

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
10G0539

IN THE MATTER OF)

George F. Goosmann, IV)
Attorney At Law)

REPRIMAND

On April 21, 2011, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S.W.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

Since 1995, you represented S.W. and her husband's family LLC in more than 150 real estate transactions. S.W.'s signature appears on a deed of trust dated June 25, 2004 and on a deed dated August 20, 2004. S.W. did not sign the documents. You notarized the documents without seeing the documents being signed, although you indicated that you believed at the time that S.W. had signed the documents outside your presence.

N.C. Gen. Stat. §10B-20(c)(1) provides:

(c) A notary shall not perform a notarial act if any of the following apply:

- (1) The principal or subscribing witness is not in the notary's presence at the time the notarial act is performed.

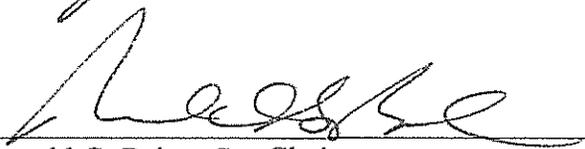
Because you notarized documents supposedly signed by S.W. when neither S.W. nor a subscribing witness was in your presence, you implemented a false jurat in violation of Rule 8.4(c).

In deciding to issue this Reprimand, the Committee considered the following additional facts. First, you have been practicing for over twenty years and have no prior disciplinary actions. Second, S.W. suffered no financial harm because of the executed documents. The underlying debt has been satisfied and a record of satisfaction was filed on the June 2004 deed of trust. The deed executed in August 2004 conveyed property from S.W. and her husband back to the family LLC in which they were members. That same property previously had been conveyed by the family LLC without consideration to S.W. and her husband for financing purposes with the family LLC paying the indebtedness. Third, it appears that you have performed a substantial number of closings since 2004, and the State Bar has not received any other grievances or complaints in the intervening six years, or before that time, about you notarizing signatures for others who were not in your presence. You had a long-standing professional and personal relationship with S.W. and the family and you allowed this relationship to affect your judgment in this situation concerning the notarization of these signatures.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted January 24, 2008 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$100.00 is hereby taxed to you.

Done and ordered, this the 2 day of June, 2011.



Ronald G. Baker, Sr., Chair
Grievance Committee