with a monitor and to ensure the monitor provides quarterly reports;
- h. Defendant shall meet at least monthly with the practice monitor, to whom he shall report the status of all current clients and provide copies of any court filings for the monitor's review. Defendant shall provide any other information or documentation deemed necessary by and requested by the monitor. Defendant's first meeting with the monitor must occur within 30 days of entry of the order staying suspension;
- i. Should it become necessary to replace the practice monitor, Defendant shall immediately notify the Office of Counsel and shall provide the name of a proposed alternate monitor for approval. Defendant's failure to timely submit the name of a proposed replacement monitor will not toll or excuse noncompliance with Defendant's obligations under this Order to meet monthly with a monitor and to ensure the monitor provides quarterly reports; and
- j. Defendant shall not violate the Rules of Professional Conduct or any state or federal laws (including the revenue and tax laws of any jurisdiction) other than minor traffic violations during the period of stayed suspension.

9. If Defendant fails to comply with any one or more of the conditions stated in Paragraph 8 above, then the stay of the suspension of his law license may be lifted as provided in 27 N.C. Admin. Code 1B § .0118(a) (“Stayed Suspensions.”)
10. If Defendant does not seek a stay of the suspension, or if some part of the suspension is stayed and thereafter the stay is revoked, Defendant must provide in support of his petition for reinstatement clear, cogent, and convincing evidence of the following:
  - a. Compliance with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B § .0129 (“Reinstatement”); and
  - b. Compliance with the conditions set out in paragraph 6 above.
11. Nothing in this Order shall prohibit the State Bar from investigating and, if necessary, pursuing disciplinary action against Defendant for additional misconduct discovered or reported which occurred during the same time period as the conduct addressed in this Order.
12. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B § .0118(a) of the North Carolina State Bar Discipline and Disability Rules throughout the suspension, and any stay thereof, and until all conditions set out above are satisfied.

Signed by the Chair with the consent of the other Hearing Panel members, this the 21 day of November, 2018.

  
Donald C. Prentiss, Chair  
Disciplinary Hearing Panel