



STATE OF NORTH CAROLINA

WAKE COUNTY

BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
22 DHC 14

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

THOMAS C. GOOLSBY, Attorney,

Defendant

CONSENT  
ORDER OF DISCIPLINE

THIS MATTER was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Margit Monaco Hicks, Chair, Brian O. Beverly, and Jane B. Weathers. Kelley DeAngelus and Kathryn H. Shields represented Plaintiff, the North Carolina State Bar. Defendant, Thomas C. Goolsby, was represented by Joshua T. Walthall. Defendant waives a formal hearing in this matter.

The parties stipulate and agree to the findings of fact and conclusions of law recited in this Consent Order. The parties consent to the discipline imposed by this Order. By consent to this Order, Defendant knowingly, freely, and voluntarily waives his right to appeal this Consent Order or to challenge in any way the sufficiency of the findings. Defendant understands and acknowledges that this order is a public document.

Based upon the stipulated facts and upon the consent of the parties, the Hearing Panel hereby finds by clear, cogent, and convincing evidence the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina 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, Thomas C. Goolsby, was admitted to the North Carolina State Bar in 1992, 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 the relevant period referred to herein, Defendant was actively engaged in the practice of law in Wilmington, New Hanover County, North Carolina.
4. Defendant was properly served with process and this matter came before the Hearing Panel with due notice to all parties.
5. At all relevant times referred to herein, Defendant employed H. Robinson in his law firm as his paralegal and notary.
6. On 10 November 2020, Robinson submitted an Application for Reappointment as a North Carolina Notary (“renewal application”) to the North Carolina Department of the Secretary of State.
7. Applications for Reappointment as a North Carolina Notary must be notarized by someone other than the applicant.
8. Defendant’s name appeared on the “Signature of Notary Public” line of the notarization of Robinson’s renewal application.
9. The phrase “Attorney at Law” was written instead of a commission expiration date on the “My Commission Expires” line of the notarization of Robinson’s renewal application.
10. Robinson filled in the notarization section of the renewal application as described in paragraphs 8 and 9 above without Defendant’s knowledge or permission.
11. Defendant was not commissioned as a North Carolina Notary Public when H. Robinson submitted her renewal application because Defendant’s commission had lapsed.
12. The North Carolina Secretary of State Notary Enforcement Division (“Notary Enforcement Division”) began investigating Defendant for an apparent violation of the North Carolina Notary Act when it discovered his name on the notarization of Robinson’s renewal application.
13. The Notary Enforcement Division sent Defendant a Notice of Complaint dated 14 December 2020 that stated “[w]e received a copy of a document that you notarized . . . while not commissioned as a North Carolina Notary Public.” A copy of Robinson’s renewal application was included for reference with the Notice of Complaint.
14. On 29 December 2020, Defendant spoke with K. Burns of the Notary Enforcement Division regarding the existence of the 14 December 2020 Notice of Complaint.
15. After Defendant and K. Burns’ phone conversation, on 29 December 2020, K. Burns emailed Defendant requesting that he respond to the Notice of Complaint in writing.
16. After receiving K. Burns’ 29 December 2020 email, Defendant communicated with an attorney for advice about how to respond to the Notice of Complaint.

17. On 29 December 2020, Defendant emailed the attorney that he was seeking advice stating that “I don’t wish to get her or me in trouble. I have attached a proposed response in a separate email. It might be better coming from you.”
18. Defendant also emailed the attorney a proposed response that was phrased in the passive voice, did not identify who signed Defendant’s name in the notary section of H. Robinson’s renewal application, and did not identify under what circumstances that signature occurred.
19. In response to Defendant’s inquiry, the attorney sent Defendant a text message that stated “I think the draft of your response is as good as we will get. I’m afraid if we get in to [sic] any deeper explanation it gets sticky.”
20. On 30 December 2020, following the advice of counsel, Defendant emailed Burns a four-sentence response to the Notice of Complaint which stated, “the document was signed in error,” “the incident occurred in a rush for her to reapply,” and “the matter will not occur again.”
21. Based on Defendant’s representations to the Notary Enforcement Division regarding Robinson’s renewal application, the Notary Enforcement Division wrongly concluded that Defendant had notarized a document when he was not commissioned as a notary.

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

#### CONCLUSIONS OF LAW

1. All the parties are properly before the Hearing Panel and the Panel has jurisdiction over Defendant, Thomas C. Goolsby, and the subject matter.
2. Defendant’s conduct as set forth in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:
  - a. By failing to provide a clear response to the Notary Enforcement Division in his 30 December 2020 written response to the 14 December 2020 Notice of Complaint, Defendant engaged in conduct involving a misrepresentation that reflects adversely on the lawyer’s fitness as a lawyer in violation of Rule 8.4(c).

Based on the foregoing Findings of Fact and Conclusions of Law, the stipulated facts, and upon the consent of the parties, the Hearing Panel hereby finds by clear, cogent and convincing evidence the following additional

#### FINDINGS OF FACT REGARDING DISCIPLINE

1. The findings of fact and conclusions of law are reincorporated as if set forth herein.

2. Defendant's reputation in the profession is as an honest and skilled litigator.
3. Defendant's failure to provide the Secretary of State Notary Enforcement Division a clear response that identified who signed Defendant's name in the notary section of H. Robinson's renewal application, and under what circumstances that signature occurred, directly interfered with the administration of justice by hindering the Notary Enforcement Division's ability to correctly identify H. Robinson as having violated the Notary Act and thus impeded their responsibility to protect the public.
4. Defendant has accepted responsibility for his actions and expresses sincere remorse for his conduct.
5. Defendant has been licensed for 32 years and has no prior discipline for violating Rule 8.4(c).
6. Defendant has been cooperative with this Disciplinary Hearing Commission proceeding.
7. The Hearing Panel finds by clear, cogent and convincing evidence the facts contained in the conclusions set out below of the applicable factors regarding discipline from those listed in 27 N.C. Admin. Code § 1B.0116(f).

Based on the foregoing Findings of Fact, Conclusions of Law, and Additional Findings of Fact Regarding Discipline, the Hearing Panel enters the following:

#### CONCLUSIONS REGARDING DISCIPLINE

1. The Hearing Panel carefully considered all of the different forms of discipline available to it.
2. The Hearing Panel considered all of the factors enumerated in 27 N.C. Admin. Code § 1B.0116(f) and concluded that Defendant's conduct does not warrant consideration of suspension or disbarment.
3. The Hearing Panel considered all of the factors enumerated in 27 N.C. Admin. Code § 1B.0116(f)(1), which are factors warranting consideration of suspension or disbarment and concludes that although some factors are present, the particular circumstances of this case do not require suspension in order to protect the public.
4. The Hearing Panel considered the factors enumerated in 27 N.C. Admin. Code § 1B.0116(f)(2), which are factors warranting consideration of disbarment, and concluded no factors in this section of the rule are present in this case.
5. The Hearing Panel concludes that following factors enumerated in 27 N.C. Admin Code § 1B.0116(f)(3), which are to be considered in all cases, are present in this case:
  - a. Factor (A) Absence of prior discipline for violation of Rule 8.4(c);

- b. Factor (K) Cooperative attitude towards this Disciplinary Commission Hearing proceeding;
  - c. Factor (P) Remorse; and
  - d. Factor (S) Degree of experience in the practice of law.
6. The Hearing Panel has carefully considered all the factors enumerated in 27 N.C. Admin. Code § 1B.0116(f). Defendant's actions resulted in harm to the administration of justice. However, the Hearing Panel concluded that due to Defendant's lack of prior discipline for violation of Rule 8.4(c), cooperative attitude towards this Disciplinary Commission Hearing proceeding, remorse, and degree of experience in the practice of law, reprimand, censure, suspension, or disbarment is not necessary to protect the public.

Based on the foregoing Findings of Fact, Conclusion of Law, additional Findings of Fact and Conclusions of Law Regarding Discipline, and with the consent of the parties, the Hearing Panel hereby enters the following:

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ORDER OF DISCIPLINE

1. The Defendant, Thomas C. Goolsby, is hereby ADMONISHED for the misconduct described herein.
2. Defendant is taxed with the costs and administrative fees of this action as assessed by the Secretary which shall be paid within 30 days of service of the notice of costs upon him.

Signed by the Chair with the consent of the other Hearing Panel members, this the 5<sup>th</sup> day of March, 2024.

Margit M. Hicks  
Margit Monaco Hicks, Chair  
Disciplinary Hearing Panel

WE CONSENT:

Kelley DeAngelus  
Kelley DeAngelus, Deputy Counsel  
Attorney for Plaintiff

2/26/24  
Date

Kathryn H. Shields  
Kathryn H. Shields  
Attorney for Plaintiff

2/26/24  
Date

Thomas C. Goolsby  
Thomas C. Goolsby  
Defendant

2/27/24  
Date

Joshua T. Walthall  
Joshua T. Walthall  
Attorney for Defendant

2/26/24  
Date