

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
CHARLES EDWARD AYERS, JR.,**

*Respondent*

**VSB DOCKET NO.: 10-000-084315**

**MEMORANDUM ORDER**

THIS MATTER came on to be heard on May 20<sup>th</sup>, 2011, before a panel of the Virginia State Bar Disciplinary Board consisting of William E. Glover, Chair, presiding, Randall G. Johnson, Jr., Deborah A. Wilson, Samuel R. Walker, and Jody D. Katz, lay member. The Virginia State Bar was represented by Harry M. Hirsch, Deputy Bar Counsel and Renu M. Brennan, Assistant Bar Counsel. The respondent, Charles Edward Ayers, Jr., was represented by William D. Bayliss and M. Eve G. Campbell. The court reporter for the proceeding, Jennifer L. Hairfield of Chandler & Halasz, Post Office Box 9349, Richmond, Virginia 23227, telephone: (804) 730-1222, was duly sworn by the Chair.

The Chair polled the members of the Board as to whether any of them had any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, and each member responded that there were no such conflicts.

The Bar contends the Respondent failed to comply with this Board's Order of November 20<sup>th</sup>, 2001, a Public Reprimand with Terms, which ratified, adopted and approved the Agreed Disposition entered into by the parties which included terms calling for (1) the Respondent not to participate in business transactions with clients directly or indirectly in any manner, with or

without consent of the client and that (2) lawyers in Respondent's law firm not to represent clients in business transactions in which Respondent is a participant either directly or indirectly. The Bar contends that the Respondent did not comply with the terms of the November 20, 2001, Order because (1) his firm received finder's fees of at least \$60,000.00 to \$70,000.00 from clients in a transaction; (2) he advanced or loaned personal funds to a client in anticipation of a commercial real estate closing; and (3) because he indicated in order to go forward with a proposed project he required a non-refundable fee of \$100,000.00 plus a \$10,000.00 retainer to be applied to attorneys' fees and costs, of which he received \$60,000.00. The Bar requested that the Board find Respondent violated two of the terms of the Agreed Disposition and impose the alternate sanction of revocation of his license to practice law in the Commonwealth of Virginia.

The Board accepted into evidence the Bar's and the Respondent's exhibits, heard extensive evidence from the parties, and considered the argument of Bar Counsel and Respondent's Counsel.

A majority of the panel of the Board finds that the Respondent has met his burden of proof showing by clear and convincing evidence that he did not violate the terms of his prior discipline and, therefore, the show cause is DISMISSED.

It is further ORDERED that the Clerk of the Disciplinary System shall send an attested copy of this Order by certified mail to the Respondent, Charles Edward Ayers, Jr., at his address of record with the Virginia State Bar, being Ayers & Stolte, P.C., 710 North Hamilton Street, Richmond, VA 23221-2035, and by regular mail to William D. Bayliss, and M. Eve G. Campbell, Respondent's Counsel, at Williams Mullen, 200 S 10<sup>th</sup> Street, P. O. Box 1320, Richmond, VA 23218-1320, and

by hand-delivery to Harry M. Hirsch, Deputy Bar Counsel, and Renu M. Brennan, Assistant Bar Counsel, at the Virginia State Bar, Suite 1500, 707 East Main Street, Richmond, VA 23219; and

IT IS FURTHER ORDERED that this matter shall be closed and taken off the docket of the Disciplinary Board.

ENTERED THIS 28<sup>th</sup> day of June, 2011.

**VIRGINIA STATE BAR DISCIPLINARY BOARD**

By: \_\_\_\_\_



William E. Glover, Chair