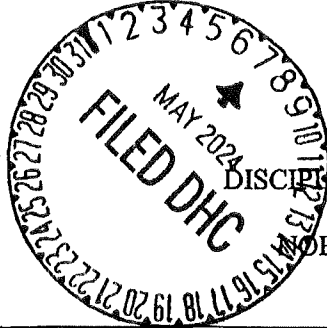


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
 DISCIPLINARY HEARING COMMISSION
 OF THE
 NORTH CAROLINA STATE BAR
 24 DHC 2

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

RANDALL CHARLES PLACE, Attorney,

Defendant

CONSENT ORDER
 OF
 DISCIPLINE

This matter came before a hearing panel of the Disciplinary Hearing Commission composed of Christon S. Halkiotis, Chair, DeWitt F. McCarley, and Mark D. Jerrell. Savannah B. Perry and Kathryn H. Shields represented Plaintiff, the North Carolina State Bar. Defendant, Randall Charles Place, appeared *pro se*. Defendant waives a formal hearing in this matter. The parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order. The parties consent to the discipline imposed by this order. By consenting to the entry of this order, Defendant knowingly, freely, and voluntarily waives his right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based on the foregoing and on the consent of the parties, the Hearing Panel makes by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body 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. Defendant, Randall Charles Place, was admitted to the North Carolina State Bar on March 29, 2008, 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 Rules and Regulations of the North Carolina State Bar, and the Rules of Professional Conduct.

3. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in Collier County, Florida and/or Miami-Dade County, Florida.

4. Defendant created a Facebook page titled "North Collier Fire Commissioner set 4" wherein he posted multiple comments about the attorney representing Defendant's former wife in their dissolution matter.

5. Defendant posted these comments with the objective that his former wife's counsel would not be reelected as Fire Commissioner.

6. The former wife filed a Petition Against Domestic Violence against Defendant on November 1, 2018, and a Supplemental Affidavit in Support of Petition for Injunction for Protection Against Dating Violence on November 8, 2018.

7. In the Amended Final Judgment of Injunction for Protection Against Domestic Violence with Minor Child(ren) (After Notice) dated November 26, 2018, the court found that Defendant engaged in cyberstalking of the former wife.

8. Specifically, the court found "that the Facebook page titled 'North Collier Fire Commissioner Set 4' is not legitimately exercising free speech for the purpose of objecting to a political candidate, but rather is intended to harass the petitioner/former wife. Most, if not all of the content is about the former wife, the parties' divorce and custody case and (opposing counsel's) representation of the former wife."

9. The Court issued the original Final Judgment of Injunction on November 13, 2018, and the Amended Final Judgment of Injunction on November 26, 2018.

10. The court enjoined Defendant from contact with the former wife.

11. On November 19, 2018, Defendant was arrested for violation of the injunction for allegedly calling his former wife to speak with his daughter on his birthday.

12. On May 15, 2019, Defendant pled no contest to the charge of violation of an injunction for the protection against violence and placed on 12 months' probation.

13. On July 31, 2019, Defendant was arrested for a violation of probation for allegedly inadvertently calling his former wife with a pocket dial.

14. As a result, on August 26, 2019, Defendant's probation was modified to include a 30-day jail sentence and a required that he complete anger management as a condition of probation. Adjudication was withheld.

Based on the foregoing Findings of Fact and with the consent of the parties, the Hearing Panel makes the following:

CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Randall Charles Place and the subject matter of this proceeding.

2. Defendant was properly served with the summons and complaint in this case.

3. Defendant'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) in that Defendant violated the Rules of Professional Conduct as follows:

- a) By engaging in the acts set forth above that resulted in a Florida court issuing an Amended Final Judgment of Injunction for Protection Against Domestic Violence with Minor Child(ren) (After Notice) dated November 26, 2018, Defendant engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d); and
- b) By violating the Final Judgment of Injunction and the terms of his probation, Defendant knowingly disobeyed an obligation under the rules of a tribunal in violation of Rule 3.4(c); committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b); and engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d).

Based on the foregoing Findings of Fact and Conclusions of Law and the consent of the parties, the Hearing Panel makes by clear, cogent and convincing evidence the following:

FINDINGS OF FACT REGARDING DISCIPLINE

1. Defendant has substantial experience in the practice of law. He has been licensed to practice in Florida since April 2000 and in North Carolina since March 2008.

2. In addition to the Final Judgment of Injunction and probation term, Defendant's misconduct resulted in other sanctions in that he received a thirty-day suspension from the Florida Bar owing, in part, to the above-described misconduct. Defendant volunteered documentation concerning the outcome of the disciplinary case against him in Florida to the North Carolina State Bar, and he was cooperative with the State Bar's investigation and actively participated in this disciplinary proceeding.

3. Defendant intended to commit acts where harm or potential harm was foreseeable in that he set up a Facebook page outwardly relating to his former wife's counsel's re-election for local Fire Commissioner but made comments designed to harass his former wife and impede her counsel in the election.

4. Defendant's commission of criminal acts reflecting adversely on his honesty, trustworthiness or fitness as a lawyer caused significant harm to the legal profession, in that criminal conduct by attorneys tends to bring the legal profession into disrepute.

5. Defendant's violation of the Final Judgment of Injunction and the terms of his probation caused significant harm to the public and the profession, in that it showed him to be untrustworthy as a lawyer. Courts, other lawyers, and clients must be able to rely upon the trustworthiness of lawyers to uphold our system of justice. Defendant's actions deprive the ability

of the courts, other lawyers, and potential clients to rely on him to respect the judicial system and the sanctity of court orders.

6. Defendant is genuinely remorseful and understands the nature and gravity of his misconduct.

7. Defendant's misconduct resulted from personal and emotional stressors related to the dissolution of his marriage and a contentious child custody dispute. It did not involve Defendant's representation of any client(s).

8. Upon instruction of the court, Defendant promptly took down the Facebook page.

9. Defendant also obtained a psychological evaluation upon recommendation of the Florida Bar, which concluded that he "has no mental health diagnosis that prevents him from safely practicing law." Nevertheless, Defendant freely entered into a rehabilitative contract with Florida's Lawyer's Assistance Program to ensure no further contact with his former wife. He completed Batter's Intervention and Anger Management Courses and met with a counselor for over two years.

10. Defendant is not currently practicing law in any state or jurisdiction. He has not practiced law in North Carolina since 2013 or in Florida since 2021.

11. Defendant had no prior professional discipline in North Carolina or Florida.

Based on the foregoing Findings of Fact, Conclusions of Law, Findings of Fact Regarding Discipline, and the consent of the parties, the Hearing Panel enters the following:

CONCLUSIONS 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.

2. The Hearing Panel has considered the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(1) and determined the following factors are applicable in this matter:

- (a) Intent of the defendant to commit acts where the harm or potential harm is foreseeable;
- (b) Negative impact of defendant's actions on client's or public's perception of the profession;
- (c) Negative impact of defendant's actions on the administration of justice; and
- (d) Effect of defendant's conduct on third parties.

3. The Hearing Panel has considered the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(2) and determines that none of the factors requiring consideration of disbarment are applicable in this matter.

4. The Hearing Panel has considered the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(3) and determines that the following factors are applicable in this matter:

- (a) Absence of prior disciplinary offenses in this state or any other jurisdiction;
- (b) Timely good faith efforts to make restitution or to rectify consequences of misconduct;
- (c) Effect of any physical or mental disability or impairment on the conduct in question;
- (d) Interim rehabilitation;
- (e) Cooperative attitude toward the proceedings;
- (f) Remorse;
- (g) Degree of experience in the practice of law; and
- (h) Imposition of other penalties or sanctions.

5. A censure, reprimand, or admonition would be insufficient discipline because of the gravity of the harm and potential harm to the profession and the administration of justice.

6. The public will be adequately protected by suspension of Defendant's license.

7. The Hearing Panel determines that discipline short of suspension would not adequately protect the public, the legal profession or the administration of justice for the following reasons:

- (a) The factors under Rule .0116(f)(1) and (3) are of a nature that support imposition of a suspension as the appropriate discipline; and
- (b) Entry of an order imposing less serious discipline would fail to acknowledge the seriousness of the offenses Defendant committed and would send the wrong message to attorneys and to the public regarding the conduct expected of members of the Bar of this state.

Based on the foregoing Findings of Fact, Conclusions of Law, Findings of Fact Regarding Discipline, Conclusions of Law Regarding Discipline, and the consent of the parties, the Hearing Panel hereby enters the following:

ORDER OF DISCIPLINE

1. The law license of Defendant, Charles Randall Place, is hereby suspended for 30 days, effective 30 days from service of this order upon Defendant.

2. Defendant shall submit his license and any 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. As required by § .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. Defendant is taxed with the administrative fees and costs of this action as assessed by the Secretary, which shall be paid within 180 days of service of the notice of costs upon Defendant.

5. At the conclusion of the 30 day suspension period, Defendant may seek reinstatement of his law license by filing a petition with the Secretary of the North Carolina State Bar demonstrating by clear, cogent, and convincing evidence that, in addition to complying with the general provisions for reinstatement listed in 27 N.C.A.C. 1B § .0129 of the North Carolina State Bar Discipline & Disability Rules, Defendant has complied with the following conditions:

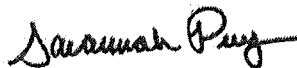
- (a) That Defendant has kept the North Carolina State Bar Membership Department advised of his current business and home addresses and notified the State Bar of any change in address within ten days of such change;
- (b) That Defendant has accepted all certified mail from the North Carolina State Bar, responded to all communications from the State Bar by the deadline stated in the communication, and participated in good faith in the State Bar's fee dispute resolution process for any petition received after the effective date of this Order;
- (c) That Defendant has not violated the Rules of Professional Conduct or the laws of the United States or any state or local government during his suspension, other than minor traffic violations;
- (d) That Defendant paid the costs of this action within 30 days after service of the statement of costs; and
- (e) That Defendant properly wound down his law practice and complied with the requirements of § .0128 of the North Carolina State Bar Discipline and Disability Rules.

6. Defendant may file the petition for reinstatement up to 10 days prior to the end of the suspension period but will not be reinstated until he has served at least 30 days of active suspension.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, this is the 7th day of May, 2024.


Christon Halkiotis
Hearing Panel Chair

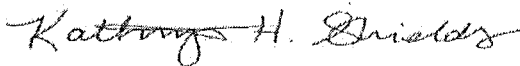
CONSENTED TO:



Savannah B. Perry, Deputy Counsel
Counsel for Plaintiff



Randall Charles Place, Defendant
Pro Se



Kathryn H. Shields, Deputy Counsel
Counsel for Plaintiff