

STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
19 DHC 4

THE NORTH CAROLINA STATE BAR,  
Plaintiff

v.

DANIEL C. FLINT, Attorney,  
Defendant

ORDER OF DISCIPLINE

This matter came on for hearing on August 3 – 4, 2021, by a Hearing Panel of the Disciplinary Hearing Commission composed of Stephanie N. Davis, Chair, and members Margaret M. Hunt and Jane B. Weathers. Plaintiff, the North Carolina State Bar, was represented by Savannah B. Perry and Margaret T. Cloutier. Defendant, Daniel C. Flint, appeared *pro se*.

Based upon the record proper and the testimony and exhibits admitted at the hearing, and upon making credibility determinations of the witnesses who testified at the hearing, the Hearing Panel finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (“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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).
2. Defendant, Daniel C. Flint, was admitted to the North Carolina State Bar on February 26, 2016, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar, and the Rules of Professional Conduct.
3. During all or part of the relevant periods referred to herein, Flint was engaged in the practice of law in Charlotte, Mecklenburg County, North Carolina.
4. Flint was properly served with process, a hearing in this matter was set, and the matter came before the hearing panel with due notice to all parties.
5. On July 20, 2017, Flint arrived at a Transportation Security Administration (TSA) checkpoint at O’Hare International Airport (O’Hare) carrying a bag.

6. Flint informed the TSA agents he was a diplomatic courier for the International Human Rights Commission (IHRC) and stated that the bag was a diplomatic pouch carried on behalf of the IHRC.

7. Flint presented to the TSA agents purported diplomatic credentials and requested that the bag be exempted from TSA screening.

8. Flint's purported diplomatic credentials included a fraudulent diplomatic identification card that purported to have been issued by the IHRC.

9. The TSA agents informed Flint that a valid diplomatic passport must be presented to allow a diplomatic pouch to bypass security and that Flint's purported diplomatic credentials did not satisfy that requirement.

10. The TSA agents refused to allow the bag to bypass security and Flint left the airport.

11. That same day, Flint arrived at a TSA checkpoint at Chicago Midway International Airport (Midway) carrying a bag.

12. Flint informed the TSA agents he was a diplomatic courier for the IHRC and stated that the bag was a diplomatic pouch carried on behalf of the IHRC.

13. Flint presented to the TSA agents the same purported diplomatic credentials as presented at O'Hare and requested that the bag be exempted from TSA screening.

14. The TSA agents reviewed Flint's purported diplomatic credentials and allowed Flint to proceed through the checkpoint without screening the bag.

15. Flint boarded a flight to Minneapolis-St. Paul International Airport, with a later connecting flight to Los Angeles International Airport (LAX).

16. On July 25, 2017, Flint arrived at a TSA checkpoint at Midway carrying a bag.

17. Flint again informed the TSA agents he was a diplomatic courier for the IHRC and stated that the bag was a diplomatic pouch carried on behalf of the IHRC.

18. Flint presented to the TSA agents the same purported diplomatic credentials as presented on July 20, 2017 and requested that the bag be exempted from TSA screening.

19. The TSA agents reviewed Flint's purported diplomatic credentials and again allowed Flint to proceed through the checkpoint without screening the bag.

20. Flint boarded a flight to Minneapolis-St. Paul International Airport, with a later connecting flight to LAX.

21. While Flint was en route to LAX, The Federal Bureau of Investigation (FBI) was notified that Flint was flying into LAX with a bag that had not been screened.

22. When the plane arrived at LAX, federal agents and other law enforcement officers approached Flint and interviewed him at the airport.

23. During the interview, Flint continued to maintain that he was a diplomatic courier for the IHRC.

24. The IHRC is not and has never been a registered international organization with the U.S. Department of State Office of Foreign Missions.

25. Flint is not and has never been registered as having diplomatic status with the U.S. Department of State Office of Foreign Missions.

26. Flint's statements to TSA agents and the FBI that he was a diplomatic courier for the IHRC were false.

27. Flint knew that his statements to TSA agents and the FBI that he was a diplomatic courier for IHRC were false.

28. During the interview, Flint told Special Agent R. Marriot of the FBI that he had not been turned away from an airport security checkpoint before when presenting his purported diplomatic credentials:

29. Flint's statement to Special Agent R. Marriot was false.

30. Flint knew at the time he made the statement to Special Agent R. Marriot that it was false.

31. Pursuant to 18 U.S.C. § 1001, it is a felony to knowingly and willfully make a materially false statement to the FBI.

32. Pursuant to 49 U.S.C. §§ 46314(a) and (b)(2), it is a felony for an individual to knowingly and willfully enter an airport area that serves an air carrier in violation of security requirements and regulations prescribed under sections 44901 and 44903(c) of Title 49 of the United States Code and to act with the intent to evade the security regulation.

33. Flint was criminally charged in the U.S. District Court for the Central District of California with intentionally evading airport security requirements in violation of 49 U.S.C. §§ 46314(a) and (b)(2), a felony.

34. On October 19, 2018, a jury found Flint guilty of intentionally evading airport security requirements in violation of 49 U.S.C. §§ 46314(a) and (b)(2), a felony.

35. Flint was subsequently sentenced to fourteen months incarceration in the U.S. Bureau of Prisons.

Based upon the foregoing Findings of Fact, the Disciplinary Hearing Panel makes the following:

#### CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Panel and the Hearing Panel has jurisdiction over Defendant, Daniel C. Flint, and over the subject matter of this proceeding.

2. Flint'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) in that Flint violated the Rules of Professional Conduct in effect at the time of his conduct as follows:

- (a) By knowingly and willfully misrepresenting himself as a diplomatic courier for the IHRC to TSA agents on July 20 and July 25, 2017 with the intent to bypass screening of his bag, Flint committed criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
- (b) By knowingly and willfully presenting a fraudulent diplomatic identification card to TSA agents on July 20 and July 25, 2017 with the intent to bypass screening of his bag, Flint committed criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c);
- (c) By knowingly making false statements to the FBI that he was a diplomatic courier, Flint committed criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c); and
- (d) By knowingly making a false statement to the FBI that he had not previously been turned away from an airport security checkpoint when presenting his purported diplomatic credentials, Flint committed criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c).

3. Flint's conduct also constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(1) in that Flint was convicted of a felony showing professional unfitness.

Based upon the foregoing Findings of Fact and Conclusions of Law, and the testimony and exhibits presented by the parties at the hearing, the Hearing Panel finds by clear, cogent, and convincing evidence the following:

#### FINDINGS OF FACT REGARDING DISCIPLINE

1. The findings of fact in paragraphs 1 through 35 above are incorporated as if set forth herein.
2. Flint was licensed to practice law in Michigan around 2010 and in North Carolina in 2016. Thus, at the time his misconduct occurred, Flint had experience in the practice of law.
3. Flint admitted that he had previously presented himself as a diplomatic courier and presented purported diplomatic credentials to TSA agents numerous times before. This shows a pattern of engaging in the same misconduct involving deception and misrepresentations to the TSA.
4. Flint did not acknowledge the wrongfulness of his conduct, nor did he show any remorse for his actions.
5. Flint's assertions that he believed in good faith he was a diplomatic courier for an alleged international organization not recognized by the U.S. Department of State Office of Foreign Missions were not credible and were not consistent with the evidence received at the hearing in this matter.
6. Flint knew at the time he presented his purported diplomatic credentials to the TSA that they were fraudulent. The "identification card" Flint carried and presented to TSA and the FBI had no security features and had obvious grammatical errors. Flint laminated the card himself. His "diplomatic courier direction letter," which he relied upon in his interactions with the TSA, the FBI, and other federal agencies, were sent to him in a Word template. The credentials Flint possessed and used had errors and contradictions that would have alerted any reasonable person that they were fraudulent.
7. Flint's commission of felonious criminal acts reflecting adversely on his honesty, trustworthiness or fitness as a lawyer caused significant harm to the legal profession, in that criminal conduct by attorneys tends to bring the legal profession into disrepute.
8. Flint's dishonest conduct towards the TSA and the FBI caused significant harm to the public and the profession, in that it showed himself to be untrustworthy as a lawyer. Courts, other lawyers, and clients must be able to rely upon the trustworthiness of lawyers. Flint's actions deprive any ability of the courts, other lawyers, and potential clients to rely on his representations and advice.
9. Flint's dishonest conduct, his misrepresentations to TSA and the FBI, and his attempts to evade security resulted in significant harm to the public and to the TSA, the FBI, and other responding agencies in that his misconduct required those agencies to divert time and

resources toward investigating Flint over other potential threats to the safety of the traveling public.

10. Flint's misconduct resulted in other sanctions, in that a jury from the U.S. District Court for the Central District of California found Flint guilty of intentionally evading airport security requirements in violation of 49 U.S.C. §§ 46314(a) and (b)(2), for which Flint was subsequently sentenced to fourteen months incarceration in the U.S. Bureau of Prisons.

11. The Hearing Panel finds by clear, cogent, and convincing evidence the facts contained in the conclusions it makes, set out below, of the applicable factors regarding discipline from those listed in 27 N.C. Admin. Code 1B.0116(f).

#### CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(1) of the Rules and Regulations of the North Carolina State Bar and concludes that the following factors are applicable in this matter:

- (a) Intent of Flint to commit acts where the harm or potential harm is foreseeable; and
- (b) Acts of dishonesty, misrepresentation, deceit, or fabrication.

2. The Hearing Panel considered all of the factors enumerated in 27 N.C.A.C. 1B § .0116(f)(2) of the Rules and Regulations of the North Carolina State Bar and concludes that the following factors are applicable in this matter:

- (a) Acts of dishonesty, misrepresentation, deceit, or fabrication; and
- (b) Commission of a felony.

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

- (a) Dishonest or selfish motive;
- (b) Refusal to acknowledge wrongful nature of conduct;
- (c) Degree of experience in the practice of law; and
- (d) Imposition of other penalties or sanctions.

4. The Hearing Panel carefully considered all of the different forms of discipline available to it.

5. Flint has refused to acknowledge the wrongfulness of his conduct, and there is no evidence suggesting that he intends to do so in the future or otherwise modify his behavior. Accordingly, if Flint were permitted to continue practicing law, he would pose a significant and

unacceptable risk of harm to the clients, the profession, the public, and the administration of justice.

6. Disbarment is the only sanction that can adequately protect the public for the following reasons:

- (a) An order of discipline less than disbarment would fail to acknowledge the seriousness of the offenses that Flint committed and would send the wrong message to attorneys and the public regarding the conduct expected of members of the Bar in North Carolina.
- (b) The protection of the public requires that Flint not be permitted to resume the practice of law unless and until he demonstrates that he has reformed, that he understands his obligations to his clients, the public, the courts, and the legal profession, and that reinstatement would not injure the standing of the legal profession. Disbarred attorneys must show reformation, among other things, before they may resume the practice of law, whereas no such showing of reformation is required of attorneys whose licenses are suspended.

Based upon the foregoing Findings of Fact, Conclusions of Law, and the additional Findings of Fact and Conclusions of Law Regarding Discipline, the Hearing Panel hereby enters the following:

#### ORDER OF DISCIPLINE

1. Daniel C. Flint is hereby DISBARRED from the practice of law.
2. Flint shall surrender his law license and membership card to the Secretary of the State Bar no later than 30 days from service of this order upon him.
3. Flint shall pay the administrative fees and costs of this proceeding as assessed by the Secretary of the North Carolina State Bar no later than 90 days from service of this order upon Flint.
4. Flint shall comply with all provisions of 27 N.C. Admin. Code 1B.0128 of the North Carolina State Bar Discipline & Disability Rules.
5. Within 15 days of the effective date of this order, Flint shall provide the State Bar with an address and telephone number at which clients seeking information or return of files can communicate with Flint and obtain such files, and Flint shall promptly return all files to his clients upon request.
6. Flint shall promptly return client files in his possession, custody, or control to clients upon request, within 5 days of receipt of such request. Flint will be deemed to have received any such request 3 days after the date such request is sent to Flint if the request is sent to the address Flint provided the State Bar pursuant to the preceding paragraph.

Signed by the Chair with the consent of the other Hearing Panel members, this the 7th  
day of September 2021.

Stephanie N. Davis

Stephanie N. Davis, Chair  
Disciplinary Hearing Panel