

NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
18 DHC 18

In re: David R. Payne, Attorney

CONSENT ORDER
OF INTERIM SUSPENSION

THIS MATTER came before the undersigned Chair of the Disciplinary Hearing Commission (DHC) pursuant to 27 N.C. Admin. Code 1B.0119(b) by consent of the parties. Upon consent of the parties and good cause shown, the undersigned hereby makes the following:

FINDINGS OF FACT

1. David R. Payne was licensed to practice law in North Carolina on August 20, 1993 and is and was at all times referred to herein, an attorney at law, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of North Carolina.
2. The current address of record for Mr. Payne with the North Carolina State Bar is 7 North Main Street, Marshall, NC 28753.
3. Mr. Payne pled guilty to the federal felony offense of knowing false statement in violation of 18 U.S.C. § 1014 as charged in Count Eight of the Bill of Indictment filed against him in the United States District Court, Western District of North Carolina, Asheville Division, Docket No. 1:17-CR-73, for knowingly making false statements for the purpose of influencing an institution the accounts of which were insured by the Federal Deposit Insurance Corporation to the Bank of Asheville in connection with a loan obtained in August 2009.
4. Mr. Payne freely and voluntarily consents to entry of this Consent Order of Interim Suspension. Mr. Payne reserves any and all rights that may be available to him with respect to any imposition of discipline sought by the North Carolina State Bar arising from his guilty plea.

Based on the foregoing Findings of Fact, the undersigned hereby makes the following:

CONCLUSIONS OF LAW

1. 27 N.C. Admin. Code 1B.0119(b) authorizes the Chair of the DHC to enter an order suspending on an interim basis the law license of an attorney who pleads guilty to a criminal offense showing professional unfitness in any state or federal court upon the

Chair's determination that there is a qualifying plea or conviction and that interim suspension is warranted.


2. The offense to which Mr. Payne pled guilty is a criminal offense showing professional unfitness as defined in 27 N.C. Admin. Code 1B.0103(17), and Mr. Payne's guilty plea is a qualifying plea to a criminal offense showing professional unfitness for which interim suspension can be imposed.
3. It is appropriate to enter an order of interim suspension in this case.

THEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law and the consent of the parties, the undersigned Chair of the Disciplinary Hearing Commission hereby enters the following:

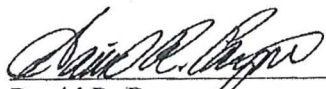
ORDER

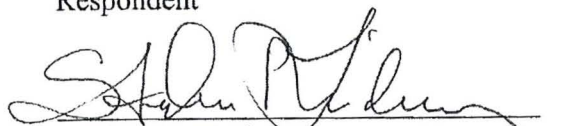
1. The license to practice law in the State of North Carolina of David R. Payne is hereby **SUSPENDED** pending the disposition of all disciplinary proceedings against Mr. Payne related to his plea of guilty to a criminal offense showing professional unfitness in the United States District Court, Western District of North Carolina.
2. Mr. Payne shall comply with the provisions of 27 N.C. Admin. Code 1B.0128.

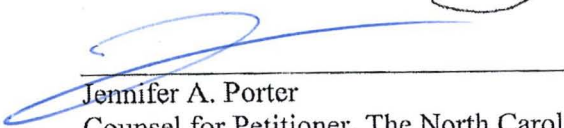
This the 19th day of March 2018.


Fred M. Morelock, Chair
Disciplinary Hearing Commission

CONSENTED TO BY:


David R. Payne
Respondent


Stephen P. Lindsay
Counsel for Respondent


Jennifer A. Porter
Counsel for Petitioner, The North Carolina State Bar