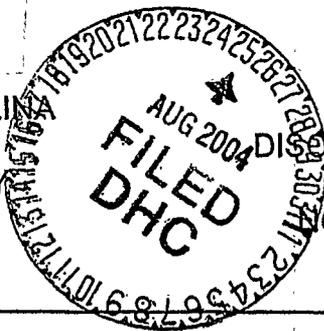


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NORTH CAROLINA
WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
04 DHC 43

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
v.)
FREDERICK SIMON LUTZ, Attorney,)
Defendant)

ORDER OF
INTERIM SUSPENSION

THIS CAUSE came on to be heard and was heard before the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 N.C.A.C. 1B §.0115(d). Plaintiff, the North Carolina State Bar, is represented by Margaret Cloutier and Defendant, Frederick Simon Lutz, appears pro se at this time. Based upon the pleadings and review of certified copies of documents, the undersigned makes the following:

FINDINGS OF FACT

1. Defendant was licensed to practice law in North Carolina in 1980.
2. Defendant's address of record with the North Carolina State Bar is 1227 Gatehouse Road, High Point, North Carolina 27262.
3. On April 30, 2004, Defendant was convicted by a jury in the United States District Court for the Middle District of North Carolina of nine felonies charged in a criminal Indictment relating to real estate transactions in which he was the closing attorney. Defendant was convicted of the following crimes:
 - (a) Defrauding mortgage lenders to obtain mortgage loans by submitting materially false information by means of wire communication in interstate commerce in violation of Title 18 U.S.C., Sections 1343 and 1342,
 - (b) Money laundering the proceeds obtained by virtue of wire fraud in the scheme to defraud mortgage lenders in violation of Title 18 U.S.C., Sections 1956 (a)(1)(A)(i) and (2),
 - (c) Defrauding mortgage lenders to obtain mortgage loans by submitting materially false information by means of the United States mail or commercial interstate carriers in interstate commerce in violation of Title 18 U.S.C., Sections 1341 and 1342, and

(d) Knowingly and willfully making material false statements to agents of the Federal Bureau of Investigation in violation of Title 18 U.S.C., Section 1001(a)(2).

4. Defendant has not yet been sentenced for his criminal offenses.

5. The North Carolina State Bar has filed a formal complaint against Defendant alleging he has violated the Revised Rules of Professional Conduct based upon his felony convictions.

Based upon the foregoing Findings of Fact the undersigned makes the following

CONCLUSIONS OF LAW

6. The crimes for which Defendant was convicted are criminal offenses showing professional unfitness as defined in 27 NCAC 1B, §.0103 (17).

7. Defendant's convictions are final within the meaning of 27 N.C.A.C. 1B §.0115.

8. 27 N.C.A.C. 1B §.0115 provides that the Chair may enter an order suspending the member from practicing law pending disposition of disciplinary proceedings before the Disciplinary Hearing Commission based on the conviction of such a crime.

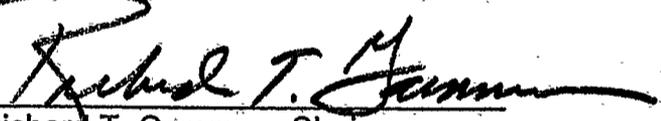
9. An order suspending Defendant's law license on an interim basis is necessary for the protection of the public and to uphold the standing of the legal profession.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

ORDER

The license to practice law in North Carolina of Frederick Simon Lutz is hereby **SUSPENDED** until the conclusion of all disciplinary proceedings pending before the North Carolina State Bar relating to Defendant's felony convictions in the United States District Court.

This the 23rd day of August 2004.


Richard T. Gammon, Chair
Disciplinary Hearing Commission