

STATE OF NORTH CAROLINA FILED IN THE GENERAL COURT OF JUSTICE  
WAKE COUNTY JUDGE 22 FEB 2016 SUPERIOR COURT DIVISION  
FILE NO.: 11CVS17149

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

JOHN E. TATE, JR., Attorney,

Respondent

CONSENT ORDER  
OF DISBARMENT

THIS MATTER was considered by the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of the law license of John E. Tate, Jr. The State Bar was represented by Jennifer A. Porter. John E. Tate, Jr. was represented by Ronald G. Blanchard.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, John E. Tate, Jr. (hereinafter "Tate"), and the consent of the parties, the Court makes the following:

#### FINDINGS OF FACT

1. Tate was admitted to the North Carolina State Bar in 1980 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

2. During all of the periods relevant hereto, Tate was engaged in the practice of law in Hendersonville, Henderson County, North Carolina.

3. Tate is aware that there is presently pending an investigation regarding allegations that he misappropriated approximately \$120,000.00 of client funds and used those funds for his personal purposes without authorization to do so from the beneficial owner of the funds.

4. Tate desires to resign his license to practice law and has tendered his license to practice law in North Carolina.

5. Tate's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. Tate is fully aware of the implication of submitting his resignation.

6. Tate acknowledges that the material facts upon which the investigation is predicated are true.

7. Tate has submitted his resignation because he knows that if disciplinary charges were predicated upon the misconduct under investigation, he could not successfully defend against them.

Based upon the foregoing Findings of Fact, the court makes the following:

### **CONCLUSIONS OF LAW**

1. By misappropriating client funds, Tate engaged in criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b) of the Rules of Professional Conduct and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Conduct.

2. Tate misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).

3. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.

4. This Court has jurisdiction over the person of John E. Tate, Jr. and of the subject matter of this proceeding.

5. Tate has engaged in professional misconduct warranting disbarment.

### **IT IS NOW, THEREFORE, ORDERED:**

1. John E. Tate, Jr. is **DISBARRED** from the practice of law in North Carolina. This disbarment is effective 30 days from entry of this order by the court.


2. Tate shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124.

3. Tate shall not petition for reinstatement of his law license until the expiration of at least five (5) years from the date of entry of this order.

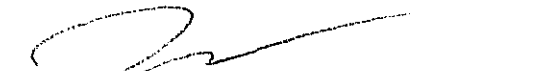
4. Tate's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0125.


5. The costs of this action are taxed against Tate.

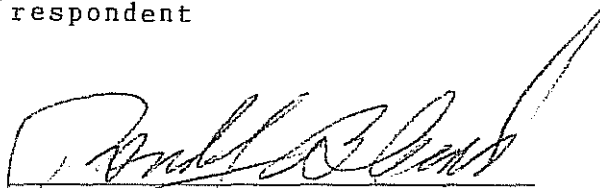
Done and Ordered this 22 day of February, 2012.

  
Superior Court Judge Presiding

CONSENTED TO BY:

  
Jennifer A. Porter  
Deputy Counsel, North Carolina State Bar  
Attorney for Petitioner

  
John E. Tate, Jr.  
respondent

  
Ronald G. Blanchard  
Attorney for Respondent

STATE OF NORTH CAROLINA

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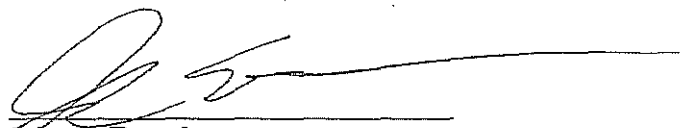
Respondent

AFFIDAVIT OF SURRENDER OF  
LAW LICENSE

John E. Tate, Jr., being first duly sworn, deposes and says as follows:

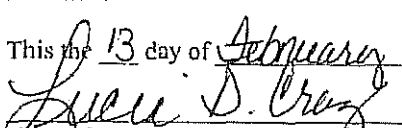
1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is presently pending an investigation regarding allegations that I misappropriated approximately \$120,000.00 of client funds and used those funds for my personal purposes without authorization to do so from the beneficial owner of the funds.
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 13 day of February 2012.

  
John E. Tate, Jr.

I, Lucia D. Cruz, Notary Public of the County of Henderson, State of North Carolina, certify that John E. Tate, Jr. personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 13 day of February, 2012.

  
Notary Public

My Commission Expires: 10/27/2016