

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF PHILIP R. FARTHING

VS B DOCKET NO. 14-000-099849

AGREED DISPOSITION MEMORANDUM ORDER

On October 20, 2014, this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by the Rules of the Supreme Court of Virginia. The panel consisted of William H. Atwill, Jr., Chair, Thomas O. Bondurant, Jr., Deborah A. J. Wilson, Lisa A. Wilson and Stephen A. Wannall, Lay Member. The Virginia State Bar was represented by Paul D. Georgiadis, Assistant Bar Counsel. Philip R. Farthing was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Angela Sidener, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, Respondent's Disciplinary Record, and the Virginia State Bar Notification Letter dated October 3, 2014 with attachments,

It is **ORDERED** that the Board accepts the Agreed Disposition and the Respondent shall receive a payment of a fine of \$500.00, as set forth in the Agreed Disposition, which is attached to this Memorandum Order.

It is further **ORDERED** that the imposition of the penalty is effective October 20, 2014.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

A copy teste of this Order shall be mailed by Certified Mail to Philip R. Farthing, at his last address of record Philip R. Farthing, P.C., Wells Fargo Center, 440 Monticello Ave Ste 1800, Norfolk, VA 23510-6664 with the Virginia State Bar and hand-delivered to Paul D. Georgiadis, Assistant Bar Counsel, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-3565.

ENTERED THIS 20th DAY OF October, 2014

VIRGINIA STATE BAR DISCIPLINARY BOARD

**William H.
Atwill, Jr.**

Digitally signed by William H. Atwill,
Jr.
DN: cn=William H. Atwill, Jr., o=Atwill,
Troxell & Leigh, PC, ou,
email=batwill@atandlpc.com, c=US
Date: 2014.10.20 14:43:45 -04'00'

William H. Atwill, 2nd Vice Chair

VIRGINIA:

**BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
PHILIP R. FARTHING**

VSB Docket No. 14-000-099849

**AGREED DISPOSITION
(\$500.00 Fine)**

Pursuant to the Rules of the Virginia Supreme Court Rules of Court Part 6, Section IV, Paragraph 13-6.H., the Virginia State Bar, by Paul D. Georgiadis, Assistant Bar Counsel and Philip R. Farthing, Respondent, pro se, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all relevant times, Respondent was licensed to practice law in the Commonwealth of Virginia.
2. On or about May 15, 2014, Respondent conducted a settlement of a single family home located at 1517 Ashland Avenue, Norfolk, VA 23509.
3. As a closing on a single family home, Virginia Code §55-525.18 et. seq. governed this closing.
4. Virginia Code §55-525.30 and 15 VAC 5-80-30 required that Respondent be a registered settlement agent with the Virginia State Bar.
5. Notwithstanding the registration requirement, Respondent was not a registered settlement agent with the Virginia State Bar, although he had previously been registered through May, 2008.
6. The bar has no evidence that the Respondent has conducted other such regulated residential settlements, and Respondent represents that he has not done so.

II. NATURE OF MISCONDUCT

Such conduct by the Respondent constitutes a violation of the following :

§ 55-525.30. Settlement agent registration requirements and compliance with unauthorized practice of law guidelines. —

A. Every settlement agent subject to the provisions of this chapter shall be registered as such with the appropriate licensing authority. In conjunction therewith, settlement agents shall furnish (i) their names, business addresses, and telephone numbers and (ii) such other information as may be required. Each such registration (a) shall be accompanied by a fee not to exceed \$100, and (b) shall be renewed at least biennially thereafter. When the registration of a settlement agent is renewed, the appropriate authority shall notify the registrant of the provisions of § 17.1-223.

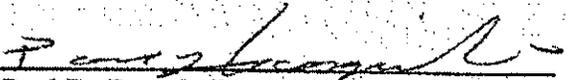
15VAC5-80-30. Registration; reregistration; required fee.

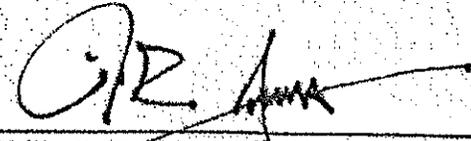
Every licensed attorney now providing or offering, or intending to provide or offer, escrow, closing or settlement services as a settlement agent with respect to real estate transactions in Virginia shall register with the Bar using the registration form available from the Bar for that purpose. Settlement agents beginning to provide or offer such services shall register with the Bar prior to doing so. The registration requirement in this paragraph shall not apply to attorney settlement agents unless they provide or offer to provide escrow, settlement, and closing services for real estate subject to CRESPA, i.e., real estate containing not more than four residential dwelling units. Thus, for example, attorneys who handle only commercial real estate transactions are not subject to these regulations.

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of the payment of a fine of \$500.00. The Respondent understands that he is further liable for costs or an administrative fee as imposed by the Clerk of the Disciplinary System per Pt. 6, §IV, ¶13-9 E. of the Rules of Court. The parties agree that this disposition represents an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board.

THE VIRGINIA STATE BAR

By: 
Paul D. Georgiadis, Assistant Bar Counsel


Philip R. Farthing, Respondent