

STATE OF NORTH CAROLINA

BEFORE THE COUNCIL

COUNTY OF WAKE

OF THE
NORTH CAROLINA STATE BAR
81 BCS 1

IN THE MATTER OF THE TENDER)
 OF SURRENDER OF LICENSE OF) ORDER OF THE COUNCIL
 WILLIAM ROBERT CURTIS)

This cause coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to Rule 17 of Article IX of the Rules and Regulations of the North Carolina State Bar on April 16, 1982, upon the tender of surrender of the license of William Robert Curtis; and

It appearing that by resolution of the Council of the North Carolina State Bar adopted at its regular meeting on October 14, 1981, this matter was referred to a hearing committee of the Disciplinary Hearing Commission which met on December 11, 1981, where evidence was presented and arguments heard with A. Root Edmonson representing the North Carolina State Bar and Wallace S. Osborne representing William Robert Curtis; and

It further appearing that said hearing committee made Findings of Fact and Conclusions of Law which the Council of the North Carolina State Bar hereby adopts as follows:

FINDINGS OF FACT

1. William Robert Curtis, hereinafter referred to as Curtis, is an attorney licensed to practice in the State of North Carolina and subject to the Rules and Regulations of the North Carolina State Bar.

2. During a period of time beginning just prior to June 5, 1979 through September 19, 1979, Curtis posed as a medical doctor for the purpose of conducting semi-annual Department of Transportation (D.O.T.) physical examinations for United Parcel Service (U.P.S.) employees.

3. During this period of time, Curtis's wife was employed as a nurse for U.P.S. Curtis's wife was responsible for retaining an intern or other doctor to perform D.O.T. physicals for employees at regional U.P.S. centers, usually on weekends.

4. Prior to June, 1979, Curtis had travelled with his wife and the doctors she had retained to the U.P.S. centers where these physicals were performed. Curtis became familiar with the procedure.

5. Curtis suggested to his wife that he could appear at the U.P.S. centers posing as a doctor for the purpose of performing the D.O.T. physicals.

6. Just prior to June 5, 1979, Curtis went to one of the regional U.P.S. centers and represented himself to be Dr. Robert Adams, a medical doctor. Posing as Dr. Adams, Curtis performed the doctor's portion of the D.O.T. physicals for the U.P.S. employees, both male and female, present at the center for that purpose. Curtis completed the doctor's portion of the physical form and a D.O.T. wallet card for those employees for which it was required, signing each with the name of Dr. Robert Adams.

7. Subsequent to Curtis appearing at the U.P.S. center posing as a doctor, his wife submitted an invoice to the U.P.S. office in Medford, Oregon for payment to be made to Dr. Robert Adams for performing the physicals.

8. On June 5, 1979, the U.P.S. office in Medford, Oregon issued a check number 252199 payable to Dr. Robert Adams in the amount of \$331.80 in payment of the invoice submitted by Curtis's wife.

9. Curtis endorsed check number 252199 with the name of Dr. Robert Adams and deposited it into an account Curtis had opened at a Charlotte branch of North Carolina National Bank (NCNB) in the name of A.H.A. Associates.

10. Between June 5, 1979, and September 19, 1979, Curtis travelled to various U.P.S. regional centers in North and South Carolina representing himself as Dr. Robert Adams and performing D.O.T. physical examinations for the U.P.S. employees on eight (8) other occasions. On each such occasion, Curtis would perform the physicals and sign the various forms and wallet cards with the name, Dr. Robert Adams.

11. Subsequent to each of the occasions mentioned in the paragraph above, Curtis's wife would submit an invoice for Dr. Adams' services to the U.P.S. office in Medford, Oregon. For each such invoice sent,

U.P.S. forwarded a check payable to Dr. Robert Adams which Curtis would endorse with that name and deposit into the aforementioned account at NCNB.

12. Curtis performed physical examinations for a total of 102 U.P.S. employees.

13. The total amount of the nine checks which Curtis received from U.P.S. in the name of Dr. Robert Adams was \$2,266.85.

14. On July 27, 1981 in the United States District Court for the Western District of North Carolina in Rutherfordton, North Carolina, Curtis pleaded guilty to interstate transportation of a falsely made security in violation of 18 U.S.C. §2314 as charged in a one count information in case number C-CR-81-31. Pursuant to a plea agreement, no other charges will be pursued against either Curtis or his wife relating to the aforementioned conduct.

15. Curtis initially received a 4 year sentence from Judge Woodrow Jones with six months active and the remainder suspended. Curtis was placed on probation for three years. Curtis was also fined \$1,000.00 and ordered to pay restitution to U.P.S. On August 7, 1981, Judge Jones altered the active portion of the sentence to six months of weekends in Davie County Jail, Mocksville, North Carolina. On October 27, 1981, after Curtis reported a job promotion requiring extensive travel outside the United States, Judge Jones reduced the weekends in jail to time served and increased the fine an additional \$1,000.00.

16. Curtis has made restitution to U.P.S.

17. Curtis is presently employed at Olde Worlde, Inc. in High Point, North Carolina at an annual salary of \$35,000.00. His present position does not require a law license.

18. Curtis wound down his law practice and closed his office by the middle of August, 1981.

CONCLUSIONS OF LAW

1. The crime for which Curtis was convicted is a criminal offense showing professional unfitness and, therefore, grounds for the imposition of discipline under G.S. 84-28(b) (1).

2. Curtis willfully violated G.S. 84-28(b) (2) in that:

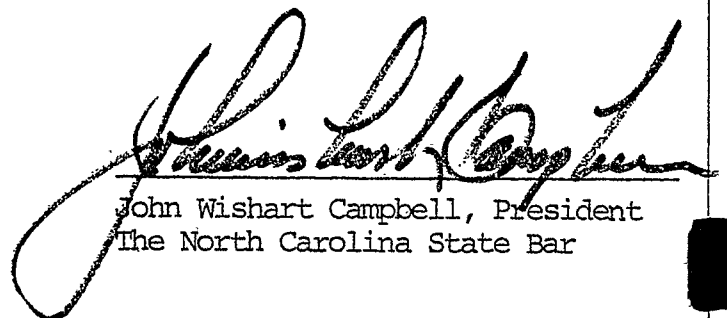
(a) By representing himself to be a medical doctor and performing physical examinations on 102 employees of U.P.S. when in fact he was not licensed to do so, Curtis practiced medicine without a license which constitutes illegal conduct involving moral turpitude in violation of DRI-102(A) (3) of the Code of Professional Responsibility.

(b) By representing himself to be Dr. Robert Adams for the purpose of performing physical examinations for U.P.S. employees, accepting checks from U.P.S. in payment for performing said physical examinations, signing the name of Dr. Robert Adams on physical forms and D.O.T. wallet cards and endorsing the name of Dr. Robert Adams on the checks received from U.P.S. when placing them into the NCNB account established by Curtis, Curtis engaged in illegal conduct involving moral turpitude and conduct involving dishonesty, fraud, deceit and misrepresentation in violation of DRI-102(A) (3) and (4) of the Code of Professional Responsibility.

Now, THEREFORE, IT IS HEREBY ORDERED that:

- A. The tender of surrender of license of William Robert Curtis be accepted.
- B. William Robert Curtis is hereby DISBARRED from the practice of law in the State of North Carolina.
- C. The costs of this action be taxed against William Robert Curtis.

By Order of the Council of the North Carolina State Bar this the 16th day of April, 1982.


John Wishart Campbell, President
The North Carolina State Bar