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NORTH CAROLINA
WAKE COUNTY

BEFORE THE COUNCIL OF THE
NORTH CAROLINA STATE BAR

IN THE MATTER OF
ALLEN NELSON SHARPE,
Attorney at Law,
Raleigh, North Carolina

ORDER

This cause coming on for consideration by the Council of The North Carolina State Bar at its quarterly meeting on Friday, April 15, 1977, in the State Bar offices, 107 Fayetteville Street, Raleigh, North Carolina, upon the Tender of Surrender of License by Allen Nelson Sharpe, Attorney, of Raleigh, North Carolina, pursuant to Section 17 of Article 9 of the Rules and Regulations of The North Carolina State Bar entitled "Surrender of License While Proceeding Pending", and it appearing from Mr. Sharpe's sworn affidavit, the Tender of License filed in this cause, and from the oral arguments and representations made to the Council by Mr. Sharpe's attorneys, John B. McMillan, Esquire, and Roger Smith, Esquire, Attorneys of Raleigh, North Carolina, the Council finds the following facts:

1. That Allen Nelson Sharpe was duly licensed to practice law in the Courts of the State of North Carolina on August 18, 1966.
2. That Allen Nelson Sharpe was employed by Cameron-Brown Company, Raleigh, North Carolina, in its Legal Department from November 1, 1972 until April 30, 1974 when he resigned his employment and moved to Boone, North Carolina and reentered the general practice of law.
3. That from May 1, 1974 until October 31, 1975, Allen Nelson Sharpe was engaged in the general practice of law in Boone, North Carolina.
4. That on October 31, 1975, Allen Nelson Sharpe was convicted in the United States District Court for the Eastern District of North Carolina of nineteen (19) counts of violating Title 18, USC Section 1341 in that he used the mails to facilitate the transmission of false and fraudulent representations and of one (1) count of violating title 18 USC Section 1342 in that he used fictitious names to effectuate

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mail fraud.

5. That in ten (10) counts of violating Title 18 USC Section 1341 the Trial Judge sentenced Allen Nelson Sharpe to a sentence of one (1) year in prison on each count and a One Thousand Dollar (\$1,000.00) fine on each count which sentences were to run consecutively; that on the remaining nine (9) counts of violating Title 18 USC Section 1341 and the one (1) count of violating Title 18 USC Section 1342, the Trial Judge sentenced Allen Nelson Sharpe to a sentence of one (1) year on each count to run concurrently with the sentences imposed on the first ten (10) counts.

6. That immediately thereafter, Allen Nelson Sharpe gave notice of appeal of his conviction to the United States Court of Appeals for the Fourth Circuit and that the United States Court of Appeals for the Fourth Circuit affirmed the convictions and sentences imposed by the Trial Court.

7. That Allen Nelson Sharpe acknowledges the charges of which he was convicted constitute misconduct and acknowledges the truth of the facts which constitute the misconduct and desires to resign and surrender his license to practice law.

8. That the facts which gave rise to the indictments and conviction of Allen Nelson Sharpe, which constitute the misconduct acknowledged by the said Allen Nelson Sharpe, were: that while employed at Cameron-Brown Company as an interim loan officer, he created a fictitious law firm. In dealing with loan customers of Cameron-Brown, he offered the services of this fictitious law firm to prepare necessary documents for the closing of loans and he then prepared these documents himself representing that the documents had been prepared by the fictitious law firm. The loan customers then paid legal fees in the form of money for this work, believing they were paying them to the fictitious law firm while, in fact, these fees were received by Allen Nelson Sharpe and converted to his own use; that in order to facilitate this misconduct, Allen Nelson Sharpe also employed the use of the

United States mails in violation of Title 18 USC Section 1341 and 1342.

9. That the matters giving rise to the misconduct of Allen Nelson Sharpe are the subject of a current investigation being made by the Grievance Committee of The North Carolina State Bar.

10. That the Tender of Surrender of his license by Allen Nelson Sharpe is freely and voluntarily tendered; that it is not the result of coercion or duress; and that Allen Nelson Sharpe is fully aware of the implications of submitting this tender of license.

11. That Allen Nelson Sharpe does not desire to contest the charges of misconduct now under investigation and feels if the charges were litigated, he could not successfully defend himself against the charges.

After giving full consideration to the facts found by the Council in this case, based upon the affidavit of Allen Nelson Sharpe and the oral representation of his attorneys, John B. McMillan, Esquire, and Roger Smith, Esquire, the Council concludes that Allen Nelson Sharpe's misconduct is a violation of Section DR1-102(A)(3) and (4), and upon motion duly made and seconded, the Council:

RESOLVED, that the license to practice law in North Carolina heretofore issued to Allen Nelson Sharpe, of Raleigh, North Carolina and being tendered by Allen Nelson Sharpe, through his attorneys, John B. McMillan, Esquire, and Roger Smith, Esquire, be accepted as a surrender of license and Allen Nelson Sharpe is disbarred from the practice of law in North Carolina beginning April 15, 1977;

BE IT FURTHER RESOLVED, that Allen Nelson Sharpe be taxed with the cost of this proceeding; be it further resolved that the President is authorized and directed to enter an appropriate order.

Pursuant to the resolution adopted by the Council of The North Carolina State Bar, Allen Nelson Sharpe is hereby disbarred from the practice of law in North Carolina from April 15, 1977 and that he is not to engage in the practice of law in North Carolina hereafter;

that he be taxed with the cost of this proceeding; that a copy of this order be forwarded to the General Court of Justice of the State of North Carolina and to the appropriate authorities of the United States Federal Courts in the State of North Carolina.

Done at Raleigh, North Carolina, pursuant to the resolution duly adopted by the Council of The North Carolina State Bar on April 15, 1977.

This 25th day of April, 1977.



George J. Miller, President
The North Carolina State Bar