

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
77DHC9

vs.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The North Carolina State Bar is a body duly organized under the laws of North Carolina, and is the proper party to bring this proceeding under the authority granted in Chapter 84 of the General Statutes of North Carolina.

2. The Defendant, Thomas C. Creasy, Jr., was a citizen and resident of Mecklenburg County, North Carolina, and was admitted to The North Carolina State Bar in 1958, and is, and was at all times relevant to this proceeding, an attorney at law licensed to practice in the State of North Carolina and is subject to the Rules, Regulations, Canons of Ethics and Code of Professional Responsibility of The North Carolina State Bar and the laws of the State of North Carolina.

3. A duly verified Complaint, setting forth the charges against the Defendant, was filed in the office of The North Carolina State Bar on March 30, 1977. Notice thereof was given to the Defendant, together with notice that this matter will be heard by a Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar, at a time and place to be determined by the Chairman of said Commission, by personal service upon the Defendant of a copy of the Complaint, Summons and Notice on May 5, 1977.

4. On May 20, 1977, the Chairman of the Disciplinary Hearing Commission notified Counsel for The State Bar and Defendant of the composition of the Hearing Committee and of the time and place for the hearing.

5. An Answer to the Complaint was filed in the office of The North Carolina State Bar on July 18, 1977.

6. On December 21, 1976, the Defendant entered a plea of nolo contendere to seven (7) counts of furnishing false statements or reports, to wit: financial statements to banks in order to influence them to grant him loans in violation of Title 18 USC, Sec. 1014 in the United States District Court for the Western District of North Carolina, Charlotte Division.

7. The Court consented to and accepted such plea finding a factual basis for said plea, the indictment having charged that false financial statements were furnished by the Defendant to the following banking institutions in Charlotte, North Carolina: to First Union National Bank on or about December 19, 1974; to First Citizens Bank and Trust on or about December 19, 1974; to American Bank and Trust on or about March 15, 1976; to Wachovia Bank and Trust on or about January 31, 1975; to North Carolina National Bank on or about September 15, 1975; to Northwestern Bank on or about September 15, 1975; and to Republic Bank and Trust on or about December 10, 1975.

8. For purposes of this proceeding only, it was stipulated that the circumstances under which the Defendant furnished said information to one or more of the aforementioned banks constituted a misrepresentation of the financial status of the Defendant in violation of G.S. 84-28, the Rules, Regulations and Code of Professional Responsibility of The North Carolina State Bar, to wit DR 1-102(A)(4).

9. It was further stipulated that the continuances granted on the motions of the Defendant, pending the decision of the North Carolina Supreme Court in the case of The North Carolina State Bar vs. Wade Hall, which involved a legal question of importance to this proceeding, were with the consent of The North Carolina State Bar and that all parties, having been given proper notice of the time and place of this hearing, were in agreement that this proceeding was properly convened for the hearing of this matter.

10. The conduct of the Defendant was not a breach of any fiduciary duty owed a client in an attorney-client relationship, and the conduct of the Defendant was not detrimental to the public in general but was conduct involving the Defendant's personal financial affairs.

11. While the Hearing Committee cannot condone the conduct of the Defendant, his conduct in this matter does not permanently reflect on his fitness to practice law in the State of North Carolina.

UPON THE FOREGOING FINDINGS OF FACT, THE HEARING COMMITTEE MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. The circumstances under which the Defendant furnished financial information to one or more banks constituted a misrepresentation of his financial status and is conduct involving dishonesty, fraud, deceit or misrepresentation in

violation of DR 1-102(A)(4) of the Code of Professional
Responsibility of The North Carolina State Bar.

This the 16th day of December, 1977.

Winifred T. Wells
Winifred T. Wells, Chairman

Emery B. Denny, Jr.
Emery B. Denny, Jr.

Phillip I. Ellen
Phillip I. Ellen

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
77DHC9

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
vs.)
THOMAS C. CREASY, JR.,)
Attorney,)
Defendant)

ORDER

Based upon the foregoing findings of fact and conclusions of law and pursuant to Section 9 of Article IX, Disciplinary and Disbarment of Attorneys, the undersigned Hearing Committee of the Disciplinary Hearing Commission hereby issues the following ORDER.

IT IS HEREBY ORDERED that the Defendant, Thomas C. Creasy, Jr., be suspended from the practice of law in the State of North Carolina for a period of two years.

IT IS FURTHER ORDERED that the Defendant, Thomas C. Creasy, Jr., may apply for reinstatement one year from the date that his license is suspended hereunder, if he has met the following conditions:

1. That he has the moral qualifications, competency and learning in law required for admission to practice law in this State and that the resumption of the practice of law within this State by the defendant will be neither detrimental to the integrity and standing of the Bar or the administration of justice nor subversive of the public interest.

IT IS FURTHER ORDERED that Thomas C. Creasy, Jr. be taxed with the costs of this hearing.

IT IS FURTHER ORDERED that the Chairman of the Hearing Commission is authorized and directed to enter an

appropriate order of suspension to be filed with the Secretary
of The North Carolina State Bar.

This the 16th day of December, 1977.

Winifred T. Wells, Chairman
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Emery B. Denny, Jr.
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