

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
88G 0033 (II)

IN THE MATTER OF

MALCOLM B. GRANDY
ATTORNEY AT LAW

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PUBLIC REPRIMAND

On April 13, 1989, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by Marie W. Hubbard.

Pursuant to Section 13(7) of Article IX of the Rules and Regulations of the North Carolina State Bar, the Grievance Committee, after considering the evidence, including your response to the Letter of Notice, found probable cause which 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 a Private Reprimand, a Public Reprimand, or a Public Censure to the accused attorney.

The Grievance Committee was of the opinion that a complaint and hearing are not required in this case and issues this Public Reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this Public Reprimand and I am certain that you will understand fully the spirit in which this duty is performed.

A Public Reprimand is a serious form of discipline imposed by the Grievance Committee. The Grievance Committee felt that your conduct warranted public discipline due to your violation of the Rules of Professional Conduct. The committee trusts that this misconduct will not reoccur.

In April, 1980, Ms. Hubbard purchased the property located at 201 Thompson Street in Raleigh, North Carolina from you and your wife. The negotiated price was \$15,000. You accepted her \$15,000 check for the property. Ms. Hubbard, or her representative, failed to record her deed. Ms. Hubbard, upon discovery that the deed had never been recorded, recorded the deed on April 17, 1987. Ms. Hubbard subsequently learned that you had deeded the property to your son, Dana Lee Grandy, by deed recorded March 3, 1987. She had to employ counsel to get the property back in her name.

Your recording of the deed to your son was done in an effort to keep Ms. Hubbard from selling the property without paying your claims for back taxes you claimed she agreed to pay when she purchased the property. However, you had accepted her check for the purchase price and had cashed it. You never wrote to her and demanded payment of any back taxes. Your self-help method of

protecting your claimed interest in the property violated Rule 1.2(D). The deed to your son of property you had conveyed in 1980 constituted a misrepresentation of the true state of the title on the public record.

The committee was aware that you did not intend by the deed to "steal" the property from Ms. Hubbard. However, the Committee felt your method of enforcing your claim against Ms Hubbard warranted this action.

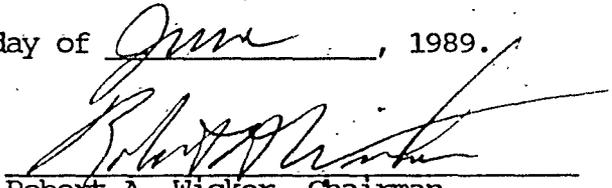
You are hereby publicly reprimanded by the North Carolina State Bar due to your professional misconduct." The Grievance Committee trusts that you will ponder this Public Reprimand, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This Public Reprimand should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

This Public Reprimand will be maintained as a permanent record in the judgment book of the North Carolina State Bar. Since a complaint was made and professional misconduct has been found, the complainant will receive a copy of this Public Reprimand. A copy also is available to the public upon request.

Within 15 days after this Public Reprimand is served upon you, you may refuse this Public Reprimand and request that charges be filed. Such refusal and request must be addressed to the Grievance Committee and filed with the Secretary. If you do file such refusal and request, counsel shall thereafter be instructed to prepare and file a complaint against you with the Disciplinary Hearing Commission of the North Carolina State Bar. The Hearing before the Disciplinary Hearing Commission is public and all of its proceedings and its decision are public.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this 13 day of June, 1989.


Robert A. Wicker, Chairman
The Grievance Committee
North Carolina State Bar

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