

894

WAKE COUNTY
NORTH CAROLINA



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
98 DHC 28

THE NORTH CAROLINA STATE BAR,
Plaintiff

vs.

GEORGE C. COLLIE, ATTORNEY,
Defendant

CONSENT FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER
OF DISCIPLINE

This matter comes before a hearing committee of the Disciplinary Hearing Commission composed of Robert B. Smith, Esq., Chair, Michael L. Bonfoey and Jean G. Hauser. The Plaintiff was represented by Clayton W. Davidson, III, Deputy Counsel. The Defendant George C. Collie appeared *pro se*. Both parties stipulate and agree to the findings of fact and conclusions of law recited in this consent order, and to the discipline imposed. Based upon the consent of the parties, the hearing committee enters the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar (the "State Bar") is a body duly organized under the laws of the State of North Carolina and is the proper body to bring this proceeding under the authority granted to it in Chapter 84 of the General Statutes of North Carolina and the rules and regulations of the State Bar promulgated pursuant thereto (the "State Bar Rules and Regulations").

2. The Defendant, George C. Collie, (the "Defendant") was admitted to the State Bar in or about 1967 and is, and was at all times referred to herein, an attorney who has been issued a

license to practice in North Carolina and is subject to the State Bar Rules and Regulations and the Rules of Professional Conduct of North Carolina.

3. In or about 1992, the Defendant filed a petition requesting to go on inactive status with the North Carolina State Bar, and has remained on inactive status since that time. An order was entered by the counsel transferring the Defendant to inactive status in 1992. Consequently, the Defendant has not been authorized to practice law in North Carolina since 1992.

4. On or about July 31, 1997, Woody H. Blair filed an action against Ernie Wiseman Doing Business as Wiseman Auto Sales in the Small Claims Division of the District Court of Mecklenburg County, file number 97 CVM 17157.

5. On or about August 1, 1997, the Defendant filed an Answer to the Small Claims Action, which he signed as "Attorney for the Defendant" and included his Bar Number 0894.

6. The Defendant mailed the answer to Sue Roberts, Deputy Clerk of Superior Court and enclosed a cover letter written on letterhead identifying the Defendant as George C. Collie, Attorney At Law.

Based on the foregoing findings of fact, the hearing committee enters the following:

CONCLUSIONS OF LAW

The Defendant's foregoing actions constitute grounds for discipline pursuant to NC GEN STAT § 84-28(b)(2) in that the Defendant violated the North Carolina Revised Rules of Professional Conduct as follows:

By identifying himself as an Attorney at Law in the cover letter to the court, and by filing pleadings and otherwise appearing on behalf of Wiseman's Auto Sales, the Defendant violated Rule 5.5(a).

Based on the consent of the parties, the hearing committee also enters the following:

FINDINGS OF FACT REGARDING DISCIPLINE

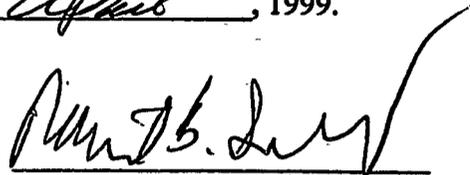
1. The Defendant's misconduct is aggravated by the following factors:
 - a. Substantial experience in the practice of law;
 - b. Prior public reprimand 91 DHC 4.
2. The Defendant's misconduct is mitigated by the following factors:
 - a. remorse;
 - b. absence of a dishonest or selfish motive;
 - c. full free disclosure to the hearing committee and cooperative attitude toward proceedings;
 - d. remoteness of prior offenses.

Based on the forgoing findings of fact and conclusions of law and findings regarding discipline and based on the consent of the parties, the hearing committee enters the following:

ORDER OF DISCIPLINE

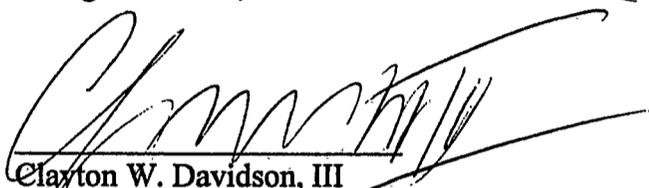
1. The Defendant, George C. Collie, is hereby suspended from the practice of law for a period of thirty (30) days from the date of service of this order.
2. The Defendant George C. Collie shall not engage in the practice of law as defined in NC GEN STAT § 84-2.1 until and unless he complies with the terms and conditions of 27 NC ADMIN CODE CHAPTER 1 SUBCHAPTER B § .0902 concerning reinstatement from inactive status, and any other applicable rules or regulations. He shall not be eligible to apply for reinstatement prior to the expiration of the term of the suspension imposed in this matter.
3. The Defendant shall pay the costs of these proceedings within thirty days of service upon him of the imposition of costs by the secretary.

Signed by the undersigned chair with the full knowledge and consent of all other members of the hearing committee this 17th day of April, 1999.


Robert B. Smith, Chair

CONSENTED TO:


George C. Collie, Defendant


Clayton W. Davidson, III
Attorney for the Plaintiff