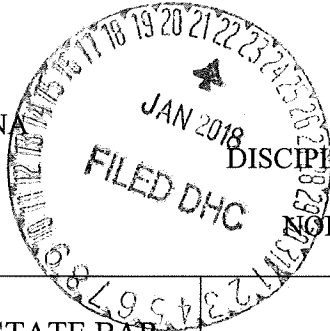


STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 DHC 38 R

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

SHAUN L. HAYES, Attorney,

Defendant

ORDER
STAYING SUSPENSION

This matter came on for consideration by a hearing panel of the Disciplinary Hearing Commission (DHC) composed of Fred M. Morelock, Chair, William O. King, and Jane B. Weathers upon Defendant's Verified Motion for Stay of Suspension and License Reinstatement filed 30 November 2017. Leonor Bailey Hodge represented Plaintiff, the North Carolina State Bar. Defendant, Shaun L. Hayes, appeared *pro se*. Based upon Defendant's verified motion and supporting documentation, the hearing panel hereby finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereafter "State Bar"), is a body duly organized under the laws of North Carolina and was the proper party to bring the above disciplinary proceeding against Defendant, Shaun L. Hayes (hereafter "Defendant" or "Hayes"), 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 promulgated thereunder.

2. Hayes was admitted to the North Carolina State Bar on 26 August 2003 and is, and was at all times referred to herein, 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.

3. On 29 November 2016, the DHC entered an Order of Discipline in this matter. The Order of Discipline suspended Hayes for two years. The Order of Discipline provided that after serving no less than one year of the suspension, Hayes could apply to have the suspension stayed upon filing a motion in the cause and demonstrating by clear, cogent, and convincing evidence that he complied with the

general provisions of 27 N.C. Admin. Code 1B.0125¹ and the conditions stated in the Order of Discipline. The Order of Discipline was effective 30 December 2016.

4. Hayes moved to have his suspension stayed by filing a Verified Motion for Stay of Suspension and License Reinstatement on 30 November 2017. Hayes' verified motion shows actions taken to comply with the conditions in the Order of Discipline. Hayes also attached documentation in support of his statements as further evidence.

5. Hayes properly filed the motion with the Clerk of the DHC and served a copy on the Office of Counsel of the State Bar.

6. Hayes submitted his law license and membership card to the Secretary of the State Bar no later than 30 days following the effective date of the Order of Discipline.

7. Hayes complied with N.C. Admin. Code 1B.0124².

8. Hayes filed an affidavit with the Secretary of the State Bar within 10 days of the effective date of the Order of Discipline in this matter, certifying he had complied with the wind down rule.

9. Hayes paid within 30 days of service of the statement of fees and costs upon him by the Secretary of the State Bar the administrative fees and costs of the proceedings.

10. Hayes timely provided the State Bar's Office of Counsel with an address and telephone number at which clients seeking return of their files could communicate with Hayes.

11. Hayes kept the State Bar Membership Department advised of his current address.

12. Hayes accepted all certified mail from the State Bar and responded to all letters of notice and requests for information from the State Bar.

13. Hayes participated fully, timely, and in good faith in the State Bar's fee dispute resolution program when notified of petitions for resolution of disputed fees.

14. Hayes did not engage in the unauthorized practice of law during the period of suspension.

15. During the period of active suspension, Hayes abstained from conduct constituting grounds for discipline under N.C. Gen. Stat. § 84-28(b).

¹ Now codified as 27 N.C. Admin. Code 1B.0129.

² Now codified as 27 N.C. Admin. Code 1B.0128.

16. Hayes is current in payment of all Membership dues, fees and costs.

17. There is no deficit in Hayes' completion of mandatory Continuing Legal Education (CLE) hours.

Based upon the foregoing Findings of Fact, the Hearing Panel hereby enters the following:

CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Shaun L. Hayes, and the subject matter.

2. Hayes has satisfied all of the conditions precedent for a stay of the suspension imposed as set forth in the Order of Discipline.


3. Hayes is eligible for a stay of his suspension subject to the terms of the Order of Discipline in this matter entered on 29 November 2016.


Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Panel hereby enters the following:

ORDER

1. The suspension of Hayes' law license is stayed and Hayes is reinstated to the active practice of law, subject to the terms, conditions, and requirements of the Order of Discipline in this case. Hayes' status as an active member of the North Carolina State Bar during the term of the stay of suspension is contingent upon his compliance with all of the conditions set forth in the Order of Discipline.

2. The Disciplinary Hearing Commission will retain jurisdiction of this matter pursuant to 27 N.C. Admin. Code 1B.0118 throughout the period of the stayed suspension.

 Signed by the Chair with the consent of the other hearing panel members, this the 22nd day of January, 2018.



Fred M. Morelock, Chair
Disciplinary Hearing Panel