

STATE BAR OF NEVADA

October 22, 2018



LETTER OF REPRIMAND

Douglas K. Fermoile, Esq.
427 Ridge Street, Suite B
P.O. Box 3197
Reno, Nevada 89505

600 East Charleston Blvd.
Las Vegas, NV 89104-1563
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

www.nvbar.org

Re: OBC18-0244/ Wells Fargo Bank

Dear Mr. Fermoile:

A Screening Panel of the Northern Nevada Disciplinary Board has reviewed the above-referenced grievance and unanimously determined that a Letter of Reprimand be issued for violations of Rules of Professional Conduct (RPC) 1.15 (Safekeeping of Property).

On February 27, 2018, the Office of Bar Counsel received an overdraft notification from Wells Fargo Bank regarding your IOLTA trust account. A check for \$350.00 was presented for payment on February 15, 2018, and was honored despite insufficient funds. The check was to pay a personal expense.

Your explanation for paying the personal expense with a check from your IOLTA trust account was that you mistakenly used the wrong checkbook. You understood that the payment should have come from your general office account.

Your use of client and/or third-party funds to pay a personal expense violated RPC 1.15 (Safekeeping of Property).

You did transfer funds to cover the check after your received notice from Wells Fargo regarding the overdraft and you represent that you have subsequently relocated the IOLTA trust account checkbook to a different drawer than the general office account checkbook in order to avoid this mistake in the future.

Douglas K. Fermoile, Esq.

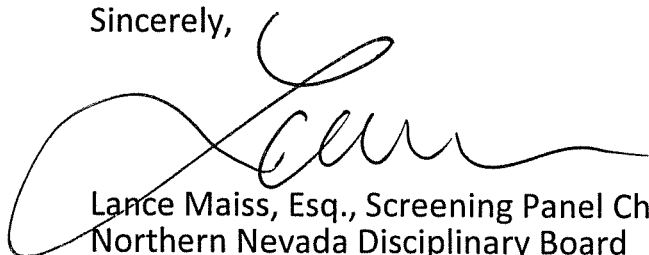
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However, aggravating factors that the Panel also considered were (i) you have been licensed to practice law for over 35 years and should have already implemented procedures to avoid paying personal expenses with client or third-party funds that you are holding in trust and (ii) you have been previously disciplined for violating RPC 1.15 (Safekeeping of Property).

Based upon the foregoing, you are hereby REPRIMANDED for your conduct which violated RPC 1.15 (Safekeeping of Property). In accordance with Nevada Supreme Court Rule 120 you are assessed costs in the amount of \$1,500 to be paid to the State Bar no later than thirty days after the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Maiss", with a large, sweeping flourish extending to the left.

Lance Maiss, Esq., Screening Panel Chair
Northern Nevada Disciplinary Board