

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE  
 SUPERIOR COURT DIVISION  
 WAKE COUNTY 2013 SEP 24 PM 12:45 FILE NO.: 13 M \_\_\_\_\_

WAKE COUNTY, C.S.C. IN THE MATTER OF THE TENDER OF SURRENDER OF THE LAW LICENSE OF J. LEE CARLTON, JR., Attorney	CONSENT ORDER OF DISBARMENT
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THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of his law license by J. Lee Carlton, Jr.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, J. Lee Carlton, Jr. (hereinafter "Carlton"), the Court makes the following:

#### FINDINGS OF FACT

1. Carlton was admitted to the North Carolina State Bar in March 1981 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.
2. During all of the periods relevant hereto, Carlton was engaged in the practice of law in Raleigh, North Carolina.
3. Carlton is aware that there is presently pending an investigation regarding allegations that he knowingly prepared HUD-1 Settlement Statements that did not accurately show the disbursements in certain FHA insured real estate transactions.
4. Carlton pled guilty to a violation of 18 U.S.C. § 1012 for this conduct pursuant to a plea agreement under which he also agreed to surrender his license to practice law.
5. Carlton desires to resign his license to practice law and has tendered his license to practice law in North Carolina.
6. Carlton's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. Carlton is fully aware of the implication of submitting his resignation.
7. Carlton acknowledges that the material facts upon which the investigation is predicated are true.

8. Carlton has submitted his resignation because he knows that if disciplinary charges were predicated upon the misconduct under investigation, he could not successfully defend against them.

Based upon the foregoing Findings of Fact, the court makes the following:

### CONCLUSIONS OF LAW

1. By knowingly preparing HUD-1 Settlement Statements that did not accurately show the disbursements in certain FHA insured real estate transactions, in violation of 18 U.S.C. § 1012, Carlton engaged in criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 8.4(b) of the Rules of Professional Conduct and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Rules of Professional Conduct.

2. Carlton's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(1) and (2).

3. The Courts of this State have the inherent authority to take disciplinary action against attorneys practicing therein.

4. This Court has jurisdiction over the person of J. Lee Carlton, Jr. and of the subject matter of this proceeding.

5. Carlton has engaged in professional misconduct warranting disbarment.

#### IT IS NOW, THEREFORE, **ORDERED**:

1. J Lee. Carlton, Jr. is **DISBARRED** from the practice of law in North Carolina.

2. Carlton shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124. Carlton shall have thirty (30) days from the date of the entry of this order to complete the requirements of § .0124.

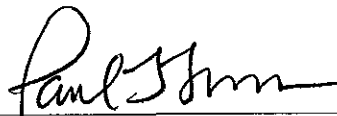
3. Carlton shall not petition for reinstatement of his law license until the expiration of at least five (5) years from the date of this order.

4. Carlton's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North

Carolina State Bar that he has complied with 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0125.

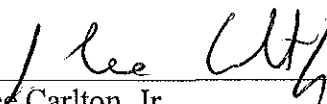
5. The costs of this action are taxed against Carlton.

Done and Ordered this 24 day of SEPT, 2013.



\_\_\_\_\_  
Superior Court Judge Presiding

CONSENT TO BY:

  
\_\_\_\_\_  
J. Lee Carlton, Jr.

AFFIDAVIT TENDERING THE SURRENDER OF THE LICENSE OF  
J. LEE CARLTON, JR.

I, J. Lee Carlton, Jr., being first duly sworn, say:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of Section .0117 of the North Carolina State Bar Discipline and Disability Rules, 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is presently pending an investigation regarding allegations that I knowingly prepared HUD-1 Settlement Statements that did not accurately show the disbursements in certain FHA insured real estate transactions. I have pled guilty to a violation of 18 U.S.C. § 1012 for this conduct, pursuant to a plea agreement under which I have also agreed to surrender my license to practice law.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
5. My resignation is being submitted because I know that if charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

Respectfully submitted, this the 23 day of September, 2013.

J. Lee Carlton, Jr.  
J. Lee Carlton, Jr.

I, Jason Rasmussen, Notary Public of the County of Wake, State of North Carolina, certify that J. Lee Carlton, Jr. personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 23<sup>rd</sup> day of September, 2013.  
Jason Rasmussen  
Notary Public

My commission expires: 9/8/14

