

NORTH CAROLINA
WAKE COUNTY

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BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
80 DHC 3

In the Matter of Application and
Petition for Reinstatement of
THOMAS C. CREASY, JR.

FINDINGS OF FACT AND
CONCLUSIONS OF LAW AND
RECOMMENDATIONS

THIS MATTER coming on to be heard and being heard before a Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar, consisting of J. Mac Boxley, Chairman, Jerry L. Jarvis and Mary C. Bridges, on September 5, 1980, in the Council Chambers of the North Carolina State Bar, Raleigh, North Carolina, upon the application and petition for reinstatement of Thomas C. Creasy, Jr. and Petitioner, Thomas C. Creasey, Jr., being present at said hearing together with his counsel, R. Cartwright Carmichael, Jr., and Harold D. Coley, Jr., counsel for the North Carolina State Bar, and;

IT APPEARING TO THE COMMITTEE that the Council of the North Carolina State Bar at its regular meeting on April 18, 1980, considered a report of a special committee to study the petition for reinstatement of Thomas C. Creasy, Jr. and by resolution referred the matter to the Disciplinary Hearing Commission for hearing in accordance with Section 25, Subsections 3 and 4 of the Rules and Regulations of the North Carolina State Bar, and

IT FURTHER APPEARING to the Hearing Committee that in the case of the North Carolina State Bar versus Thomas C. Creasy, Jr., 77 DHC 9 an order of discipline was entered on December 16, 1977 suspending Thomas C. Creasy, Jr. from the practice of law in the State of North Carolina for a period of two years, with the provision that Thomas C. Creasy, Jr. could apply for reinstatement one year from the date of his suspension, in the event he had the moral qualifications, competency and learning in law required for admission to practice in this state, and that the resumption of the practice of law in this state by him would be neither detrimental to the integrity and standing of the Bar or the administration of justice nor subversive to the public interest, said order being entered by Winifred T. Wells, Chairman, Emery B. Denny, Jr., and Philip I. Ellen, members of the Hearing Committee who heard the aforementioned case, and;

It further appearing to the Committee that the Petitioner filed his petition for reinstatement on November 28, 1979 pursuant to the provisions of G. S. 84-23 and Section 25 of the aforesaid mentioned Rules and Regulations of the North Carolina State Bar, and;

The Hearing Committee having heard the evidence, including testimony of the Petitioner, examined the exhibits filed on behalf of both Petitioner and the North Carolina State Bar and having considered the Pre-hearing Order filed on August 20, 1980, and having heard statement of counsel do hereby make the following:

FINDINGS OF FACT

1. The parties have stipulated that:

A. All parties are properly before the Hearing Committee and the Hearing Committee has jurisdiction pursuant to Article IX, Section 25(A) (3) and (4) of the Rules and Regulations of the North Carolina State Bar to conduct a hearing on Petitioner's application for reinstatement and to submit its findings and recommendations to the Council of the North Carolina State Bar.

B. All parties are ready for hearing at the previously designated time and place on September 5, 1980.

C. There are no pending motions.

D. The parties had previously exchanged a list of witnesses and exhibits. The exhibits were stipulated to be genuine and could be introduced at Hearing without further identification or proof.

E. The Petitioner possesses the competency and learning in law required for admission to practice law in this State.

F. There are no pending or impending grievances against the Petitioner.

2. The Petitioner was admitted to practice law in the State of North Carolina in 1958 and thereafter, was a full time practitioner in the City of Charlotte until July, 1976 and was licensed to practice law in North Carolina until December, 1977, at which time an order was entered in that certain proceeding entitled The North Carolina State Bar versus Thomas C. Creasy, Jr., 77 DHC 9, suspending him from practicing law in North Carolina for a period of two years.

3. More than two years have passed since the entry of the order of suspension of the Disciplinary Hearing Commission in that action.

4. As a result of a plea of nolo contendere a judgment was entered in the District Court of the Western District of North Carolina, a copy of which is herewith attached and made a part hereof and the Petitioner has fully complied with the conditions of said judgment, in that, he has fully paid the \$2,000 fine and has otherwise complied with the conditions of said judgment.

5. The Petitioner, since the entry of the December 19, 1977 order of suspension, has resided in New York City, having previously resided at 37 Grammercy Park East and now residing at 68 East Seventh Street, New York City, New York.

6. Since the entry of the order of December, 1977, the Petitioner has been engaged in various employments in New York City, including the teaching of law, criminal justice and sociology at Fordham University, where in the fall of 1978 he was promoted to the graduate program teaching PHD candidates in the area of criminal justice.

7. In the summer of 1979, the Petitioner became employed with Delehanty Institute, 19 Union Square, West, New York, New York. He was initially appointed Vice-President of said school in 1979 and subsequently became President and a Director of said school in 1979, said Institute being a vocational institute offering instruction in business, electronics, mechanical engineering and architectural drafting. In addition, the Petitioner received a promotion and is now Executive Vice-President of the parent company of the Delehanty Institute, that is, the Delehanty Education Systems, Inc.

8. The Petitioner continued to teach at Fordham University in the evenings until the fall of 1980.

9. The Petitioner's salary at Delehanty began at \$25,000 a year, was increased to \$35,000 in 1979 and has subsequently been increased to \$50,000 a year effective January 1, 1980.

10. The Petitioner was offered but did not accept the position of Administrative Advocate for the Commissioner of Corrections in New York City.

11. Since being employed in New York and subsequent to the date of the order of suspension in December, 1977, the Petitioner has become bonded in the State of New York, has become licensed for teaching purposes, and licensed

as a director of the school by the State of New York, is serving as Chairman of a Legislative Committee on Education, and has re-established his credit at least in part through the issuance of a VISA and American Express Card. The Petitioner has paid his taxes subsequent to the entry of the December, 1977, suspension order, and has no criminal convictions subsequent to the entry of said order.

12. Letters were received into evidence from various members of the Mecklenburg County Bar in support of Petitioner's application for reinstatement which were considered by the Committee, and letters were received ^{from} by a member of the Mecklenburg County Bar in opposition to said reinstatement petition along with an affidavit from a former housekeeper of the Petitioner.

13. The Committee received evidence from Petitioner as to the contents of the affidavit of Petitioner's former housekeeper, Mrs. Agnes Walker, and found the affidavit to be consistent with Petitioner's testimony. The Petitioner testified that he desired to repay the \$10,000 sum of money to Mrs. Walker as he considered her a member of his family, but has been unable to do so by virtue of his income prior to this time.

14. Included among the letters received into evidence was a letter from Probation Officer, Joseph E. Loughran, who is currently supervising Mr. Creasy in the State of New York under the terms of his probationary judgment, and who has supervised Mr. Creasy throughout his period of probation. Mr. Loughran formally recommended that positive action be taken on Petitioner's request for reinstatement of his license.

15. Petitioner has demonstrated by clear and convincing evidence that he has the moral qualifications required for admission to the practice of law in this state, and the resumption of the practice of law in this state by the Petitioner would not be detrimental to the integrity and standing of the Bar nor to the administration of justice or subversive to the public interest.

Based upon the foregoing stipulations and findings of fact this Hearing Committee makes the following

CONCLUSIONS OF LAW

1. Petitioner has demonstrated by clear and convincing evidence that he has the moral qualifications, competency and learning in law

required for the admission to practice law in this state, and that the resumption of the practice of law within the State of North Carolina by the Petitioner will be neither detrimental to the integrity and standing of the Bar nor the administration of justice, nor subversive to the public interest.

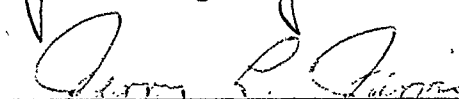
BASED on the following Findings of Fact and Conclusions of Law the Hearing Committee makes the following

RECOMMENDATION

The undersigned Hearing Committee of the Disciplinary Hearing Commission of the North Carolina State Bar pursuant to Section 25 of the Rules and Regulations of the North Carolina State Bar recommends to the Council of the North Carolina State Bar that the license of Thomas C. Creasy, Jr. to practice law in the State of North Carolina be immediately restored to him.

This 24th day of September, 1980.


J. Mac Boxley, Chairman


Jerry L. Jarvis


Mary C. Bridges

NORTH CAROLINA

WAKE COUNTY

IN THE MATTER OF
THOMAS C. CREASY, JR., PETITIONERRESOLUTION OF REINSTATEMENT OF
CERTIFICATE OF LICENSE TO PRACTICE LAW

The following Resolution was adopted by the Council of The North Carolina State Bar at its meeting on January 16, 1981.

IN THE MATTER OF THOMAS C. CREASY, JR., Petitioner, New York City,
New York:

It appearing to the Council of The North Carolina State Bar that Thomas C. Creasy, Jr. was suspended from the practice of law by the Disciplinary Hearing Commission for a period of two (2) years commencing December 16, 1977.

And it further appearing to the Council that Thomas C. Creasy, Jr. filed with The North Carolina State Bar a Petition for the Reinstatement of his certificate to practice law in North Carolina;

And the Council finds from the Petition and from representations by counsel for Petitioner, R. C. Carmichael of the Mecklenburg County Bar, that:

1. Thomas C. Creasy, Jr. has paid the costs of the hearing which resulted in the suspension of his license to practice law.
2. Thomas C. Creasy, Jr. was duly licensed to practice law in the courts of the State of North Carolina in 1958.
3. Thomas C. Creasy, Jr. was engaged in the general practice of law in North Carolina from 1958, until December 16, 1977, at which date he was suspended from the practice of law for two (2) years.
4. More than two (2) years has passed since his suspension.


And the Council finds that Thomas C. Creasy, Jr. has the moral qualifications, competency and learning in the law required for the admission to the practice of law in this State, and that the resumption of the practice of law within the State by Thomas C. Creasy, Jr. will be neither detrimental to the integrity and standing of the Bar or the administration of justice nor subversive of the public interest.

NOW, THEREFORE, BE IT RESOLVED that Thomas C. Creasy, Jr., heretofore suspended from the practice of law by the Disciplinary Hearing Commission of The North Carolina State Bar, be reinstated as an attorney at law with the rights and privileges to practice law in North Carolina;

The Secretary is further directed to forward a copy of this Resolution to the Supreme Court of North Carolina, the Court of Appeals of North Carolina, to the Clerk of Superior Court of Mecklenburg County, and all other Courts of Law notified previously of Thomas C. Creasy, Jr.'s Suspension.


BE IT FURTHER RESOLVED that the Petitioner is taxed with the cost of this proceeding as certified by the Secretary.

By Order of the Council this 16th day of January, 1981.


B. E. James, Secretary-Treasurer
The North Carolina State Bar

I, B. E. James, Secretary-Treasurer of The North Carolina State Bar hereby certify that the above Resolution of Reinstatement of Certificate of License to Practice Law was duly adopted by the Council of The North Carolina State Bar at its meeting on January 16, 1981.

Given over my hand and seal of The North Carolina State Bar, this the 3 day of February, 1981.


B. E. James, Secretary-Treasurer
The North Carolina State Bar