

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
CHARLES EDWIN TAYLOR, ESQUIRE**

VS B DOCKET NO. 19-052-114176

**AGREED DISPOSITION MEMORANDUM ORDER
PUBLIC REPRIMAND**

On Thursday, March 19, 2020, this matter was heard by the Virginia State Bar Disciplinary Board (hereinafter “the 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 Part Six, §IV, ¶13-6 (H) of the *Rules of the Supreme Court of Virginia*. The panel consisted of Sandra L. Havrilak, Chair, Kamala H. Lannetti, Steven B. Novey, John D. Whittington and Martha J. Goodman, Lay Member. The Virginia State Bar was represented by Shelley L. Spalding, Assistant Bar Counsel. Charles Edwin Taylor, Esquire (hereinafter “Respondent”) 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, Beverly Lukowsky, 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.

It appearing to the Board after review and consideration of the Agreed Disposition, the Certification, Respondent’s Disciplinary Record, the arguments of counsel and the Respondent, and due deliberation that the agreed Disposition is proper and should be accepted.

Upon consideration whereof, it is therefore Ordered that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive a Public Reprimand, as set forth in the

Agreed Disposition, which is attached hereto and incorporated in this Memorandum Order.

It is further Ordered that the effective date of this Memorandum Order is March 19, 2020.


It is further Ordered that the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9(E) of the *Rules*.

It is further ORDERED that an attested copy of this Order be mailed to the Respondent by certified mail, return receipt requested, at his last address of record with the Virginia State Bar at Charles E. Taylor, P.C., Suite 3-D, 1311-A Dolley Madison Blvd., McLean, VA 22101-3925, and a copy hand-delivered to Shelley L. Spalding, Assistant Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

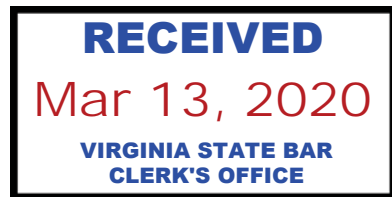
Entered: March 19, 2020.

VIRGINIA STATE BAR DISCIPLINARY BOARD

Sandra L.
Havrilak

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Sandra L. Havrilak, Chair



VIRGINIA:

BEFORE THE DISCIPLINARY BOARD
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
CHARLES EDWIN TAYLOR

VSB Docket No. 19-052-114176

AGREED DISPOSITION
PUBLIC REPRIMAND

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.H, the Virginia State Bar, by Shelley L. Spalding, Assistant Bar Counsel and Charles Edwin Taylor, 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. Respondent was admitted to practice law in Virginia in 1981, has practiced in Virginia since that time, and has no prior disciplinary record.

2. On July 26, 2017, the Circuit Court for Fairfax County (“the Court”) qualified Respondent as the Executor of the Estate of John S. Patton (“the Patton estate”).

3. On October 10, 2017, Respondent submitted an inventory to the Commissioner of Accounts (“the Commissioner”) for the Patton estate.

4. On November 20, 2017, an auditor for the Commissioner’s office sent Respondent a letter notifying him that the inventory for the Patton estate would not be approved because (1) Respondent had not paid the filing fee; and (2) Respondent had miscategorized certain bank accounts and real estate. The auditor asked Respondent to fix the inventory and pay an additional \$30 filing fee for the amendment within 21 days.

5. Respondent did not amend the inventory or pay the additional filing fee.

6. On January 12, 2018, the auditor sent Respondent a follow-up letter entitled "FINAL NOTICE." The letter asked Respondent to submit the amended inventory and additional filing fee within 30 days to avoid issuance of a summons.

7. Respondent still did not amend the inventory or pay the filing fee.

8. The Commissioner issued a summons to Respondent, which was sent by certified mail on May 31, 2018.

9. Respondent did not respond to the summons.

10. On September 6, 2018, the Commissioner filed a report of noncompliance stating that Respondent still had not filed a proper inventory.

11. On September 20, 2018, the Court issued a show cause summons to Respondent, returnable on November 16, 2018. The summons was personally served on Respondent on September 26, 2018.

12. On November 15, 2018, the Commissioner filed a bar complaint with the Virginia State Bar ("VSB"). In the bar complaint, the Commissioner stated that Respondent had failed to respond to a summons, and that Virginia Code Section 64.2-1216 required the Commissioner to report this failure to the VSB. The Commissioner sent Respondent a copy of the bar complaint.

13. On November 16, 2018, Respondent appeared at the show cause hearing. On the day of the hearing, the Commissioner filed a Petition to Remove Fiduciary and Forfeit Bond based on Respondent's continued failure to submit a proper inventory. The Court ordered Respondent to produce a proper inventory, together with the required fees and vouchers, and continued the show cause hearing until January 11, 2019.

14. On December 3, 2018, the VSB sent a letter to Respondent enclosing a copy of the Commissioner's bar complaint. The letter stated that the VSB is conducting a preliminary investigation of the complaint, and asked Respondent to provide a written answer to the

complaint within 21 days. The VSB's letter advised Respondent that Virginia Rule of Professional Conduct 8.1(c) obligated him to respond to the bar's request.

15. Respondent did not respond to the bar complaint.

16. On December 18, 2018, the Commissioner wrote to Respondent. He stated that the first accounting for the Patton estate was due on November 26, 2018 and had not been received. The Commissioner asked that Respondent submit it as soon as possible. The Commissioner also charged Respondent a reminder letter fee of \$30.

17. On January 11, 2019, Respondent did not appear for the continued show cause hearing. The Court continued the matter again, and entered an order requiring Respondent to produce a proper inventory, along with the required fees and vouchers. Respondent was ordered to appear at the next show cause hearing date of March 22, 2019.

18. On January 29, 2019, the VSB sent Respondent a letter notifying him that the Commissioner's bar complaint had been referred for an investigation. The letter advised Respondent that Rule of Professional Conduct 8.1(c) requires him to comply with the investigator's demands for information, and that failure to comply with the investigator's demands may result in the imposition of disciplinary sanctions.

19. On March 12, 2019, Respondent submitted an accounting, which he characterized as both the first and final accounting, for the Patton estate. When Respondent submitted the accounting, he still had not made the requested corrections to the inventory for the Patton estate.

20. On March 15, 2019, an auditor for the Commissioner's office sent a letter to Respondent stating that the accounting for the Patton estate was not ready for approval because (1) the delinquent fee was not submitted; (2) the filing fee was not submitted; (3) a copy of the pertinent *inter vivos* trust was not provided; (4) an inventory had never been approved; and (5) the accounting could not be final because there were still assets left to distribute. The auditor

asked Respondent to address these issues as soon as possible, and warned him that the letter did not extend Respondent's time to address his other issues with the Commissioner's office.

21. On March 22, 2019, Respondent failed to appear for the show cause hearing. The Court continued the matter, and ordered Respondent to produce a proper inventory, along with the required fees and vouchers. Respondent was ordered to appear at the next hearing on May 31, 2019.

22. On April 12, 2019, Respondent responded to the auditor's March 15, 2019 letter. He verified that he had paid the outstanding fees. He enclosed the pages from the trust document that had been requested. He also requested a copy of the exceptions to the inventory and expressed confusion about the changes that had been requested.

23. On April 17, 2019, two different auditors responded to Respondent's April 12 letter. The first auditor addressed the deficient inventory, reiterating that the Commissioner had never received an amended inventory as previously requested by the November 20, 2017 and January 12, 2018 letters. The second auditor said that the final accounting that Respondent had submitted still was not ready for approval because Respondent did not submit a tax certificate.

24. On May 31, 2019, the Court found that Respondent had "addressed the required filings with the commissioner to the satisfaction of the commissioner," and dismissed the show cause and the Petition to Remove Fiduciary and Forfeit Bond.

25. On July 16, 2019, the Commissioner filed a Memorandum of Commissioner of Accounts. He stated that "while the estate transactions may not have been reported or documented accurately, the disposition of the estate was appropriate." The Commissioner stated that he did not think further enforcement proceedings were an appropriate use of judicial resources.

26. On September 12, 2019, VSB Investigator David Fennessey emailed Respondent and requested that he contact him. Respondent did not respond.

27. On September 16, 2019, Investigator Fennessey emailed Respondent again and asked Respondent to contact him. Respondent did not respond.

28. On September 24, 2019, Investigator Fennessey emailed Respondent again. Investigator Fennessey said that he had spoken to Respondent's assistant and that the assistant had said that she had notified Respondent of Investigator Fennessey's message. Investigator Fennessey said that it was very important that Respondent contact him. Respondent did not respond.

29. Until March 4, 2020, Respondent did not respond to the VSB or participate in the VSB's investigation in any way.

30. On March 4, 2020, Respondent contacted Assistant Bar Counsel and explained that he was unable to provide the documentation that the Commissioner of Accounts sought because it was not available after the account was closed and the bank then merged with another bank. Respondent explained that he contacted the Commissioner of Accounts to explain that the documentation was not available multiple times, and in each instance where a hearing was scheduled.

II. NATURE OF MISCONDUCT

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

RULE 1.3 Diligence

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

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; or
- (d) obstruct a lawful investigation by an admissions or disciplinary authority.

III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of a public reprimand 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:

NO FURTHER MISCONDUCT: For a period of one year following the entry of this Order, the Respondent shall not engage in any conduct that violates the Virginia Rules of Professional Conduct, including any amendments thereto, or the disciplinary rules of another jurisdiction in which the Respondent may be admitted to practice law. The terms contained in this paragraph shall be deemed to have been violated when any ruling, determination, judgment, order, or decree has been issued against the Respondent by a disciplinary tribunal in Virginia or elsewhere, containing a finding that Respondent has violated one or more provisions of the Rules of Conduct referred to above, provided, however, that the conduct upon which such finding was based occurred within the period referred to above, and provided that such ruling has become final.

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 six-month suspension pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18.O. Respondent further agrees that he will not appeal an Order approving this disposition.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9.E of the Rules.

THE VIRGINIA STATE BAR

By: 
Shelley L. Spalding, Assistant Bar Counsel


Charles Edwin Taylor, Respondent