

WAKE COUNTY
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
2000 MAR -5 10 3 28 SUPERIOR COURT DIVISION
08 CVS

WAKE COUNTY, CSC

THE NORTH CAROLINA STATE BAR,
PETITIONER,

v.

THOMAS D. BROWN, ATTORNEY,
RESPONDENT.

CONSENT ORDER OF
DISBARMENT

THIS MATTER came on to be heard and was heard by the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar was represented by Katherine E. Jean. Respondent, Thomas D. Brown, was represented by Prosser D. Carnegie.

Based upon the Affidavit of Surrender of Law License submitted to the court by Brown, the court makes the following:

FINDINGS OF FACT

1. Thomas D. Brown utilized at least \$970,000.00 held by him in trust, for his own benefit or for the benefit of third parties without authorization to do so from the beneficial owners of the funds.
2. Thomas D. Brown misappropriated entrusted funds in the amount of at least \$970,000.00.

Based upon the foregoing Findings of Fact, the court makes the following:

CONCLUSIONS OF LAW

1. By misappropriating entrusted funds for his own personal benefit or for the benefit of third parties without authorization to do so from the beneficial owners of the funds, Thomas D. Brown violated Rules 1.15-2(j) and 8.4(c) of the Revised Rules of Professional Conduct.
2. Thomas D. Brown's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2).

IT IS NOW, THEREFORE, ORDERED:

1. Thomas D. Brown is DISBARRED from the practice of law in North Carolina.
2. Thomas D. Brown shall comply with the provisions of Subchapter B, Section .0024 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and

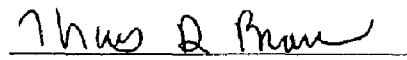
permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0024.

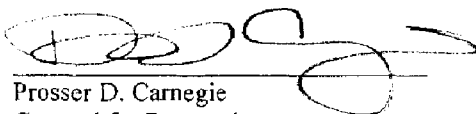
3. The costs of this action are taxed against Thomas D. Brown.

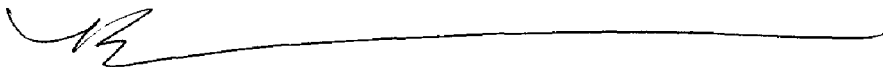
Done and Ordered this 5 day of March, 2008.


Superior Court Judge Presiding

WE CONSENT


Thomas D. Brown
Respondent


Prosser D. Carnegie
Counsel for Respondent


Katherine E. Jean
Attorney for Petitioner
The North Carolina State Bar

WAKE COUNTY

IN THE GENERAL COURTS OF JUSTICE

NORTH CAROLINA

2008 MAR -5 P 3:25

SUPERIOR COURT DIVISION

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THE NORTH CAROLINA STATE BAR,
PETITIONER,

v.

THOMAS D. BROWN, ATTORNEY,
RESPONDENT.

AFFIDAVIT OF SURRENDER
OF LAW LICENSE

Thomas D. Brown, 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.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is pending an investigation regarding allegations that I misappropriated at least \$970,000.00 entrusted to me in a fiduciary capacity and utilized those funds for my own personal benefit or for the benefit of third parties without authorization from the beneficial owners of the funds.
4. I acknowledge the truth of the material facts upon which the investigation is predicated.
5. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 5 day of March, 2008.

Thomas D Brown
Thomas D. Brown

I, David Frederick, Notary Public of the County of Wake, State of North Carolina, certify that Thomas D. Brown personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 5th day of March, 2008.

[Signature]
Notary Public

My Commission Expires: 8/30/2010