

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
17 DHC 7

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

FLETCHER L. HARTSELL, Jr., Attorney,
Defendant

CONSENT ORDER OF
INTERIM SUSPENSION

THIS CAUSE came on for consideration before the undersigned Vice Chair of the Disciplinary Hearing Commission¹ pursuant to 27 N.C.A.C. 1B §.0115(d). Plaintiff, the North Carolina State Bar, is represented by Jennifer A. Porter and Defendant, Fletcher L. Hartsell, Jr., is represented by E. Fitzgerald Parnell and T. Richard Kané. Based upon review of the documents and upon consent of the parties, the undersigned makes the following:

FINDINGS OF FACT

1. Defendant was licensed to practice law in North Carolina in 1972.
2. Defendant's address of record with the North Carolina State Bar is P.O. Box 368, Concord, NC 28026.
3. On 17 February 2017, Hartsell pled guilty to the federal felony offenses of mail fraud in violation of 18 U.S.C. §§ 1341 and 1342 as charged in Count Six of the Superseding Indictment filed in the United States District Court for the Middle District of North Carolina, Docket Number 1:16CR344-1, and filing false tax returns for the year 2010 in violation of 26 U.S.C. § 7206(1) as charged in Counts One and Two of the Indictment filed in the United States District Court for the Middle District of North Carolina, Docket Number 1:16CR392-1.
4. The North Carolina State Bar will file a formal complaint against Defendant alleging he has violated the Rules of Professional Conduct based upon his felony convictions and the conduct on which the convictions were based.

¹ The Chair of the Disciplinary Hearing Commission has recused himself from participation in this case and accordingly the Vice Chair of the Disciplinary Hearing Commission is carrying out the duties of the Chair in this matter.

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

CONCLUSIONS OF LAW

5. The crimes of which Defendant was convicted are criminal offenses showing professional unfitness as defined in 27 N.C.A.C. 1B, §.0103 (17).

6. 27 N.C.A.C. 1B §.0115 provides that the Chair may enter an order suspending the member from practicing law pending disposition of disciplinary proceedings before the Disciplinary Hearing Commission based on the conviction of a criminal offense showing professional unfitness.

7. It is unknown at this time whether professional discipline will ultimately be imposed in this case. Possible disciplines the Disciplinary Hearing Commission is empowered to impose in any case include suspension and disbarment. If the DHC ultimately should impose any period of suspension or should impose disbarment in this case, Defendant will receive credit equal to the amount of time he has been suspended under this interim suspension toward service of any period of disciplinary suspension or disbarment that might be imposed.

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

ORDER

The license to practice law in North Carolina of Fletcher L. Hartsell, Jr. is hereby **SUSPENDED** until the conclusion of all disciplinary proceedings before the North Carolina State Bar relating to Defendant's felony convictions in the Middle District of North Carolina and the conduct underlying such conviction.

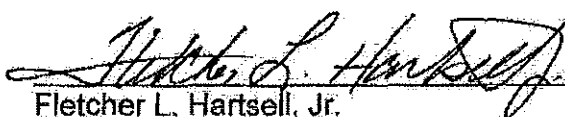
This the 16 day of March, 2017.



Donald C. Prentiss, Vice Chair
Disciplinary Hearing Commission

CONSENTED TO:



Jennifer A. Porter, Deputy Counsel
Attorney for Plaintiff

Fletcher L. Hartsell, Jr.
Defendant

T. Richard Kane
Attorney for Defendant