

SUPREME COURT OF SOUTH CAROLINA

In the Matter of John A. Pincelli

375 S.C. 495, 654 S.E.2d 522 (2007) · No. No. 26400 · Decided December 10, 2007

SUMMARY

The Supreme Court of South Carolina accepted an Agreement for Discipline by Consent and publicly reprimanded John A. Pincelli. The court found that his operation of Sandlapper Legal Services, LLC, failed to ensure attorney supervision of mortgage recordation and disbursement in residential real estate closings, violating professional-conduct rules and court directives.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Moore; Justice Waller; Justice Pleicones; Justice Beatty
JURISDICTION	South Carolina
DECIDED	December 10, 2007
DOCKET	No. 26400
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding arising from an Agreement for Discipline by Consent between the Office of Disciplinary Counsel and respondent.
PRECEDENTIAL VALUE	published opinion

TOPICS

real estate mortgages recording acts

PRACTICE AREAS

legal ethics and professional responsibility real estate law attorney discipline

QUESTIONS PRESENTED

- Whether respondent's operation and supervision of Sandlapper's real-estate closing practices violated the South Carolina Rules of Professional Conduct and Rules for Lawyer Disciplinary Enforcement.

2. Whether the admitted misconduct warranted a public reprimand under the Agreement for Discipline by Consent.

HOLDINGS

1. Respondent's admitted failure to ensure attorney supervision of mortgage and document recordation, together with his assistance in permitting nonlawyers to perform legal functions, violated Rules 1.1, 5.5, and 8.4(a) of the South Carolina Rules of Professional Conduct.
2. The admitted misconduct warranted a public reprimand, and the court accepted the Agreement for Discipline by Consent and publicly reprimanded respondent.

KEY QUOTATIONS

“the disbursement of funds in the context of residential real estate loan closings cannot and should not be separated from the [closing] process as a whole” (375 S.C. at 499)

FACTUAL BACKGROUND

Respondent created and supervised Sandlapper Legal Services, LLC, an entity that coordinated approximately 3,000 home-equity refinancing loan closings from 2003 through 2005. Although South Carolina-licensed attorneys attended the closings, Sandlapper and the closing attorneys did not supervise the subsequent recordation of mortgages and other closing documents, instead giving lenders written recording instructions. Respondent continued this practice after receiving advice that attorney involvement or active supervision was required during recordation and disbursement.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel and respondent entered into an Agreement for Discipline by Consent under Rule 21 of the Rules for Lawyer Disciplinary Enforcement. Respondent admitted misconduct and agreed to an admonition or public reprimand. The Supreme Court of South Carolina accepted the agreement and imposed a public reprimand.

DISPOSITION

other

CASES CITED

- State v. Buyers Service Co., Inc., 292 S.C. 426, 357 S.E.2d 15 (1987)
- Doe v. Condon, 351 S.C. 158, 568 S.E.2d 356 (2002)
- Doe v. McMaster, 355 S.C. 306, 585 S.E.2d 773 (2003)
- Doe Law Firm v. Richardson, 371 S.C. 14, 636 S.E.2d 866 (2006)

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