

1671

NORTH CAROLINA
WAKE COUNTY

FILED
1983 JUL 16 PM 2:23
J. J. JONES, JR.
CLERK N.C. STATE BAR

BEFORE THE COUNCIL
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
83 BCS 5

IN THE MATTER OF THE TENDER OF)
SURRENDER OF THE LICENSE OF) ORDER OF THE COUNCIL
)
CARL GOLDFARB, ATTORNEY)

This matter coming on to be heard and being heard by the Council of The North Carolina State Bar on Friday, July 15, 1983 pursuant to Rule 17 of Article IX of the Rules of Discipline and Disbarment of The North Carolina State Bar upon the tender of surrender of the license to practice law of Carl Goldfarb made by affidavit dated May 20, 1983, and filed on June 20, 1983; and based upon the affidavit of Carl Goldfarb and the record, the Council makes the following FINDINGS OF FACT:

1. Carl Goldfarb freely and voluntarily tendered the surrender of his license on or about June 20, 1983, and the tender was not the result of any coercion or duress. Carl Goldfarb was and is fully aware of the implications of his tender of surrender of license.

2. On or about January 19, 1981, Carl Goldfarb was the closing attorney in a real estate transaction. Carl Goldfarb collected monies at the closing to pay off a second mortgage in the amount of \$7,404.63. Instead of paying off the mortgage, and without authorization from anyone, Carl Goldfarb made payments on the second mortgage and retained the \$7,404.63 for his personal use. After being contacted by his client about the matter, Carl Goldfarb paid off the second mortgage.

3. On or about March 31, 1982, Carl Goldfarb conducted another closing and collected \$14,005.62 to pay off a mortgage. Carl Goldfarb retained this money for his personal use and made monthly payments on the mortgage until August 1986, when it was discovered in August 1982 that the mortgage had not been paid off. Carl Goldfarb made full payment of the balance of this mortgage.

4. On May 19, 1983, Carl Goldfarb pled guilty to two counts of embezzlement in violation of N.C. Gen. Statutes §14-90 in files numbered 82 CRS 56648 and 82 CRS 71835 in Mecklenburg County Superior Court as a result of the above-mentioned incidents. These crimes are serious crimes as defined in Section 3(30) of Article IX of the Rules of Discipline and Disbarment of The North Carolina State Bar.

5. In addition, Carl Goldfarb admitted, in his affidavit and to the Court, to four other incidents of converting clients' settlement proceeds to his own use without authorization from his clients.

6. By notice dated June 21, 1983, Carl Goldfarb and his attorney, Michael S. Scofield, were notified of this hearing before the Council.

Based upon the foregoing FINDINGS OF FACT, the Council makes the following CONCLUSIONS OF LAW:

1. The affidavit of Carl Goldfarb to tender surrender of his license to practice law complies with Section 17 of Article IX of the Rules of Discipline and Disbarment of The North Carolina State Bar.

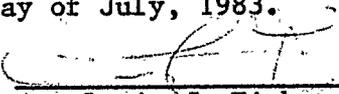
2. The crimes for which Carl Goldfarb has been convicted are serious crimes as defined in Section 3(30) of Article IX of the Rules of Discipline and Disbarment of Article IX of The North Carolina State Bar.

3. The additional conduct involving converting clients' settlement proceeds to his own use without authorization from his clients are violations of Disciplinary Rule 9-102(A) and (B) of the Code of Professional Responsibility.

THEREFORE, upon Motions duly made and seconded, the Council hereby ORDERS that:

1. The tender of surrender of the license of Carl Goldfarb be accepted.
2. Carl Goldfarb is hereby DISBARRED.
3. The costs of this proceeding are taxed to Carl Goldfarb.

Done and Ordered this the 15th day of July, 1983.



Louis J. Fisher, Jr., President
The North Carolina State Bar