

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
07 DHC 24



THE NORTH CAROLINA STATE BAR,)
Plaintiff)
v.)
THOMAS P. HELLER, Attorney)
Defendant)

ORDER
OF DISBARMENT

THIS MATTER coming before the undersigned Chair of The Disciplinary Hearing Commission pursuant to 27 N.C.A.C. 1B §.0117(d) upon an affidavit of surrender of license executed by Thomas P. Heller ("Heller") dated June 11 2008 and filed in the offices of the North Carolina State Bar on June 13, 2008.

Based upon the pleadings and the record, the undersigned makes the following:

FINDINGS OF FACT

1. Defendant was licensed to practice law in North Carolina in 1979.
2. Defendant's address of record with the North Carolina State Bar is P. O. Box 816, Oak Island, NC 28465.
3. On October 19, 2007, the North Carolina State Bar filed a formal complaint against Defendant alleging he violated the Rules of Professional Conduct based upon his transfer of \$17,046.00 from his trust accounts to his operating account, to which funds he has not been able to demonstrate entitlement. This conduct constitutes grounds for discipline under N.C. Gen. Stat. § 84-28 (b)(2), in that Heller violated Rules 1.15 through 1.15-3 and Rule 8.4(c) of the Revised Rules of Professional Conduct.
4. Defendant has indicated his wish to consent to disbarment by filing an affidavit with the Disciplinary Hearing Commission. The affidavit meets all requirements set forth in 27 N.C.A.C. 1B §.0117(a)(1), (2), (3), (4) and (d).

Based upon the foregoing Findings of Fact the undersigned makes the following

CONCLUSIONS OF LAW

1. 27 N.C.A.C. 1B §.0108 provides that the Chair has the power and duty to enter orders disbarring members by consent.

2. Defendant's affidavit meets all requirements set forth in 27 N.C.A.C. 1B §.0117(a)(1), (2), (3), (4) and (d) and the facts upon which the affidavit is predicated warrant Defendant's disbarment.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

ORDER

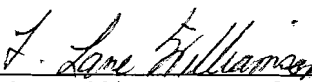
1. The surrender of the license of Thomas P. Heller is hereby accepted.

2. Thomas P. Heller is DISBARRED from the practice of law in North Carolina effective upon the entry of this order with the Secretary of the North Carolina State Bar.

3. Thomas P. Heller shall comply with the provisions of 27 N.C.A.C. 1B §.0124 of the State Bar Discipline and Disability Rules and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C.A.C. 1B §.0124 of the State Bar Discipline and Disability Rules.

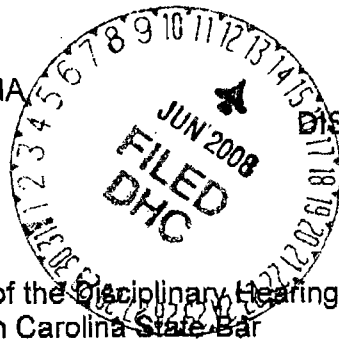
4. The costs of this action are taxed against the Defendant.

This the 13th day of June, 2008.



F. Lane Williamson, Chair
Disciplinary Hearing Commission

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
07 DHC 24

TO: The Chair of the Disciplinary Hearing Commission
of the North Carolina State Bar

AFFIDAVIT OF SURRENDER

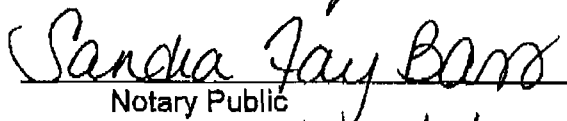
THOMAS P. HELLER, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to State Bar Discipline & Disability Rule 27 NCAC 1B.0117.
2. My resignation is freely and voluntarily rendered, and is not the result of coercion or duress. I am represented by counsel and I am fully aware of the implications of submitting my resignation.
3. I am aware that there is a formal complaint against me filed by the State Bar before the Disciplinary Hearing Commission alleging that I misappropriated trust funds totaling \$17,046.00 to my own use.
4. I acknowledge that the material facts alleged in the complaint are true in that I cannot establish that I was entitled to those funds.
5. I am submitting my resignation because I know that I cannot successfully defend against the charges in the complaint.

This is the 11th day of June, 2008.


THOMAS P. HELLER

Sworn to and subscribed before me
this the 11th day of June, 2008.


Notary Public

My commission expires: 7/7/08

