

business in Charlotte, North Carolina known as Newberg's,
the defendant made at least two trips to New York City
with Liss for the purpose of negotiating a settlement with
Liss's creditors.

4. As a result of the second meeting in New York City
it was agreed and Liss was required, upon his return to Charlotte,
North Carolina, to post good faith money in the amount of
\$20,000 to be deposited with New York Credit Mens Adjustment
Bureau.

5. While making the aforementioned trips, the defendant
advised Liss that he (the defendant) was in financial straits and
needed to borrow some money. Liss agreed during one of these
trips to loan the defendant \$20,000.

6. Upon return to Charlotte, North Carolina, Liss
purchased from Wachovia Bank and Trust Company two cashier's
checks in the amounts of \$16,000 and \$4,000 respectively.
These checks were made payable to "Carl Goldfarb, Trustee --
Mr. Hi Style Enterprises, et al.". Liss thereafter personally
delivered said checks to the office of the defendant.

7. The defendant received said checks and endorsed
them "Carl Goldfarb, Trustee -- Mr. Hi Style Enterprises, et al.",
and deposited them in his personal checking account, when he knew
and understood that the checks were intended to be used to pay
the New York Credit Mens Adjustment Bureau.

8. Subsequently, the defendant used said funds for
his personal use.

Based upon the foregoing findings of fact, the
trial committee makes the following conclusions of law:

1. The conduct of the defendant as set forth above
constitutes a violation of North Carolina General Statutes 84-
28 (b), (2), in that upon receiving funds of his client, he
failed to preserve the identity of the same by depositing them
in one or more identifiable bank accounts, in violation of
Disciplinary Rule 9-102 (A) of the Code of Professional
Responsibility of The North Carolina State Bar.

2. The defendant, upon receipt of the above-mentioned funds of his client, failed to preserve the same and failed to promptly pay or deliver to his client the funds so held by him when requested to do so by the client, in violation of Disciplinary Rule 9-102 (A) and Disciplinary Rule 9-102 (B) (4) of the Code of Professional Responsibility of The North Carolina State Bar.

This 31st day of June, 1977.

Cyrus F. Lee
Cyrus F. Lee, Chairman

Ralph C. Gingles, Jr.
Ralph C. Gingles, Jr.

Kenyon B. Zahner, Jr.
Kenyon B. Zahner, Jr.

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NORTH CAROLINA
MECKLENBURG COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
VS.)
CARL GOLDFARB, ATTORNEY,)
Defendant.)

ORDER OF PUBLIC CENSURE

This cause coming on to be heard and being heard before the undersigned trial committee of the Disciplinary Hearing Commission of The North Carolina State Bar on June 3, 1977, in the office of The North Carolina State Bar, 107 Fayetteville Street, Raleigh, North Carolina, at 9:30 o'clock A.M., and

The plaintiff being represented by its counsel, Harold D. Coley, Jr., and the defendant being present and represented by his attorney, R. C. Carmichael, Jr., and the trial committee having heard the evidence and argument of counsel, and having made certain findings of fact and conclusions of law, on June 3, 1977, all as appears of record herein;

NOW, THEREFORE, based upon such findings of fact and conclusions of law, the trial committee of the Disciplinary Hearing Commission hereby issues the following Order of Public Censure to Carl Goldfarb, Attorney:

Pursuant to Section 23 of the Discipline and Disbarment Procedures of The North Carolina State Bar this Public Censure is delivered to you. You have been found to have violated the Code of Professional Responsibility of The North Carolina State Bar by a hearing committee of the Disciplinary Hearing Commission sitting on June 3, 1977, in the following manner:

1. You violated North Carolina General Statutes, Chapter 84, Section 28(b), (2) in that having received funds of your client you failed to preserve the identity of the same by depositing the funds in one or more identifiable bank accounts in violation of

Disciplinary Rule 9-102(A) of the Code of Professional Responsibility of The North Carolina State Bar.

2. You received funds of your client and failed to preserve the same. You failed to promptly pay and deliver said funds to your client upon his request; and you failed to apply the same to the purposes for which the funds had been delivered to you as an attorney at law, all in violation of Disciplinary Rule 9-102(A) and Disciplinary Rule 9-102(B)(4) of the Code of Professional Responsibility of The North Carolina State Bar.

Notwithstanding there were some mitigating circumstances in your case, your conduct with your client was unprofessional and it violated not only the letter but also the spirit of the Code of Professional Responsibility of The North Carolina State Bar. The fact that the trial committee did not see fit to impose more severe discipline should not be taken by you to indicate it in any way felt that your conduct in this matter was excusable.

NOW, THEREFORE, pursuant to Section 23 of the Rules of Disciplinary Procedure, it is ordered that a certified copy of this Public Censure be entered upon the judgment docket of the Superior Court of Mecklenburg County and also upon the minutes of the Supreme Court of North Carolina.

Issued this 3rd day of June, 1977.

Cyrus F. Lee
Cyrus F. Lee, Chairman

Ralph C. Gingles, Jr.
Ralph C. Gingles, Jr.

Kenyon B. Zahner, Jr.
Kenyon B. Zahner, Jr.