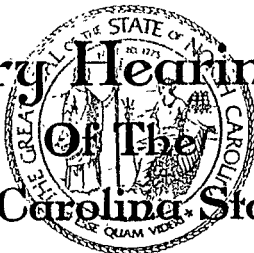


The Disciplinary Hearing Commission

North Carolina State Bar



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WAKE COUNTY

NORTH CAROLINA

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
91 BCR 2

PETITION FOR REINSTATEMENT
OF LICENSE OF
CHARLES R. BROWN

ORDER DISMISSING PETITION

This matter came on to be heard before a Disciplinary Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar consisting of Steve Smith, Chairman; Frank Boushee and Frank Emory on Friday, Nov. 22, 1991 on the State Bar's motion to dismiss the reinstatement petition of Charles R. Brown. The N.C. State Bar was represented by Carolin Bakewell. The Petitioner, Charles R. Brown, appeared on his own behalf. Based upon the written submissions and the arguments of the parties, the Hearing Committee enters the following:

FINDINGS OF FACT

1. In August, 1985, Charles R. Brown (hereafter, Brown), entered a guilty plea to taking indecent liberties with a minor. At the same time, Brown also plead guilty to failure to file income tax returns for the years 1982 and 1983.

2. Brown surrendered his license to practice law and was disbarred by the Council of the N.C. State Bar in October, 1985.

3. On July 31, 1991, Brown filed a petition before the Secretary of the N.C. State Bar, seeking reinstatement of his license to practice law pursuant to Section 25 of the Discipline & Disbarment Procedures of the N.C. State Bar.

4. On Aug. 20, 1991, the N.C. State Bar served Brown with its First Interrogatories and First Request to Produce Documents. Among the

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documents requested were Brown's state and federal income tax returns for the years 1985 to 1990.

5. On Oct. 2, 1991, Brown filed his responses to the State Bar's discovery requests. Brown provided copies of his North Carolina returns for 1985 - 1987 and W-2 forms for 1986 and 1987. He did not provide copies of any of his federal returns, nor did he file W-2 forms for 1985, or 1988-1990.

6. Brown did not object to the State Bar's request for production of his tax returns in his Oct. 2, 1991 response.

7. On Oct. 3, 1991, the N.C. State Bar filed a motion to compel production of the additional tax returns and related documents.

8. Brown did not file any response to the motion to compel.

9. On Oct. 14, 1991, the Chairman of the Disciplinary Hearing Committee signed an order, directing Brown to produce the remaining tax returns and related documents to the N.C. State Bar.

10. Brown received notice of the order requiring him to produce the tax returns.

11. On Oct. 25, 1991, Brown wrote to counsel for the State Bar, indicating that he would not produce the records.

12. On Oct. 28, 1991, the N.C. State Bar filed a motion to dismiss Brown's petition for reinstatement of his license to practice law.

13. Brown did not file a written response to the motion to dismiss his petition for reinstatement.

14. On Nov. 22, 1991, the morning of the hearing on the motion to dismiss, Brown tendered additional documents to counsel for the N.C. State Bar.

15. Brown failed to produce all of the tax returns and documents as ordered in the Disciplinary Hearing Commission's order of Oct. 14, 1991.

Based upon the foregoing Findings of Fact, the Hearing Committee makes the following:

CONCLUSIONS OF LAW

1. Brown failed to obey an order of the Disciplinary Hearing Commission requiring him to produce his state and federal tax returns to the N.C. State Bar.

2. Brown's failure to produce the tax records as required by the Disciplinary Hearing Commission's order was without good cause.

3. The Disciplinary Hearing Commission has authority pursuant to Rule 37(b)(2)(C) of the Rules of Civil Procedure and Section 25(4)(a) of the Discipline & Disbarment Rules of the N.C. State Bar to dismiss Brown's

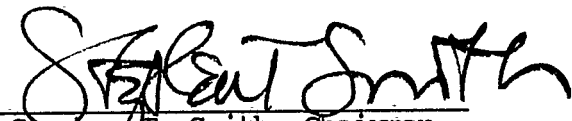
reinstatement petition based upon his failure to produce the tax documents as ordered in the Commission's Oct. 14, 1991 order.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Disciplinary Hearing Committee hereby ORDERS that the Petition for Reinstatement of Charles R. Brown is hereby DISMISSED.

Brown may reapply for reinstatement at any time following one year from the date of this order.

This the 2 day of ^{JANUARY 1992}~~November~~, 1991.

Signed by the Chairman with the consent of all Committee members.



Stephen T. Smith, Chairman
Disciplinary Hearing Committee