

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
CHARLES ALBERT PRICE**

VS B DOCKET NO. 14-051-096204

AGREED DISPOSITION MEMORANDUM ORDER

On Monday, September 22, 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., 2nd Vice Chair, Melissa W. Robinson, Samuel R. Walker, Lisa A. Wilson, and Sandra W. Montgomery, Lay Member. The Virginia State Bar was represented by Kathleen M. Uston, Assistant Bar Counsel. Charles Albert Price 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 Jennifer L. Hairfield, 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, the Certification, Respondent's Disciplinary Record and any responsive pleadings of counsel,

It is **ORDERED** that the Board accepts the Agreed Disposition and the Respondent shall receive a Three-Year Suspension with Terms, effective September 22, 2014, as set forth in the Agreed Disposition, which is attached to this Memorandum Order.

It is further **ORDERED** that the sanction is effective on September 22, 2014.

It is further **ORDERED** that the Respondent must comply with the requirements of Part Six, § IV, ¶ 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom the Respondent is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his client. Respondent shall give such notice within 14 days of the effective date of the Three-Year Suspension with Terms, and make such arrangements as are required herein within 45 days of the effective date of the Three-Year Suspension with Terms. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Three-Year Suspension with Terms that such notices have been timely given and such arrangements made for the disposition of matters.

It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the Three-Year Suspension with Terms, Respondent shall submit an affidavit to that effect to the Clerk of the Disciplinary System at the Virginia State Bar. All issues

concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, unless the Respondent makes a timely request for a hearing before a three-judge court.

It is further **ORDERED** that 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 Charles Albert Price, at his last address of record The Law Offices of Charles A. Price, PLLC, Suite 240, 7010 Little River Turnpike, Annandale, VA 22003 with the Virginia State Bar and by regular mail to 13205 Serpentine Way, Silver Spring, MD 20904 and hand-delivered to Kathleen M. Uston, Assistant Bar Counsel, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-3565.

ENTERED THIS ___25th___ DAY OF September, 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: 2014.09.25 10:40:33 -04'00'

William H. Atwill, Jr., 2nd Vice Chair

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
CHARLES ALBERT PRICE

VS B Docket No. 14-051-096204

AGREED DISPOSITION
(Three Year Suspension with Terms)

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 Kathleen Maureen Uston, Assistant Bar Counsel and Charles Albert Price, Respondent, *pro se*, hereby enter into the following Agreed Disposition arising out of the referenced matter.

I. STIPULATIONS OF FACT

1. At all times relevant hereto, Charles Albert Price (hereinafter "Respondent") has been an attorney licensed to practice law in the Commonwealth of Virginia. In addition, at all times relevant hereto, Respondent has been President of, and Registered Agent for, Mortgage Trustees, L.L.C.
2. On or around June 27, 2013, and pursuant to his statutory obligation to do so, the Commissioner of Accounts for the Circuit Court of Fairfax County reported to the Virginia State Bar that, "the Law Offices of Charles A. Price (Respondent), PLLC, trading as Mortgage Trustees, LLC" (hereinafter "Respondent's Firm"), was delinquent in submitting a report of a foreclosure conducted by Respondent's Firm as Trustee. The Commissioner of Accounts advised the bar that on January 11, 2013, a Summons had been issued to Respondent's Firm due to this failure to file a proper account for the foreclosed property. Neither Respondent, nor any other representative of Respondent's Firm, responded to this Summons.
3. The Commissioner's file on the underlying matter reflects the fact that, subsequent to issuance of the Summons referenced above, additional letters and notices were sent directly to Respondent detailing precisely what he was required to file and the deadlines for those filings. Because he failed to respond to these notices, the Commissioner sought and obtained a Rule to Show Cause against Respondent's Firm, directing Respondent's Firm to appear and show cause on May 31, 2013, as to why a contempt finding should not be made. On May 31, 2013,

Respondent filed an accounting of the underlying foreclosure sale, and the Rule to Show Cause was continued to September 20, 2013.

4. The Commissioner's office thereafter conducted an audit of Respondent's accounting of the underlying foreclosure and noted several deficiencies. On June 19, 2013, the Commissioner's office sent Respondent written notice of the deficiencies that required correction. Respondent failed to respond to this letter.

5. By email dated August 21, 2013, the Commissioner's office reminded Respondent that the matter was scheduled on the court's docket for September 20, 2013, and reiterated the corrections that were required to be made to his accounting prior to that date. The Commissioner attached to this email another copy of his June 19, 2013, letter to Respondent.

6. The case was thereafter continued from September 20, 2013, to December 5, 2013. On October 29, 2013, and due to the fact that Respondent had failed to submit a corrected accounting of the underlying foreclosure which addressed the Commissioner's exceptions, the Commissioner's office sent yet another email to Respondent. Once again, a copy of the June 19, 2013, letter detailing the exceptions taken by the Commissioner to Respondent's accounting was attached to this email, and Respondent was reminded that the matter was set on the court's docket for December 5, 2013.

7. On December 5, 2013, the matter was heard by the Circuit Court of Fairfax County. Neither Respondent nor any other representative of Respondent's Firm appeared at this hearing and as of the date of Respondent's interview with Virginia State Bar Investigator David W. Jackson, which took place on December 13, 2013, Respondent had no idea about the outcome of this hearing nor was he aware of the details of the Order entered at that time.

8. After hearing argument and evidence presented at the hearing on December 5, 2013, the court entered an Order finding that Respondent's Firm had failed to file a proper account of the

sale on the foreclosed property, and finding that Respondent's Firm failed to pay fees required to be paid to the Commissioner's Office. The court ordered further that the Trustee's Fee paid to Respondent's Firm in the amount of \$1,400.00 be forfeited, and entered judgment against Respondent's Firm in favor of the Commissioner's Office in the amount of \$1,036.00, and in favor of two other individuals (upon information belief the purchasers at the underlying foreclosure sale) in the amount of \$1,455.00.

9. The Order entered by the court on December 5, 2013, specifically found that, "[I]n light of the failure to file a proper account, the Court directs that the Commissioner of Accounts file his report to be recorded in the land records of this County stating that the sale made under the deed of trust as set forth above may be voidable upon petition to the Circuit Court of Fairfax County." Following entry of this Order, the Commissioner administratively closed his file on the underlying foreclosure case.

10. On July 9, 2013, a copy of the Commissioner's complaint, referenced in Paragraph 2, above, was sent to Respondent at his last address of record with the Virginia State Bar (hereinafter the "VSB") under cover of a letter demanding that he provide a written response thereto within twenty-one (21) days, as is his obligation under the Rules of Professional Conduct. As of this date, Respondent has failed to file any response to the complaint in violation of applicable rules.

11. On or around April 11, 2007, Respondent's license to practice law in the Commonwealth of Virginia was suspended due to his failure to comply with his annual MCLE requirement. On October 10, 2008, Respondent's license to practice law in the Commonwealth of Virginia was suspended due to his failure to meet his annual dues requirement. On February 4, 2011, Respondent's license to practice law in the Commonwealth of Virginia was canceled due to his

continuing failure to pay dues. Respondent's license to practice law has been continually suspended, without any interruption or reinstatement, from April 11, 2007, until the present time.

12. All required notices notifying Respondent of the suspensions of his license, detailed in Paragraph 11, above, were served upon and/or sent to Respondent in accordance with applicable rules. In addition, respondent admitted to Investigator Jackson that he had actual notice of the fact that his license had been canceled in February, 2011.

13. During his interview with Investigator Jackson, Respondent also admitted that, despite the fact that his license to practice has not been in good standing for many years, he is nevertheless serving as counsel of record in a case currently pending in Fairfax County.

14. During the period of his suspension, Respondent nonetheless held himself out as being an Attorney at Law, in good standing, in both correspondence and on his office signage.

II. NATURE OF MISCONDUCT

Such conduct by the Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law

(c) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

RULE 7.5 Firm Names And Letterheads

(a) A lawyer or law firm may use or participate in the use of a professional card, professional announcement card, office sign, letterheads, telephone directory listing, law list, legal directory listing, website, or a similar professional notice or device unless it includes a statement or claim that is false, fraudulent, misleading, or deceptive. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1 and 7.2.

RULE 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

(c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[.]

RULE 8.4 Misconduct

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law[.]

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of a three (3) year suspension, with terms, as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. The terms with which the Respondent must comply are as follows:

1. The Respondent shall forthwith notify any and all sources of referrals of matters involving his service as Trustee under Deeds of Trust that he is not licensed to practice law in the Commonwealth of Virginia, although he is able to serve as Trustee under Deeds of Trust in a lay capacity. During the term of his three (3) year suspension, in the event that Respondent obtains any additional source(s) of referrals of matters seeking his service as Trustee under a Deed of Trust, he shall notify that referral source that he is not licensed to practice law in the Commonwealth of Virginia, although he is able to serve as Trustee under Deeds of Trust in a lay capacity.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, all the terms and conditions are not met by the deadlines imposed above, the Respondent agrees that the Disciplinary Board shall impose a (alternative disposition) pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18.O.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess an administrative fee.

THE VIRGINIA STATE BAR



By: _____
Kathleen M. Uston, Assistant Bar Counsel

By: Charles Albert Price
Charles Albert Price, Respondent