

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

WAKE COUNTY

2015 APR -2

SUPERIOR COURT DIVISION

PM 12: 12:14 CVS 0627

THE NORTH CAROLINA STATE BAR,

WAKE COUNTY, C.S.C.

BY
Petitioner

v.

CONSENT ORDER OF
DISBARMENT

MATTHEW J. RAGALLER, Attorney,

Respondent

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of the law license of Matthew J. Ragaller. Petitioner, the North Carolina State Bar, was represented by Leonor Bailey Hodge. Douglas J. Brocker represented Respondent, Matthew J. Ragaller.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Matthew J. Ragaller and the consent of the parties, the court makes the following:

FINDINGS OF FACT

1. Ragaller was licensed to practice law on 20 March 2004.
2. During all periods relevant hereto, Ragaller was actively engaged in the practice of law in Nags Head, Dare County, North Carolina.
3. Ragaller served as administrator for the L.S. estate.
4. Between November 2009 and September 2011, Ragaller misappropriated approximately \$21,500 of funds entrusted to him on behalf of the L.S. estate by disbursing them to himself without court authorization.
5. On or about 23 February 2011 and 15 February 2012, Ragaller filed false and inaccurate accountings with the Dare County Clerk of Court for the L.S. estate.
6. On August 22, 2013, the court approved legal fees related to services Ragaller provided for the L.S. estate in the amount of \$18,232.50.

CONCLUSIONS OF LAW

1. This court has jurisdiction over the Respondent and over the subject matter of this proceeding.

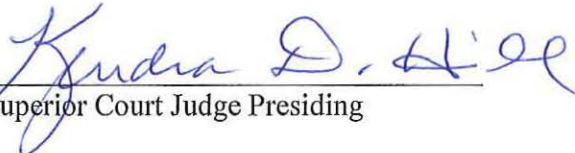
2. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.
3. By misappropriating funds from the L.S. estate, Respondent used entrusted property for the benefit of one other than the legal or beneficial owner in violation Rule of Professional Conduct 1.15-2(j) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule of Professional Conduct 8.4(c);
4. By filing false and inaccurate accountings with the Clerk of Court, Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule of Professional Conduct 8.4(c);
5. Ragaller's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).
6. Ragaller has engaged in professional misconduct warranting disbarment.

ORDER

1. The surrender of the license of Matthew J. Ragaller is hereby accepted.
2. Matthew J. Ragaller is DISBARRED from the practice of law in North Carolina effective upon entry of this Order.
3. Ragaller shall wind-down his law practice within 30 days of entry of this order in accordance with 27 N.C. Admin. Code 1B §.0117(e).
4. Ragaller shall comply with the provisions of 27 N.C. Admin. Code 1B §.0124 and shall surrender his law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C. Admin. Code 1B § .0124.
5. Within 15 days of the effective date of this Order, Ragaller shall provide the State Bar with an address and telephone number at which clients seeking return of files can communicate with Ragaller and obtain such files.
6. Ragaller shall promptly return client files to clients upon request, within 5 days of receipt of such request. Ragaller will be deemed to have received any such request 3 days after the date such request is sent to Ragaller if the request is sent to the address Ragaller provided the State Bar pursuant to the preceding paragraph.
7. Ragaller shall not petition for reinstatement of his law license until the expiration of at least five years from the date of entry of this order.

8. Ragaller's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code 1B § .0125.
9. The costs of this action and administrative fees assessed by the State Bar are taxed against Matthew J. Ragaller.

Done and Ordered this 2ND day of APRIL, 2015.

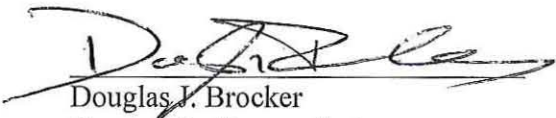


Superior Court Judge Presiding

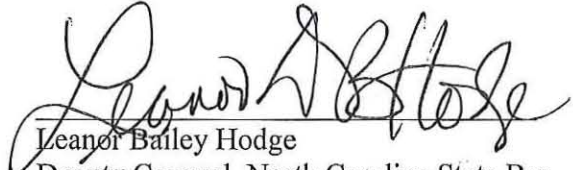
Seen and consented to:



Matthew J. Ragaller, Respondent



Douglas J. Brocker
Counsel for Respondent



Leann Bailey Hodge
Deputy Counsel, North Carolina State Bar
Counsel for Petitioner

FILED

STATE OF NORTH CAROLINA
WAKE COUNTY

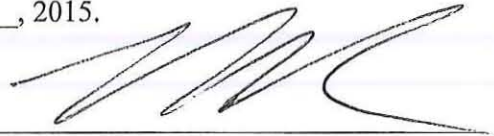
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THE NORTH CAROLINA STATE BAR, BY Petitioner v. MATTHEW J. RAGALLER, Attorney, Respondent	WAKE COUNTY, C.S.C. AFFIDAVIT OF SURRENDER OF LAW LICENSE
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Matthew J. Ragaller, being first duly sworn, deposes and says:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117 of the N.C. State Bar Discipline & Disability Rules.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation. I affirm that I have had the opportunity to consult an attorney before filing this Affidavit.
3. I am aware that there is a pending investigation against me regarding the following allegations:
 - a. Between November 2009 and September 2011, I misappropriated approximately \$21,500 of funds entrusted to me on behalf of the L.S. estate by disbursing them to myself without court authorization.
 - b. On or about 23 February 2011 and 15 February 2012, I filed false and inaccurate accountings with the Dare County Clerk of Court for the L.S. estate, for which estate I served as administrator.
 - c. On August 22, 2013, the court approved legal fees related to services I provided for the L.S. estate in the amount of \$18,232.50.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
5. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 27 day of March, 2015.



Matthew J. Ragaller

I, Donna Gail Ellenburg, Notary Public of the County of Greenville
State of ~~North Carolina~~ South Carolina, certify that Matthew J. Ragaller personally appeared before me
this day, was sworn, and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me

This the 27 day of March, 2015.

Donna Gail Ellenburg
Notary Public

My Commission Expires: 1-2-23



DONNA GAIL ELLENBURG
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 1-2-23

