



**NORTH CAROLINA
REAL ESTATE COMMISSION**

P.O. Box 17100 • Raleigh, N.C. 27619-7100
919/875-3700 • www.ncrec.gov
Regulatory Affairs - 919/719-9180

Corean E. Hamlin
Director of Education & Licensing

Janet B. Thoren
Director of Regulatory Affairs

Charlene D. Moody
*Assistant Director of
Regulatory Affairs*

Miriam J. Baer
Executive Director

March 22, 2018

MAR 25 2018

Monroe A. Miller, Jr.
2200 Camp Branch Rd.
Waynesville, NC 28786

RE: Case #D18-0756; In Re: JAMES P BENNETT

Dear Mr. Miller:

As you know, I wrote to Mr. James Patrick Bennett concerning your complaint. I have received the enclosed response from his attorney.

Based on the evidence before us, we are of the opinion that no violation of the Real Estate License Law on the part of Mr. Bennett is indicated. The Real Estate License Law permits this office to discipline real estate brokers only when a violation of the License Law has occurred.

Members of the public are sometimes dissatisfied with the performance of licensees, but that does not necessarily mean that disciplinary action is warranted. Your complaint will remain as part of our files, and I want to thank you for bringing it to our attention.

Very truly yours,

Stephen L. Fussell, CFE, SCREI
Senior Consumer Protection Officer

SLF/do

Enclosure

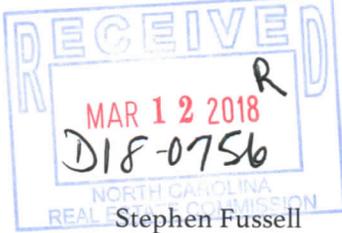
SCANNED

MARTIN & GIFFORD

Attorneys at Law

301 N. Main St., Suite 2200
Winston-Salem, NC 27101

Phone: (336) 714-0333
Fax: (336) 714-0334



Stephen Fussell
NC Real Estate Commission
PO Box 17100
Raleigh, NC 27619-7100

March 8, 2018

MAR 25 2018

RE: Response to Complaint in Case #D18-0756
In re: James P. Bennett

Dear Mr. Fussell,

Thank you for allowing me more time to prepare this response. After reviewing the complaint with Mr. Bennett, he responds as follows to your questions.

Response

Mr. Brown and Mr. Bennett have a relationship that goes back many years, and Mr. Bennett was simply following the direction of his attorney, Mr. Brown, when the two blank deeds in issue were pre-signed. Mr. Bennett pre-signed the deeds in or about March 2016. These two blank deeds were supposed to assist Bennett Piper Enterprises, Inc. ("Bennett Piper"), with transferring its assets to its shareholders. This process had been ongoing with Mr. Brown since 2015. Mr. Bennett, Mr. Bennett's wife, and Mr. Piper are the only shareholders in Bennett Piper. The deeds were blank because the shareholders had not yet determined which properties they were going to divest from the company.

Instead of using the pre-signed, blank deeds for Bennett Piper, Mr. Brown used one of the deeds to correct the error with Ms. Curl's deed without Mr. Bennett's knowledge. The other pre-signed deed was never used.

Mr. Bennett did not become aware that the pre-signed deed and his signature had been misused for Ms. Curl's property until another attorney, T. Michael Jordan, came up to Mr. Bennett at the gym and thanked him for his assistance in correcting Ms. Curl's deed so quickly. Mr. Bennett asked Mr. Jordan what he was talking about; and after Mr. Jordan explained Ms. Curl's situation, Mr. Bennett immediately called Mr. Brown because he knew that he had not signed Ms. Curl's corrective deed. Mr. Brown informed Mr. Bennett that he had misused one of the deeds, and he encouraged Mr. Bennett to simply tell the truth to investigators.

The conversation with Mr. Jordan took place in late April or early May 2016. Mr. Bennett had no knowledge before his conversation with Mr. Jordan that there was an issue with Ms. Curl's deed. Mr. Bennett did not find out about Mr. Brown's forging the notary's signature until he spoke with an investigator with the North Carolina State Bar in May of 2016.

Conclusion

Mr. Bennett has been and continues to be cooperative with every agency investigating Mr. Brown. As the attached document shows, Mr. Brown has already admitted to all the Bar's accusations as they relate to Mr. Bennett. When Mr. Bennett pre-signed the deeds, he simply had no forewarning that they would be used for anything other than what he intended.

Mr. Bennett is more than willing to provide any other documentation you might want or answer any other questions you might have. We otherwise hope that this response will settle this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Wait", written in a cursive style.

John Wait



STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
17DHC29

THE NORTH CAROLINA STATE BAR,
Plaintiff

ANSWER

v.

GAVIN A. BROWN, Attorney,
Defendant

Defendant answers Plaintiffs Complaint as follows:

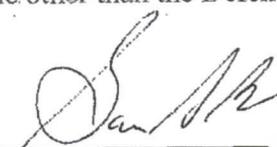
1. Paragraphs 1-19 are admitted.
2. Paragraphs 20-22 are denied.

Wherefore, Defendant asks the Disciplinary Commission to take such action that is consistent with the pleadings.

Request for Dismissal

1. Plaintiff failed to properly notify Defendant of this matter in that the service of the copy of the complaint was accepted by someone other than the Defendant.

This the 1st day of November, 2017.

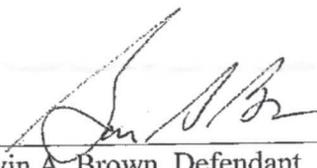

Gavin A. Brown
376 N. Main Street, Ste 206
Waynesville, NC 28786
828-452-1454
828-456-4660 (FAX)
Bar # 0543

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he mailed/served a copy of the foregoing pleading on the opposing party by depositing a copy, enclosed in a first class postage-paid wrapper, into a depository under the exclusive care and custody of the United States Postal Service, addressed as follows, on the date shown above his signature:

Mary D. Winstead, Deputy Counsel
The North Carolina State Bar
P.O. Box 25908
Raleigh, NC 27611

This 1st day of November, 2017.



Gavin A. Brown, Defendant