

15CV002707

STATE OF NORTH CAROLINA FILED IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY 2015 FEB 27 A 11:09 SUPERIOR COURT DIVISION
15 CVS

<p>THE NORTH CAROLINA STATE BAR, BY _____ Petitioner</p> <p>v.</p> <p>EDWARD L. MCVEY, III, Attorney, Respondent</p>	<p>WAKE COUNTY, C.S.C.</p> <p>CONSENT ORDER OF DISBARMENT</p>
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THIS MATTER came before the undersigned Judge of Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Brian P.D. Oten. Respondent, Edward L. McVey, III, represented himself.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, Edward L. McVey, III, and the consent of the parties, the Court makes the following:

FINDINGS OF FACT

1. Respondent, Edward L. McVey, III ("McVey"), was licensed to practice law in North Carolina on 22 January 1987 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 the periods relevant hereto, McVey was engaged in the practice of law in Greensboro, Guilford County, North Carolina.

3. Between 2010 and 2014, McVey knowingly and intentionally falsified documents purporting to show that he maintained liability coverage through Lawyers Mutual, despite not having coverage for at least 15 years. McVey made these misrepresentations and provided these falsified documents to at least one mortgage loan lender between 2010 and 2014 for the purpose of qualifying with the lender as an attorney approved to handle real estate closing transactions involving loans made by the lender. But for his misrepresentations, McVey would not have qualified with the lender to serve as a closing attorney and would not have been entitled to receive a fee in transactions involving loans made by the lender.

4. McVey's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. McVey is fully aware of the implication of submitting his resignation.

5. McVey acknowledges that the material facts upon which the State Bar's investigation is predicated are true.

6. McVey 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 and the consent of the parties, the Court makes the following

CONCLUSIONS OF LAW

1. By knowingly and intentionally creating fictitious documents that purported to show McVey maintained liability coverage when he did not for the purpose of qualifying as an approved closing attorney with a mortgage lender, by submitting such fictitious documents to the lender for a period of at least four years, and by falsely qualifying as an approved closing attorney with the lender, thereby enabling him to collect a fee from real estate closing transactions with the lender's funds that he would not have otherwise been able to collect, McVey knowingly made false statements of material fact to a third person in the course of representing a client in violation of Rule 4.1, engaged in criminal acts (obtaining property by false pretenses) 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) of the Rules of Professional Conduct.

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

3. The courts of this State have inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.

4. This Court has jurisdiction over the person of Edward L. McVey, III and over the subject matter of this proceeding.

5. McVey has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:

1. Edward L. McVey, III is DISBARRED from the practice of law in North Carolina.

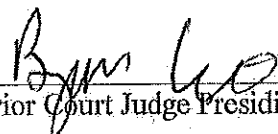
2. McVey shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit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

3. McVey shall not petition for reinstatement of his law license until the expiration of at least five years from the date of entry of this order.

4. McVey'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 of the Rules and Regulations of the North Carolina State Bar.

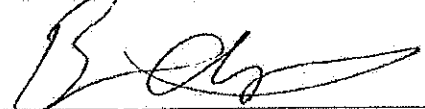
5. The costs of this action are taxed against McVey.

Dated this 27th day of February, 2015.

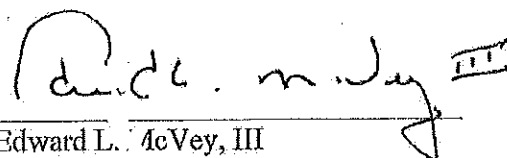


Superior Court Judge Presiding

CONSENTED TO:



Brian P.D. Oten
Deputy Counsel, North Carolina State Bar
Attorney for Petitioner



Edward L. McVey, III
Respondent

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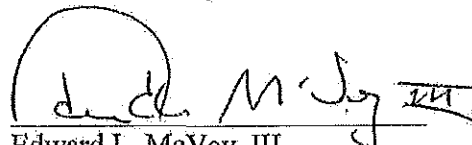
EDWARD L. MCVEY, III, Attorney,
Respondent

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

Edward L. McVey, III, being first duly sworn, deposes and says as follows:

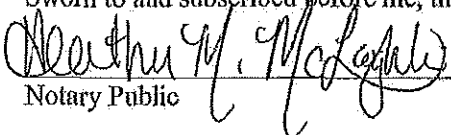
1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. Between 2010 and 2014, I knowingly and intentionally falsified documents purporting to show that I maintained liability coverage through Lawyers Mutual, despite not having coverage for at least 15 years. I made these misrepresentations and provided these falsified documents to at least one mortgage loan lender between 2010 and 2014 for the purpose of qualifying with the lender as an attorney approved to handle real estate closing transactions involving loans made by the lender. But for my misrepresentations, I would not have qualified with the lender to serve as a closing attorney and would not have been entitled to receive a fee in transactions involving loans made by the lender.
4. I am aware that there is presently pending an investigation with the North Carolina State Bar regarding my conduct as described above.
5. I acknowledge that the material facts upon which the investigation is predicated are true.
6. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 23rd day of Feb, 2015.


Edward L. McVey, III

I, Heather M. McLaughlin, Notary Public of the County of Guilford, State of North Carolina, certify that Edward L. McVey, III personally appeared before me this day and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me, this the 23rd day of February, 2015.


Notary Public

My Commission Expires:

HEATHER M. McLAUGHLIN
NOTARY PUBLIC
Guilford County
North Carolina
My Commission Expires Aug. 20, 2016