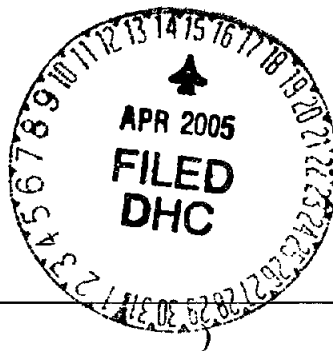


NORTH CAROLINA

WAKE COUNTY



BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
05 BCS 3

IN THE MATTER OF THE
TENDER OF LICENSE OF:
DOUGLAS T. SIMONS

)
)
)
)

ORDER OF DISBARMENT

THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to Section .0017 of Subchapter B of the Rules and Regulations of the North Carolina State Bar upon an affidavit of tender of license executed by Douglas T. Simons and filed in the offices of the North Carolina State Bar on 11 April 2005.

Based upon the affidavit of tender of license, the Council finds that Douglas T. Simons misappropriated at least \$300,000.00 in client funds from his trust account and used the misappropriated funds for her own personal use over a period of three years. The Council further finds that Douglas T. Simons admits that he presented false documentation to the investigators for the State Bar. The Council also finds that Douglas T. Simons has waived his rights to notice of this hearing and the right to be heard before the Council. The Council concludes that the conduct of Douglas T. Simons constitutes grounds for discipline under N.C. Gen. Stat. §84-28(b)(2) in that Douglas T. Simons violated Rules 1.15-2(a), (j), and (m); 8.1(a); and 8.4(a), (b), and (c) of the Revised Rules of Professional Conduct and that the Council may enter an order of discipline accordingly.

WHEREFORE, upon motion duly made and seconded, the Council of the North Carolina State Bar enters the following order:

1. The tender of surrender of license of Douglas T. Simons is hereby accepted.
2. Douglas T. Simons is hereby DISBARRED from the practice of law in North Carolina.
3. Douglas T. Simons will comply with the provisions of Subchapter B, Section .0024 of the Rules and Regulations of the North Carolina State Bar and will surrender her license and permanent registration card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0024.
4. The costs of this action are taxed against Douglas T. Simons.

Done and Ordered, this the 15th day of April, 2005.

Robert F. (Bud) Siler, President
The North Carolina State Bar

NORTH CAROLINA

AFFIDAVIT OF TENDER

WAKE COUNTY

I, Douglas T. Simons, being first duly sworn, depose and say as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina, pursuant to provisions of 27 N.C. Admin. Code Chapter 1, Sub-chapter B, Section .0117 of the N. C. State Bar Discipline & Disability Rules.

2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.

3. I am aware that there is pending an investigation by the North Carolina State Bar regarding allegations that I misappropriated funds to my own use which had been entrusted to me by clients.

4. I acknowledge that the material facts upon which the investigation is predicated are true and that I have misappropriated more than \$300,000.00 in client and fiduciary funds to my own use over a period of 3 years. I further acknowledge that I misappropriated client funds involving multiple clients, including but not limited to the clients who have filed grievances with the State Bar that resulted in the investigation that is now under way. I also admit that I presented false documentation and altered bank records showing that my trust account balance was \$100,000.00 more than the actual balance to State Bar investigators in response to their requests for information during the investigation into my conduct.

5. I am submitting my resignation because I know if disciplinary changes were predicated upon the misconduct under investigation, I could not successfully defend against those charges.

This, the 11th day of April, 2005.



Douglas T. Simons

Sworn to and subscribed before me,
this 11th day of April, 2005.



Notary Public

My commission expires: 2-2-06

