

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
82 DHC 4

FILED

1982 AUG 23 AM 9 22

NORTH CAROLINA STATE BAR, JAMES, SEC.
Plaintiff, THE N.C. STATE BAR

v.

GARY A. DAVIS, Attorney at Law,
Defendant.

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

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This matter coming on to be heard and being heard in the offices of the North Carolina State Bar on August 13, 1982 with A. Root Edmonson appearing for the North Carolina State Bar and the Defendant neither being present nor represented by counsel. Based upon the evidence presented at hearing, the Hearing Committee, made up of the undersigned Chairperson and committee members John B. McMillan and Alice W. Penny, makes the following Findings of Fact by clear, cogent and convincing evidence:

1. All parties were duly notified of the hearing and the Hearing Committee has jurisdiction over the Defendant and the subject matter.
2. On April 28, 1981, Defendant was convicted of nine counts of Forgery and Obtaining Signature or Property by False Pretenses in Greenville County, South Carolina.
3. The crimes for which Defendant was convicted as set out above would be felonies under North Carolina law and are serious crimes as defined by Section 3(30) of Article IX of the Rules of Discipline and Disbarment of the North Carolina State Bar. Said crimes are also criminal offenses showing professional unfitness.

From the evidence presented in the second phase of the hearing, the Hearing Committee makes the following additional FINDINGS OF FACT by clear, cogent and convincing evidence:

4. After a hearing on November 16, 1979, Defendant was suspended from the practice of law for 6 months by a Hearing Committee of the Disciplinary Hearing Commission by an order signed on January 23, 1980.
5. After a hearing on December 12, 1980, Defendant was suspended from the practice of law for two years by a Hearing Committee of the Disciplinary Hearing Commission by an order signed on February 5, 1981.
6. At the time of his testimony at the hearing on December 12, 1980, Defendant had already obtained a check by false pretenses and forged the same on or about December 1, 1980 as evidenced by Exhibits A8 and A9 in the Complaint.
7. In its Findings of Fact dated February 5, 1981, the Hearing Committee found from the evidence presented at the December 12, 1980 hearing that Defendant had sought help for alcoholism and stated that he had not consumed an alcoholic beverage since some time prior to the hearing held on November 16, 1979. Therefore, Defendant was suffering no disability from his alcoholism at the time he committed the aforementioned crimes.

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

1. The conviction of the aforementioned crimes constitutes a violation of North Carolina General Statutes Section 84-28(a) and (b) (1) in that Defendant was convicted of criminal offenses showing professional unfitness.
2. The aforementioned conduct of the Defendant constitutes a violation of North Carolina General Statutes Section 84-28(a) and (b) (2) in that Defendant engaged in illegal conduct involving moral turpitude and in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Disciplinary Rules 1-102(A) (3) and (4) of the Code of Professional Responsibility of the North Carolina State Bar.
3. The Defendant was not suffering from any alcohol related disability at the time he engaged in the aforementioned conduct.

Signed by the undersigned Chairperson with the full accord and consent of the other Hearing Committee Members this 19 day of August, 1982.

Angela R. Bryant
Angela R. Bryant, Chairperson

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
FILED DISCIPLINARY HEARING COMMISSION
OF THE
1982 AUG 23 AM 8:22 NORTH CAROLINA STATE BAR
82 DHC 4

NORTH CAROLINA STATE BAR
Plaintiff,)
B.E. JAMES, SEC.)
THE N.C. STATE BAR)

v.)

ORDER OF DISBARMENT

GARY A. DAVIS, Attorney at Law,)
Defendant.)

Based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW entered in this case of even date herewith, all of which are incorporated herein by reference, and pursuant to Section 9(7) of Article IX of the Rules of Discipline & Disbarment of the North Carolina State Bar, the Hearing Committee, composed of the undersigned Chairperson and Committee Members John B. McMillan and Alice W. Penny, hereby issues the following ORDER:

1. It is hereby ORDERED that the Defendant, Gary A. Davis be, and hereby is, DISBARRED from the practice of law in the State of North Carolina.
2. It is FURTHER ORDERED that the Defendant, Gary A. Davis be, and hereby is, taxed with the COSTS of this proceeding.

Signed by the undersigned Chairperson with the full accord and consent of the other Hearing Committee Members this 19 day of August, 1982.

Angela R. Bryant
Angela R. Bryant,
Chairperson