

STATE OF NORTH CAROLINA

WAKE COUNTY

THE NORTH CAROLINA STATE BAR

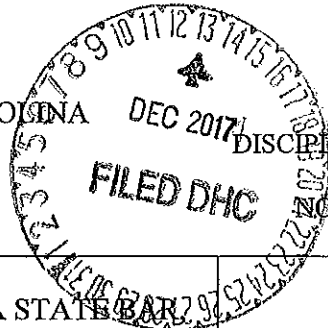
Plaintiff

v.

DARIN P. MEECE, Attorney,

Defendant

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
17 DHC 36



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

THIS MATTER was considered by a hearing panel of the Disciplinary Hearing Commission composed of David W. Long, Chair, Fred W. DeVore, III, and Christopher R. Bruffey pursuant to 27 N.C. Admin. Code 1B.0116 of the Rules and Regulations of the North Carolina State Bar. Plaintiff, the North Carolina State Bar, was represented by Maria J. Brown. Defendant, Darin P. Meece, was represented by Deanna Brocker. Defendant waives a formal hearing in this matter and both parties stipulate and consent to the entry of this order and to the discipline imposed. Defendant waives any right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based upon the consent of the parties, the Hearing Panel hereby makes, by clear, cogent, and convincing evidence, the following

FINDINGS OF FACT

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

2. Defendant, Darin P. Meece ("Defendant" or "Meece"), was admitted to the North Carolina State Bar in August 1995 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the times relevant herein, Meece was actively engaged in the practice of law in Durham, Durham County, North Carolina.

4. Defendant was properly served with process and received due notice of the hearing in this matter.

5. In September 2015, Defendant represented Ryan King (“King”) in his purchase of real property in Durham, North Carolina, from seller Cynthia Bland (“Bland”).

6. As closing attorney for the transaction, Defendant was responsible for collecting fees, preparing a settlement statement, recording the deed, and disbursing the net proceeds from the transaction.

7. Attorney Wayne Roper (“Roper”) prepared the general warranty deed Bland signed conveying real property to King.

8. The deed Roper prepared contained an error in the legal description’s lot number reference. Specifically, the parties intended Lot 4 to be conveyed in the transaction, but the deed mistakenly referenced Lot 3.

9. On or about 29 September 2015, the deed was recorded with the Durham County Register of Deeds in book 7795, page 108.

10. On or about 13 March 2017, Defendant prepared a general warranty deed from Cynthia Bland, Grantor, to Ryan King, Grantee, which corrected the lot number reference in the legal description of the property (“corrective deed”).

11. For the corrective deed to be valid and effectual, Bland would have to sign it or authorize another to sign it on her behalf.

12. Bland did not authorize Defendant or anyone else to sign her name on the corrective deed.

13. On or about 13 March 2017, Defendant signed Bland’s name as Grantor on the corrective deed.

14. Defendant intended that his signature of Bland’s name on the corrective deed be received by the Register of Deeds and others as Bland’s genuine act.

15. Defendant then notarized the false signature, falsely certifying that Bland had personally appeared before him and acknowledged her execution of the deed.

16. Bland had not appeared before Defendant.

17. Bland had neither indicated that she had signed the corrective deed nor signed the corrective deed in Defendant’s presence while Defendant personally observed her signing the corrective deed.

18. At the time Defendant completed the notarial certificate on the corrective deed, he knew that the acknowledgement he purported to take on the corrective deed was false.

19. On or about 14 March 2017, the corrective deed was recorded with the Durham County Register of Deeds in book 8141, page 475.

Based upon the foregoing Findings of Fact and the consent of the parties, the Hearing Panel enters the following

CONCLUSIONS OF LAW

1. All parties are properly before the hearing panel and the panel has jurisdiction over Defendant, Darin P. Meece, and over the subject matter of this proceeding.

2. Defendant's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) as follows: By signing Bland's name on the corrective deed, notarizing his signature of Bland's name on the corrective deed, and filing the deed, Defendant engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

Based upon the foregoing Findings of Fact, Conclusions of Law, and the consent of the parties, the Hearing Panel makes by clear, cogent, and convincing evidence the following

ADDITIONAL FINDINGS REGARDING DISCIPLINE

1. There is an absence of evidence demonstrating that Defendant defrauded, intended to defraud, or otherwise harmed the parties to the real estate transaction by signing Bland's name to the corrective deed. However, Defendant acted in a dishonest and deceitful manner when he signed Bland's name, notarized the false signature of Bland's name, and filed the corrective deed with the Register of Deeds.

2. There is an absence of any evidence that Defendant exhibited a dishonest or selfish motive.

3. Defendant's conduct caused potential significant harm to the standing of the legal profession in the eyes of the public in that such conduct by attorneys erodes the trust of the public in the profession. Such erosion of public confidence in attorneys tends to sully the reputation of, and fosters disrespect for, the profession as a whole. Confidence in the legal profession is a building block for public trust in the entire legal system.

4. Defendant's disregard for the notary requirements of this State caused potential significant harm to the administration of justice in the eyes of the public and in the eyes of employees of the judicial system in that such conduct by attorneys damages and undermines the integrity of a notarized signature. By disregarding these requirements, Defendant showed indifference to his obligations as both a licensed attorney and as a licensed notary.

5. Defendant, who was licensed to practice law in North Carolina in 1995, has substantial experience in the practice of law.

6. Defendant has acknowledged his conduct violated the Rules of Professional Conduct and is remorseful for his actions.

Based upon the Findings of Fact, Conclusions of Law, Additional Findings Regarding Discipline, and with the consent of the parties, the Hearing Panel also enters the following

CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel has carefully considered all of the different forms of discipline available to it. In addition, the Hearing Panel has considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(1) of the Rules and Regulations of the North Carolina State Bar and determines the following factors are present which warrant consideration of suspension of Defendant's license:

- (a) Defendant's intent to commit acts where the harm or potential harm is foreseeable;
- (b) Circumstances reflecting Defendant's lack of honesty, trustworthiness, or integrity;
- (c) Negative impact of Defendant's actions on the public's perception of the legal profession;
- (d) Negative impact of Defendant's actions on the administration of justice;
- (e) Effect of Defendant's conduct on third parties; and
- (f) Defendant's conduct included acts of dishonesty, misrepresentation, deceit, or fabrication.

2. The Hearing Panel has carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(2) of the Rules and Regulations of the North Carolina State Bar and concludes that although acts of misrepresentation are present in this case, disbarment is not necessary in order to protect the public.

3. The Hearing Panel has carefully considered all of the factors enumerated in 27 N.C. Admin. Code 1B.0116(f)(3) of the Rules and Regulations of the North Carolina State Bar and concludes that the following factors are applicable:

- (a) Defendant's good faith efforts to make restitution or rectify consequences of his misconduct;
- (b) No prior disciplinary offenses;
- (c) Cooperative attitude toward the proceedings;
- (d) No pattern of misconduct;
- (e) Good character or reputation for truthfulness and honesty;
- (f) Remorse; and
- (g) Defendant's substantial experience in the practice of law.

4. The Hearing Panel has considered all forms of discipline and concludes that any sanction less than suspension would fail to acknowledge the seriousness of the offenses

committed by Defendant, would not adequately protect the public, and would send the wrong message to attorneys and to the public regarding the conduct expected of members of the Bar.

5. Due to the misrepresentations described in the present action as well as the potential significant harm resulting from Defendant's conduct, the hearing panel concludes that active suspension of Defendant's license for a set period of time is the only discipline that will adequately protect the public from future transgressions by Defendant, that acknowledges the seriousness of the offenses Defendant committed, and that sends a proper message to attorneys and the public regarding the conduct expected of members of the Bar of this State.

6. Under other circumstances, the misconduct in this case would warrant more serious discipline. The misconduct caused substantial potential harm to the public's confidence in the integrity of the legal profession and the judicial system. However, the hearing panel finds and concludes that the unique circumstances surrounding this case justify lesser discipline than would otherwise be appropriate. The factors that particularly warrant lesser discipline include: there is no evidence Defendant's conduct resulted in actual harm to the parties to the transaction; Defendant's conduct was not the result of any selfish motive; Defendant has accepted personal responsibility for his actions; Defendant acknowledges the wrongfulness and seriousness of his misconduct; and Defendant is genuinely remorseful.

Based upon the foregoing Findings of Fact, Conclusions of Law, and Findings Regarding Discipline, and with the consent of the parties, the Hearing Panel enters the following

ORDER OF DISCIPLINE

1. The license of Defendant, Darin P. Meece, is hereby suspended for one year, effective 15 days from service of this order upon Defendant.

2. Defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 15 days following the effective date of this Order. Defendant shall comply with the wind down provisions contained in Rule .0128 of the North Carolina State Bar Discipline and Disability Rules, located at 27 N.C. Admin. Code 1B.0128.

3. Defendant shall pay the costs and administrative fees of this proceeding as assessed by the Secretary within 30 days of service of the statement of costs upon him.

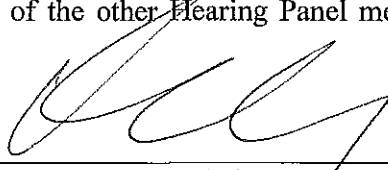
4. At the end of the one-year active period of suspension, Defendant may apply for reinstatement by filing a petition with the DHC in accordance with the North Carolina State Bar Discipline and Disability Rules and by showing by clear, cogent, and convincing evidence that he has complied with the following conditions for reinstatement:

- (a) That he has complied with the general provisions for reinstatement listed in 27 N.C. Admin. Code 1B.0129(b) of the North Carolina State Bar Discipline & Disability Rules;

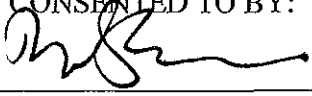
- (b) That he has paid all outstanding membership dues and Client Security Fund assessments and that there is no deficit in his fulfillment of any obligation of membership;
- (c) That he has kept the North Carolina State Bar membership department advised of his current physical home and business addresses and telephone numbers, and that he has accepted all certified mail from the North Carolina State Bar and responded to all letters of notice and requests for information from the North Carolina State Bar by the deadlines stated in the communication or within fifteen (15) days of receipt of such communication, whichever is later;
- (d) That he has not violated any state or federal laws or any provisions of the Rules of Professional Conduct; and
- (e) That he has paid all costs and administrative fees associated with this case as assessed by the Secretary.

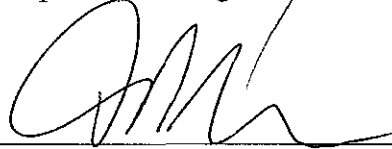
5. Defendant may file a petition seeking reinstatement pursuant to 27 N.C. Admin. Code 1B.0129 prior to the end of the one year period but shall not be reinstated prior to the end of that one year period and until 30 days have elapsed from the date of the filing of the petition for reinstatement.

Signed by the Chair with the consent of the other Hearing Panel members, this the 13 day of December, 2017.


 David W. Long, Chair
 Disciplinary Hearing Panel

CONSENTED TO BY:


 Maria J. Brown
 Deputy Counsel
 North Carolina State Bar
 Counsel for Plaintiff


 Darin P. Meece
 Defendant


 Deanna Brocker
 Counsel for Defendant