

NORTH CAROLINA
WAKE COUNTY

BEFORE
THE GRIEVANCE COMMITTEE
OF
THE NORTH CAROLINA STATE BAR
23G0503

IN THE MATTER OF)
)
BRENT F. KING,) CENSURE
ATTORNEY AT LAW)

On April 24, 2025, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by O.D. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant 27 N.C. Admin. Code 1B.0113(a), the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

Having found probable cause exists in your matter, the Grievance Committee next considered what level of discipline is most appropriate based on all the facts, the nature of the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. After further discussion and deliberations, the Grievance Committee determined the conduct before it merited discipline at the level of censure.

A censure is a written form of discipline issued when an attorney is determined to have violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the protection of the public does not require suspension of an attorney's license.

As Chair of the Grievance Committee of the North Carolina State Bar, it is my duty to issue this censure.

In April 2022, you acted as the closing agent for what was to be a same-day double real estate closing. Consequently, you had a duty to represent both the borrower and the lender in the transaction. You were also obligated to disburse the lender's entrusted funds in a manner consistent with the lender's closing instructions. The lender, who provided funds to Party B for the double closing, instructed you not to disburse the entrusted funds 1) unless the Party A to Party B closing occurred on the same day as the Party B to Party C closing, and 2) after Party C signed the sale documents and their funds were deposited into your trust account.

In contravention of the lender's closing instructions, the Party A to Party B closing occurred days before the Party B to Party C closing was initiated. Additionally, before the Party B to Party C closing was initiated, your staff member disbursed the lender's funds to Party A against the lender's instructions while notifying you via email about that disbursement concurrently with notice to Party A.

After the lender's funds were disbursed to Party A, the Party B to Party C transaction was initiated. However, upon contacting Party C to complete the closing, Party C notified your firm that they were withdrawing from the purchase. When your firm contacted Party B to sign a promissory note and deed of trust to secure the lender's interest, Party B failed to respond. Consequently, the lender obtained a judgment against Party B, the property was sold to satisfy that judgment, but the lender did not recover their full loss by that sale.

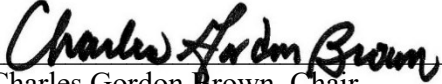
The State Bar recognizes that prior to being aware of this grievance filing, you accepted responsibility for this matter. You also voluntarily entered into an agreement with the lender whereby you would make the lender whole. However, regardless of these efforts after the fact, by failing to disburse the lender's entrusted funds as directed by the lender you violated rule 1.15-2(n), by failing to take reasonable remedial action at the time your staff member wrongfully disbursed the lender's funds, you violated Rule 5.3(c).

Accordingly, you are hereby censured by the North Carolina State Bar for your professional misconduct consisting of the cited violations of the Rules of Professional Conduct. The Grievance Committee trusts that you will heed this censure, recognize the errors you made, and hereafter embrace and adhere to the high ethical standards of the legal profession to which you committed when you took your oath. This censure should serve as a strong reminder and inducement for you to weigh carefully your responsibility to the public, your clients, your fellow attorneys and the courts, and to comport yourself as a respected member of the legal profession whose conduct may be relied upon without question.

If you accept this censure, it will be forwarded to the Clerk of the Superior Court in the county where you practice for entry upon the judgment docket and to the Clerks of the North Carolina Supreme Court and Court of Appeals, the United States District Courts of North Carolina, the United States Court of Appeals for the Fourth Circuit and the United States Supreme Court for entry in their minutes. The censure will be maintained as a record in the judgment book of the North Carolina State Bar and a copy will be sent to the complainant. Please review carefully the details set forth in the formal Notice of Censure attached.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 10th day of June, 2025.


Charles Gordon Brown, Chair
Grievance Committee

CGB/jms