

VIRGINIA:

*Before the Virginia State Bar Disciplinary Board*

*In the Matter of*

*Roger Jeffrey McDonald*

*Attorney at Law*

*On March 14, 2007, came Roger Jeffrey McDonald and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his resignation at a time when disciplinary charges are pending, he admits that the charges in the attached Affidavit Declaring Consent to Revocation are true.*

*The Board having considered the said Affidavit Declaring Consent to Revocation accepts his resignation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Roger Jeffrey McDonald be and the same hereby is revoked, and that the name of the said Roger Jeffrey McDonald be stricken from the Roll of Attorneys of this Commonwealth.*

Enter this Order this 14<sup>th</sup> day of March, 20 07

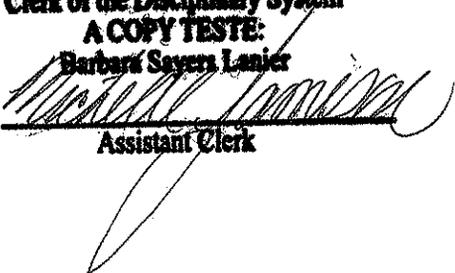
*For the Virginia State Bar Disciplinary Board*

By Barbara S. Lanier  
Barbara Sayers Lanier, Clerk of the Disciplinary System

**Clerk of the Disciplinary System**

**A COPY TESTE:**

**Barbara Sayers Lanier**

By: 

**Assistant Clerk**

received

MAR 14 2007

VIRGINIA:

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

**VSB CLERK'S OFFICE**

**IN THE MATTER OF  
ROGER JEFFREY MCDONALD**

**VSB Docket Nos: 06-032-4011  
06-032-4167  
06-032-4241  
07-032-0342  
07-032-1312  
07-032-1623  
07-032-1664  
07-032-2326**

**AFFIDAVIT DECLARING CONSENT TO REVOCATION**

Roger Jeffrey McDonald, after being duly sworn, states as follows:

1. I am over the age of twenty-one and competent to make the statements contained herein.

2. I was licensed to practice law in the Commonwealth of Virginia in 1977.

**VSB Docket Nos. 06-032-4011 and 06-032-4167**

**Complainant: Yvonne G. Smith, Clerk of Henrico County Circuit Court**

3. On or about May 8, 2006, I tendered a check to the Clerk of Henrico County Circuit Court in the amount of \$2,186.00 to record a deed of trust. The check was returned for insufficient funds. After I was notified by the Clerk that the check had been dishonored, I replaced the check with a bank check that was honored.

4. On or about June 9, 2006, I tendered a check to the Clerk of Henrico County Circuit Court in the amount of \$2,200.00 to record a deed of trust. The check was returned for insufficient funds. After I was notified by the Clerk that the check had been dishonored, I replaced the check with a bank check that was honored.

5. I admit that I have violated Rule 1.3(a) of the Rules of Professional Conduct by failing to act with reasonable diligence in conducting real estate closings.

6. I admit that I have violated Rule 1.15 of the Rules of Professional Conduct by failing to manage and reconcile my trust account.

7. I admit that I have violated Rule 5.3 of the Rules of Professional Conduct by failing to supervise the nonlawyer employees in my office and by failing to take reasonable efforts to ensure that their conduct comports with the Rules of Professional Conduct.

**VS B Docket No. 06-032-4241**

**Complainant: Bevill M. Dean, Clerk of Richmond Circuit Court**

8. On or about November 15, 2005, I tendered a check to the Clerk of Richmond Circuit Court in the amount of \$22.00. The check was returned for insufficient funds. After I was notified by the Clerk that the check had been dishonored, I replaced the check with a one that was honored.

9. On or about April 27, 2006, I tendered a check to the Clerk of Richmond Circuit Court in the amount of \$320.17. The check was returned for insufficient funds. After I was notified by the Clerk that the check had been dishonored, I replaced the check with a one that was honored.

10. On or about June 1, 1006, I tendered a check to the Clerk of Richmond Circuit Court in the amount of \$2323.34. The check was returned for insufficient funds. After I was notified by the Clerk that the check had been dishonored, I replaced the check with a one that was honored.

11. I admit that I have violated Rule 1.3(a) of the Rules of Professional Conduct by failing to act with reasonable diligence in conducting real estate closings.

12. I admit that I have violated Rule 1.15 of the Rules of Professional Conduct by failing to manage and reconcile my trust account.

13. I admit that I have violated Rule 5.3 of the Rules of Professional Conduct by failing to supervise the nonlawyer employees in my office and by failing to take reasonable efforts to ensure that their conduct comports with the Rules of Professional Conduct.

**YSB Docket No. 07-032-0342**  
**Complainant: Kathleen N. Jones**

14. I conducted a residential real estate closing on December 14, 2005 involving seller Kathleen Jones and buyers Cyril Post, Oscar Brian, and Deron Murphy. Although my office collected sufficient proceeds from the buyer's lender prior to closing, my office failed to pay off the seller's existing deed of trust until September 15, 2006, a few days shy of the scheduled foreclosure of that property.

15. I admit that I have violated Rule 1.3(a) of the Rules of Professional Conduct by failing to act with reasonable diligence in conducting real estate closings.

16. I admit that I have violated Rule 1.15 of the Rules of Professional Conduct by failing to manage and reconcile my trust account.

17. I admit that I have violated Rule 5.3 of the Rules of Professional Conduct by failing to supervise the nonlawyer employees in my office and by failing to take reasonable efforts to ensure that their conduct comports with the Rules of Professional Conduct.

**VSB Docket No. 07-032-1312**  
**Complainant: VSB/Anonymous**

18. I conducted a residential real estate closing on October 11, 2005 involving seller Urban Development Associates and buyers Katherine A. Bigwood and Anthony G. Moniero. Although my office collected sufficient proceeds from the buyer's lender prior to closing, my office failed to pay off the seller's existing deed of trust until December 9, 2005, after the seller's attorney demanded payment.

19. I admit that I have violated Rule 1.3(a) of the Rules of Professional Conduct by failing to act with reasonable diligence in conducting real estate closings.

20. I admit that I have violated Rule 1.15 of the Rules of Professional Conduct by failing to manage and reconcile my trust account.

21. I admit that I have violated Rule 5.3 of the Rules of Professional Conduct by failing to supervise the nonlawyer employees in my office and by failing to take reasonable efforts to ensure that their conduct comports with the Rules of Professional Conduct.

**VSB Docket No. 07-032-1623**  
**Complainant: Robert Charles Pauley**

22. I conducted a residential real estate closing on September 22, 2000 involving seller Larry Cochran and buyer Robert Pauley. Although my office collected sufficient proceeds from the buyer's lender prior to closing, my office failed to pay off the seller's existing deed of trust until November 9, 2005 after the buyer's realtor and attorney demanded payment.

23. I admit that I have violated Rule 1.3(a) of the Rules of Professional Conduct by failing to act with reasonable diligence in conducting real estate closings.

24. I admit that I have violated Rule 1.15 of the Rules of Professional Conduct by failing to manage and reconcile my trust account.

25. I admit that I have violated Rule 5.3 of the Rules of Professional Conduct by failing to supervise the nonlawyer employees in my office and by failing to take reasonable efforts to ensure that their conduct comports with the Rules of Professional Conduct.

**VSB Docket No. 07-032-1664**  
**Complainant: VSB**

26. I acted as the settlement agent in a sale of residential real estate located at 1707 Sheldrake Court, Richmond, Virginia 23238, which closed on February 10, 2006. The sellers were Slavik and Lena Dimitrovich; the buyers were Mikhail and Yelena Reshchikov. The first deed of trust was held by Citimortgage, Inc. and the payoff amount at the time of the closing was \$91,102.85.

27. Prior to closing, my office received funds from the buyer's lender sufficient to satisfy the payoff amount of the Citimortgage deed of trust. However, my office failed to pay off Citimortgage deed of trust. I have not since paid off the deed of trust.

28. I admit that I have violated Rule 1.3(a) of the Rules of Professional Conduct by failing to act with reasonable diligence in conducting real estate closings.

29. I admit that I have violated Rule 1.15 of the Rules of Professional Conduct by failing to manage and reconcile my trust account.

30. I admit that I have violated Rule 5.3 of the Rules of Professional Conduct by failing to supervise the nonlawyer employees in my office and by failing to take reasonable efforts to ensure that their conduct comports with the Rules of Professional Conduct.

**VSB Docket No. 07-032-2326**  
**Complainant: Angela L. Grady**

31. Sara Lyons LaFratta, a nonlawyer, has worked for me for many years. Ms. LaFratta assisted with residential real estate closings in which I was the settlement agent. As such, Ms. LaFratta had access to my trust account.

32. I acted as the settlement agent in a sale of residential real estate located at 9833 Colony Bluff Drive, Richmond, Virginia 23238, which closed on September 14, 2006. The sellers were Stuart Meyers and Patricia Lowry; the buyers were Henry and Sharon Gizzi. A deed of trust existed on the property.

33. Prior to closing, my office received funds from the buyer's lender sufficient to satisfy the payoff amount of the existing deed of trust. However, my office failed to pay off the deed of trust. Lawyers Title Insurance Corporation, the title insurer, has since paid \$454,370.73 to release the deed of trust.

34. I acted as the settlement agent in a sale of residential real estate located at 3213 Shadow Oaks Road, Midlothian, Virginia 23112, which closed on July 13, 2006. The sellers were Reginald Hill and Samatha Cruz-Hill; the buyers were Jeremiah and Charity Jimenez. A deed of trust existed on the property.

35. Prior to closing, my office received funds from the buyer's lender sufficient to satisfy the payoff amount of the existing deed of trust. However, my office failed to pay off the deed of trust. Lawyers Title Insurance Corporation, the title insurer, has since paid \$131,559.61 to release the deed of trust.

36. I acted as the settlement agent in a sale of residential real estate located at 1607 Swansbury Drive, Richmond, Virginia 23233 which closed on August 9, 2006. The seller was Weichert Relocation; the buyers were William and Laura Morgan.

37. Prior to closing, my office received funds from the buyer's lender sufficient to pay the contract sales price. However, my office failed to remit sale proceeds of approximately \$300,000 to the seller. My office also failed to record the deed.

38. I admit that I have violated Rule 1.3(a) of the Rules of Professional Conduct by failing to act with reasonable diligence in conducting real estate closings.

39. I admit that I have violated Rule 1.15 of the Rules of Professional Conduct by failing to manage and reconcile my trust account.

40. I admit that I have violated Rule 5.3 of the Rules of Professional Conduct by failing to supervise the nonlawyer employees in my office and by failing to take reasonable efforts to ensure that their conduct comports with the Rules of Professional Conduct.

#### General Statement

41. Pursuant to Part Six, § IV, ¶ 13.L. of the Rules of the Supreme Court of Virginia, I state that:

- a. My consent to revocation is freely and voluntarily rendered, that I am not being subjected to coercion or duress, and that I am fully aware of the implications of consenting to a revocation of my license to practice law in the Commonwealth of Virginia;
- b. I am aware that there is currently pending investigations into complaints involving allegations of Misconduct, the docket numbers of which are set forth above, and the specific nature of which is set forth above;
- c. I acknowledge that the material facts upon which the allegations of Misconduct set forth above are true; and
- d. I submit this Affidavit and consent to the Revocation of my license to practice law in the Commonwealth of Virginia because I know that if the disciplinary proceedings based on the said alleged Misconduct were prosecuted to a conclusion, I could not successfully defend them.

42. Pursuant to Part Six, § IV, ¶ 13.L, I understand the foregoing admissions may not be deemed an admission in any proceeding except one relating to my status as a member of the Virginia State Bar.

43. I reserve my Fifth Amendment right against self-incrimination and make no statement or representation whatsoever regarding any additional charges of ethical misconduct the Virginia State Bar might have brought against me, had I not consented to the revocation of my license to practice law, or any criminal charges that are pending or might be brought against me by law enforcement authorities.

Executed this 7 day of ~~February~~ <sup>MARCH</sup>, 2007.

  
Roger Jeffrey McDonald

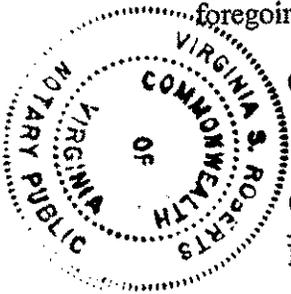
STATE OF VIRGINIA

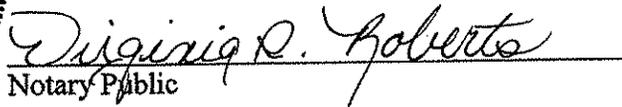
AT LARGE, to wit:

County of Henrico

I, Virginia S. Roberts, a Notary Public in the state aforesaid, do hereby certify that Roger Jeffrey McDonald appeared in person before me in the City/County of Henrico, Virginia, on this 7<sup>th</sup> day of ~~February~~ <sup>March</sup>, 2007 and was by me duly sworn and thereupon executed in my presence and acknowledged to me the truth of the contents and the voluntariness of execution of the foregoing Affidavit.

GIVEN under my hand this 7<sup>th</sup> day of ~~February~~ <sup>March</sup>, 2007.



  
Notary Public

My Commission expires: 8-31-2009.