



STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
21 DHC 10 N

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

CHRISTI MISOCKY, Attorney,

Respondent

ORDER OF
NONCOMPLIANCE
SUSPENSION

THIS MATTER came on for hearing on for consideration 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 Leonor Bailey Hodge. Respondent, Christi Misocky ("Misocky"), did not appear and was not represented.

Based upon the filings in this matter, 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, Christi Misocky ("Misocky"), was licensed to practice law in North Carolina in 2010.
3. The State Bar's membership database shows the following address for Misocky: 4103 Weddington Road, Monroe, NC 28110.
4. In 2017, Misocky maintained two attorney trust accounts at Wells Fargo Bank, a general trust account with account number ending in 7948 ("WF7948") and a real estate trust account with account number ending in 7951 ("WF7951").
5. Misocky came to the attention of the State Bar when it received notice that checks drawn on WF7948 and WF7951 were presented to the bank for payment and returned unpaid due to insufficient funds in these trust accounts ("NSF notices").

6. Although Respondent provided some explanation for the NSF notices and some documentation to support such explanation, she failed to provide the required complete explanation with supporting documentation.

7. At or near the time the State Bar was investigating the NSF notices for WF7948 and WF7951, on 17 March 2017, the State Bar opened grievance file no. 17G0268 in response to allegations of misconduct by Misocky in a real estate closing.

8. On 23 March 2017, the Chair of the Grievance Committee issued to Misocky a Subpoena for Cause Audit in connection with its investigation of grievance file no. 17G0268.

9. Pursuant to the Subpoena for Cause Audit, the State Bar sought production of the following for WF7948 and WF7951: bank statements, deposit tickets, deposit items, remote deposit confirmations, credit card and ACH deposit memos or advices, copies canceled checks (front and back), debit & credit memos, wire transfer advices and confirmations, electronic transfer confirmations, and notices of return or dishonor of any item drawn on the accounts for 1 January 2016 through the date of the subpoena. Pursuant to the Subpoena for Cause Audit, Misocky was also required to produce copies of client ledgers and copies of HUD-1 Settlement Statements or closing disclosures for the same period.

10. Misocky was required to produce the requested records on or before 6 April 2017.

11. Misocky was sent a copy of the Subpoena for Cause Audit by email dated 23 March 2017.

12. Misocky sent the following records in response to the Subpoena for Cause Audit:

- a. Bank statements for WF7948 from 1 January 2016 through 31 March 2017;
- b. Wire transfer confirmations for WF7951 from 9 November 2015 through 30 December 2016;
- c. Incoming checks and deposits for WF7951 from 12 January 2016 through 23 January 2017; and
- d. Copies of outgoing checks for WF7951 from January 2016 through March 2017.

13. The documents Misocky provided did not constitute all the documentation she was required to produce pursuant to the subpoena.

14. On 30 May 2017, the State Bar opened grievance file no. 17G0545 in response to allegations of misconduct by Misocky made by J.A.

15. On 22 June 2017, the State Bar opened grievance file no. 17G0631 in response to allegations of misconduct by Misocky made by D.R.

16. Misocky was served with the Letter of Notice for grievance file no. 17G0545 on 22 July 2017. Misocky was required to submit her written response to the Letter of Notice within fifteen days of the date the Letter of Notice was served upon her.

17. On 28 July 2017, the State Bar opened grievance file no. 17G0739 in response to allegations of misconduct by Misocky made by B.G.

18. In an email dated 1 August 2017, Misocky apologized for failing to send all documents required by the Subpoena for Cause Audit and indicated a desire to cooperate with the State Bar's investigation.

19. Despite sending this message, Misocky did not cooperate with the State Bar's investigation and did not send the documents required pursuant to the Subpoena for Cause Audit.

20. As a result of the findings of the preliminary investigation into the NSF notices and the grievances that had been filed to date against Misocky, the court entered on 4 August 2017 a consent order of preliminary injunction enjoining Misocky from handling entrusted funds.

21. The State Bar received Misocky's response to the Letter of Notice in grievance file no. 17G0545 on 15 August 2017. This was more than fifteen days after the date the Letter of Notice was served upon her.

22. After entry of the preliminary injunction, the State Bar opened several other grievance files in response to complaints of allegations of misconduct by Misocky, grievance files no. 17G0893, 17G0962, 17G0988, 17G1122, 17G1146, 17G1154, 17G1155, 17G1168, 18G0060, 18G1038, 18G1039, 18G1040, and 20G0882.

23. Misocky was served with the Letter of Notice for grievance file no. 17G0631 on 24 August 2017. Misocky was required to submit her written response to the Letter of Notice within fifteen days of the date the Letter of Notice was served upon her.

24. Misocky failed to submit within fifteen days of service of the Letter of Notice a written response to the Letter of Notice for grievance file no. 17G0631.

25. In addition to the Letters of Notice sent for grievance files no. 17G0545 and 17G0631, the State Bar issued Letters of Notice for grievance files no. 17G0893, 17G0962, 17G1122, 17G1146, 17G1154, 17G1155, and 17G1168.

26. Some of the complaints filed against Misocky alleged conduct that stemmed from the matters being investigated in connection with the NSF notices issued in early 2017. Letters of Notice for such files were not issued.

27. On 1 September 2017, the State Bar sent an email to Misocky in connection with the pending grievance files seeking production of copies of client files for all clients whose funds were maintained in her trust accounts between 1 January 2015 through 1 September 2017.

28. On 6 September 2017, the State Bar reiterated by certified mailings its email request to Misocky for client files. These certified mailings were sent to Misocky using two mailing addresses: the address listed in the State Bar's Membership database and the return address listed on the last mailing the State Bar received from Misocky.

29. Misocky did not produce the requested records or otherwise respond to the September 1st email or September 6th letter.

30. On 26 September 2017, the State Bar sent a letter to Misocky informing her that her response to grievance file no. 17G0631 was past due. Despite being served with a Letter of Notice and sent this communication, Misocky failed to submit a written response to the Letter of Notice for grievance file no. 17G0631.

31. On 16 October 2017, the State Bar emailed Misocky in response to an email from her and informed her about the outstanding Letters of Notice and its September 6th letter to her. In this email, the State Bar again asked Misocky to provide the information previously requested.

32. Misocky sent a reply to the State Bar's email that did not address the substance of the email and in which she claimed she believed the matter had been closed.

33. The State Bar again requested on 17 October 2017 the information Misocky had failed to previously provide.

34. Misocky did not produce any additional information in response to the State Bar's October 16th email or October 17th follow-up request.

35. On 24 October 2017, Misocky was served with the Letters of Notice for grievance files no. 17G0739, 17G0893, and 17G0988.

36. On 19 December 2017, Misocky was served with the Letters of Notice for grievance files no. 17G1146, 17G1154, and 17G1155.

37. Misocky did not respond to the Letters of Notice for grievance files no. 17G0739, 17G0893, 17G0988, 17G1146, 17G1154, and 17G1155.

38. The certified mailings to Misocky containing Letters of Notice for grievance files no. 17G0962 and 17G1168 were returned to the State Bar unclaimed.

39. In or about early 2018, the State Bar received information that Misocky was in contact with the South Carolina State Bar, of which she was also a member.

40. The South Carolina State Bar shared the contact information it had for Misocky.

41. On or about 7 May 2018, the State Bar's investigator attempted to contact Misocky by telephone. The call was answered by a voicemail with a greeting which stated that the caller had reached the Law Office of Christi Misocky. The investigator left a message asking Misocky to contact the State Bar to set a time for an interview. Misocky never returned the call.

42. The State Bar's efforts to contact Misocky using the contact information provided by the South Carolina State Bar were unsuccessful.

43. All of the grievance files referenced above remain pending.

44. Although the State Bar was able to obtain many of Misocky's trust account bank records directly from the bank pursuant to the Consent Order of Preliminary Injunction, there are still records and information needed by the State Bar to investigate the several grievances pending against Misocky.

45. Despite several requests from the State Bar, Misocky has failed to provide the following information and records as of the date of this petition:

- a. HUD-1 Settlement Statements;
- b. Closing disclosures;
- c. Client ledgers;
- d. Client files; and
- e. Written responses to the Letters of Notices for grievance files no. 17G0739, 17G0893, 17G0988, 17G1146, 17G1154, and 17G1155.

46. Misocky has failed to fully comply with the Subpoena for Cause Audit.

47. Misocky has failed to respond to several Letters of Notice served upon her.

48. Misocky has failed to cooperate with the State Bar's efforts to serve Letters of Notice upon her.

49. In September 2020, the State Bar learned that Misocky is a fugitive hiding from federal authorities in connection with federal criminal charges pending against her.

50. Many of the records Misocky has been directed to provide are records she is required to maintain pursuant to Rule 1.15-3(g) of the Rules of Professional Conduct.

51. Misocky has failed to respond fully and timely to the Letters of Notice issued to her in grievance files numbered 17G0268, 17G0631, 17G0739, 17G0893, 17G0988, 17G1146, 17G1154, and 17G1155.

52. Misocky is noncompliant with the investigation of grievance files numbered 17G0268, 17G0631, 17G0739, 17G0893, 17G0988, 17G1146, 17G1154, and 17G1155 as defined in 27 N.C. Admin. Code 1B.0135(a).

53. Misocky did not appear or otherwise respond to the Order to Show Cause for Grievance Noncompliance.

54. Misocky has not shown that she was and is fully in compliance with the investigation of grievance files numbered 17G0268, 17G0631, 17G0739, 17G0893, 17G0988, 17G1146, 17G1154, and 17G1155.

55. Misocky has not shown that she has fully cured her noncompliance with the investigation of grievance files numbered 17G0268, 17G0631, 17G0739, 17G0893, 17G0988, 17G1146, 17G1154, and 17G1155.

56. Misocky has not shown that there is good cause for her noncompliance with the investigation of grievance files numbered 17G0268, 17G0631, 17G0739, 17G0893, 17G0988, 17G1146, 17G1154, and 17G1155.

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, Christy Misocky, and over the subject matter of this proceeding.

2. Respondent has been noncompliant with the investigation of grievance files numbered 17G0268, 17G0631, 17G0739, 17G0893, 17G0988, 17G1146, 17G1154, and 17G1155 by failing to fully and timely respond to the Letter of Notice issued to her in each of these files.

3. Respondent's noncompliance constitutes grounds for the suspension of her law license pursuant to 27 N.C. Admin. Code 1B.0135(e)(3).

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

ORDER

1. Respondent, Christy Misocky, is hereby suspended from the practice of law, effective thirty (30) days following the date this Order is served upon her.

2. Respondent shall comply with the wind-down provisions referenced in 27 N.C. Admin Code 1B.0135(h).

3. 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 7 day of June, 2021.


Donald C. Prentiss, Chair
Disciplinary Hearing Commission