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NORTH CAROLINA REAL ESTATE COMMISSION  
P.O. Box 17100 Raleigh, N.C. 27619-7100  
Phone (919) 875-3700 • Email: ra@ncrec.gov  
Website: www.ncrec.gov

**COMPLAINT**

INSTRUCTIONS

1. This form should be used when filing a complaint with the North Carolina Real Estate Commission against a real estate broker or a time share project (hereinafter "licensee").
2. Please fill in the information requested below. Then answer the questions and state your complaint on page two of this form.
3. **Your complaint will become a public record, and a copy of it will be given to the real estate licensee complained against.**
4. Persons who file complaints must be willing to appear as a witness, be sworn, testify and be cross-examined concerning the allegations made in their complaints..

IMPORTANT

The Real Estate Commission investigates complaints against real estate licensees accused of misconduct. If the Commission finds that real estate licensees have violated the Real Estate License Law or Commission rules, it can suspend or revoke their licenses.

The Real Estate Commission cannot give legal advice or act as your attorney. The Commission cannot assist in resolving disputes involving such matters as quality of workmanship of construction or the payment of real estate brokerage fees. The Commission cannot order monies to be paid or refunded to you or contracts to be canceled. If you have these types of problems, you should consult your attorney.

**TYPE OR PRINT CLEARLY IN INK**

\_\_\_\_\_  
Your full name (Identifies you as Complaining Witness) Monroe A. Miller Jr.  
2200 Camp Branch Road  
Waynesville, NC 28786  
\_\_\_\_\_  
Mailing Address (Street, City, State, Zip code)

**REAL ESTATE LICENSEE(S) COMPLAINED AGAINST**

**BROKER #1**

Licensee's Name JAMES PATRICK BENNETT  
Company Name BENNETT-PIPER ENTERPRISES, INC  
Company Address 1986 SOCO ROAD, MAGGIE VALLEY, NC  
City, State, Zip MAGGIE VALLEY, NC 28751

**BROKER #2 (IF ANY)**

Licensee's Name \_\_\_\_\_  
Company Name \_\_\_\_\_  
Company Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

DO NOT WRITE IN THIS SPACE

Have you hired or consulted an attorney regarding your complaint?

Yes  No

If "Yes" give name \_\_\_\_\_

Is there a pending or completed lawsuit regarding your complaint?

Yes  No

When did this event occur? Unknown

Where did this event occur? Unknown

Provide a detailed written statement of the full essentials of your complaint. Be factual. **Furnish copies of all documents pertaining to your complaint (contracts, letters, etc.), retaining the originals for your files.** Include the name, address, and telephone number of any witness(es) to the transaction in question. Attach additional sheets if necessary. PLEASE TYPE OR PRINT LEGIBLY.

*See Attached Complaint plus additional Attachments .*

The undersigned hereby swears or affirms that the foregoing statement and the attachments hereto are true.

*Monwe A Miller Jr*  
Signature of Complaining Witness

JAN 15 2018  
Date

Monroe A. Miller Jr.  
2200 Camp Branch Road  
Waynesville, NC 28786  
January 15, 2018

**Subject:** NCREC Complaint against James Patrick Bennett.

This is a complaint against James Patrick Bennett, of Bennett-Piper Enterprises, Inc., for providing Gavin Alan Brown, a lawyer and Mayor of the Town of Waynesville, NC, executed and signed signature pages, so that Gavin Alan Brown was able to Forge a Deed and Use a Notary Stamp/Seal without Authority.

Pat Bennett, as he is know to everyone around here, signed these blank documents and provided them to Gavin Brown. God knows how many other lawyers Pat Bennett signed and provided these blank documents to, evidently as a common practice.

This activity was brought to the attention of Haywood County Taxpayers when the North Carolina Bar Association filed a complaint against Gavin Brown, 17DHC29, date October 11, 2017, [Attached].

Pat Bennett is prominently mentioned in this Bar Complaint.

Simultaneously, the incident came to the attention of the white-collar investigation unit at N.C. Secretary of State Office, which ended up taking on the case. District Attorney Ashley Welch was kept apprised of the Secretary of State investigation, and ultimately called on Special Agent Ronald McLeod to present his findings to a Grand Jury Monday. The Grand Jury indicted Brown on two felony counts, one for forging a deed and one for fraudulently obtaining and using a notary seal.

See Mountaineer Article: **Brown charged with forgery.** Becky Johnson Jan 9, 2018 [Attached].

Attached are two Grand Jury Indictments (True Bills) against Gavin Brown, 18CRS5, and 18CRS6. Pat Bennett is mentioned prominently in 18CRS5. [Attached].

It was further brought to the attention of Haywood County Taxpayers of Pat Bennett's Reprimand by the NCREC in a Mountaineer Article on Friday, January 12, 2018, **State commission reprimands Maggie broker** (no author listed), [Attached].

Unfortunately, the poor Haywood County Taxpayers have no one to turn to except the North Carolina Real Estate Commission, because the local Haywood County Board of Realtors is run by none other than Lisa M. Brown, Gavin Brown's sister. [Attached]. Do you think she is going to do anything in this incestuous cesspool?

I'm sure that the North Carolina Real Estate Commission does not condone their licensed Realtors providing blank signed and executed signature pages to all the lawyers in town. If Gavin Brown did not have a handy signed and executed signature page from Pat Bennett, perhaps he would not have been tempted to commit two felonies, and is now in a world of [expletive deleted].

Thank you for your time and consideration in processing this complain.



Monroe A. Miller, Jr.  
Haywood County Taxpayer.

STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
17 DHC 29

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

GAVIN A. BROWN, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

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, Gavin A. Brown, was admitted to the North Carolina State Bar in August, 1972 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.

Upon information and belief:

3. During all or part of the relevant periods referred to herein, Brown was engaged in the practice of law in the State of North Carolina and maintained a law office in Waynesville, Haywood County, North Carolina.

4. In 1998, Brown prepared a general warranty deed conveying real property from **Bennett-Piper Enterprises, Inc.**, a North Carolina Corporation, Grantor, to Kathleen Curl, Grantee.

5. On or about May 13, 1998, the deed was recorded with the Haywood County Register of Deeds in book 465, page 887.

6. In 2016, when the property was being sold by Kathleen Curl, the buyers' attorney, T. Michael Jordan ("Jordan"), identified an error in the plat book reference in the 1998 deed.

7. Jordan contacted Brown and notified him of the error.

8. Brown prepared a general warranty deed from Bennett-Piper Enterprises, Inc., Grantor, to Kathleen Curl, Grantee, which corrected the plat book reference ("corrective deed").
9. In 2016, Kendra M. Smathers ("Smathers") was a licensed notary public in North Carolina and worked for Brown's law partner.
10. On or about March 23, 2016, Brown forged the signature of Smathers as Notary Public on the corrective deed from Bennett-Piper Enterprises, Inc. to Kathleen Curl.
11. Brown also obtained Smathers' notary seal without her knowledge or consent and affixed the seal to the corrective deed.
12. The forged signature of Smathers and notary seal purportedly certified that James P. Bennett ("Bennett"), the president of Bennett-Piper Enterprises, Inc., had personally appeared before Smathers and executed the deed.
13. Although Bennett's signature appears on the corrective deed, Bennett was not aware of the problem with the 1998 deed when Brown prepared the corrective deed.
14. Bennett did not become aware of the problem with the 1998 deed until several months after the corrective deed was recorded.
15. Prior to the corrective deed being prepared and recorded, Bennett had pre-signed several deeds and left them with Brown for transactions unrelated to the property Bennett-Piper Enterprises, Inc. conveyed to Curl in 1998.
16. Brown affixed Smathers' signature and notary seal to one of the pre-signed deeds.
17. Brown provided the corrective deed with the forged notary signature to the closing attorney.
18. Brown knew when he provided the corrective deed with the forged notary signature to the closing attorney that the closing attorney would record the deed with the Haywood County Register of Deeds.
19. The corrective deed was recorded with the Haywood County Register of Deeds in book 903, page 2367.
20. By signing Smathers' name to the corrective deed without Smathers' knowledge or consent, Brown committed the crime of common law forgery.
21. Pursuant to N.C.G.S. § 10B-60(f), "[a]ny person who without authority obtains, uses, conceals, defaces, or destroys the seal or notarial records of a notary is guilty of a Class I felony."
22. By using Smathers' notary seal on the corrective deed without Smathers' authority, Brown violated N.C.G.S. § 10B-60(f).

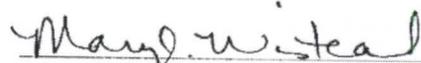
THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- (a) By forging the signature of the notary on the corrective deed, Brown committed a criminal act that reflects adversely on his honesty, trustworthiness, or fitness in other respects in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation in violation of Rule 8.4(c); and
- (b) By using the notary's seal on the corrective deed without authorization, Brown committed a criminal act that reflects adversely on his honesty, trustworthiness, or fitness in other respects in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation in violation of Rule 8.4(c).

WHEREFORE, Plaintiff prays that:

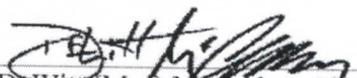
- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28 as the evidence on hearing may warrant;
- (2) Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

The 11<sup>th</sup> day of October, 2017.

  
Mary D. Winstead, Deputy Counsel  
The North Carolina State Bar  
State Bar #9778  
P.O. Box 25908  
Raleigh, NC 27611  
919-828-4620

Attorney for Plaintiff

Signed pursuant to 27 N.C. Admin. Code  
1B.0113(n) and 1B.0105(a)(10)

  
DeWitt (Mac) McCarley, Chair  
Grievance Committee

Don't miss a beat! Sign up now for email headline and breaking news alerts. Click to sign up.

[http://www.themountaineer.com/news/brown-charged-with-forgery/article\\_9398f63e-f560-11e7-8ec4-53ed8ade1290.html](http://www.themountaineer.com/news/brown-charged-with-forgery/article_9398f63e-f560-11e7-8ec4-53ed8ade1290.html)

## Brown charged with forgery

Becky Johnson Jan 9, 2018



Waynesville Mayor Gavin Brown (far right) appeared in court Tuesday represented by his nephew Attorney David Brown have his bond set on felony forgery. Brown, an attorney himself, cut corners by forging a notary seal on a property deed when cleaning up an old typo.

Becky Johnson

Waynesville Mayor Gavin Brown was charged with two white collar felonies this week for forging the signature and seal of a notary on a property deed two years ago.

The document bearing the forgery was a trivial, clerical matter, and the forgery appears to have been a case of cutting corners.

Nonetheless, Brown is not only facing criminal charges but also the prospect of losing his law license. Brown could continue to hold office as mayor even if convicted of a felony. However, if convicted, he would not be able to run for office again. Brown has declined to comment publicly on the charges.

Brown initially came under investigation 18 months ago by the N.C. State Bar, which had been alerted to the forgery. A full year passed before the bar brought professional misconduct charges against Brown for the forgery, which could result in Brown losing his law license.

The bar, in turn, notified District Attorney Ashley Welch of its investigation last fall. Welch said at the time she would ask the State Bureau of Investigation to if needed so the Waynesville Police Department wouldn't have to investigate its own mayor.

Simultaneously, however, the incident came to the attention of the white-collar investigation unit at N.C. Secretary of State Office, which ended up taking on the case.

Welch was kept apprised of the Secretary of State investigation, and ultimately called on Special Agent Ronald McLeod to present his findings to a Grand Jury Monday.

The Grand Jury indicted Brown on two felony counts, one for forging a deed and one for fraudulently obtaining and using a notary seal.

Brown has no criminal record, and the low-level felonies do not typically result in time behind bars for someone with no criminal record.

Brown's bond was set by Superior Court Judge Brad Letts Tuesday morning as \$7,500 unsecured.

Brown was represented in the bond hearing by his nephew, Attorney David Brown of Waynesville.

"Brown has been a life-long resident of Haywood County. He has zero criminal record. He has also been the mayor of Waynesville for quite some time. He lives right here on Main Street," David Brown said in court. "He had no reason whatsoever to leave this county. he loves his county and loves Waynesville."

The prosecutor's office did not object to the unsecured bond.

"He is not a flight risk or danger to the community whatsoever," agreed Assistant District

—

Attorney Jeff Jones.

A disciplinary hearing before the bar was scheduled for April 12, but that could now be delayed to allow the criminal charges to play out. A criminal conviction does not automatically result in the loss of a lawyer's license

### **Chain of events**

The forgery involved an old typo discovered on a property deed from 20 years ago. A property transaction Brown handled had listed the wrong filing cabinet number for the plat map.

The typo was discovered by another attorney in the midst of a real estate closing for the parcel and asked Brown to file a corrected deed. Brown made a fateful decision to expedite things by taking the notary seal of a legal assistant who works in his law office without her knowledge, affixing it to a new deed that corrected the typo, and signing her name to it. Brown admitted to the chain of events in a filing with the N.C. State Bar.

Brown's lapse in judgment occurred during a personally difficult time when he was trying to hold together his practice while his wife was undergoing rehab.

Brown has been a lawyer in Waynesville for 45 years. He is known as an insightful, intellectual leader who played a major role in the prosperity and clout Waynesville has achieved in the region over the past two decades.

—

**STATE OF NORTH CAROLINA**

HAYWOOD

County

File No.

18CRS 5

In The General Court Of Justice  
Superior Court Division

**STATE VERSUS**

Name And Address Of Defendant

GAVIN ALAN BROWN

**INDICTMENT**

Race	Sex	Date Of Birth
W	M	08/02/1947

This is a superseding indictment.

Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	CL.
I. (F) FORGERY OF A DEED	03/23/2016 through 04/11/2016	14-122	H
II.			
III.			

I. The jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did

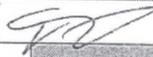
falsely make and forge a deed by combining a signature page previously executed and signed by James Patrick Bennett, in blank, as President of Bennett-Piper Enterprises, Inc., a North Carolina corporation capable of owning real property, with a separate page identifying the grantor, the grantee, the real property to be transferred, and operative words of conveyance, without the knowledge of or authority from James Patrick Bennett and/or Bennett-Piper Enterprises, Inc., and/or by falsely acknowledging the signature of James Patrick Bennett by making and forging the signature of Kendra M. Smathers, a person commissioned by the North Carolina Secretary of State as a notary. The forged deed in question is further identified as that certain North Carolina General Warranty Deed by and between Bennett-Piper Enterprises, Inc., as grantor, and Kathleen Curl, as grantee, dated March 23, 2016 and subsequently recorded in the Office of the Haywood County Register of Deeds in Book 903 at pages 2367 through 2368. At the time that Defendant committed this offense, he had the intent to defraud the parties to this deed, their representatives, agents, and assigns, Thomas Michael Jordan, Lori Ransburg, Mark Kovacs, Rhonda Mullen, the Office of the Haywood County Register of Deeds, and other unknown persons as the case may be. Also at the time of this offense and all other relevant times, this deed and the acknowledgement thereupon appeared to be genuine.

II. And the jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did

(Over)

III. And the jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did

Signature Of Prosecutor



WITNESSES

Special Agent Ronald A. McLeod, NCSOS

The Witnesses marked "X" were sworn by the undersigned Foreperson of the Grand Jury and, after hearing testimony, this Bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

NOT A TRUE BILL.

Date

1/8/2018

Signature Of Grand Jury Foreperson



STATE OF NORTH CAROLINA

HAYWOOD

County

File No.

18 CRS 6

In The General Court Of Justice  
Superior Court Division

STATE VERSUS

Name And Address Of Defendant

GAVIN ALAN BROWN

INDICTMENT

This is a superseding indictment.

Race	Sex	Date Of Birth
W	M	08/02/1947

Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	CL.
I. (F) USE NOTARY SEAL/STAMP WITHOUT AUTHORITY	03/23/2016 through 04/11/2016	10B-60(f)	1
II.			
III.			

I. The jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did

KNOWINGLY AND WITHOUT AUTHORITY USE THE SEAL OR STAMP OF KENDRA M. SMATHERS, A PERSON COMMISSIONED BY THE NORTH CAROLINA SECRETARY OF STATE AS A NOTARY, TO AFFIX ON A PAPER RECORD THE NAME OF "KENDRA M. SMATHERS", THE WORDS "NOTARY PUBLIC", AND OTHER INFORMATION AS REQUIRED BY N.C. GEN. STAT. 10B-37, AS THE CASE MAY BE. THE PAPER RECORD AS REFERENCED HEREIN IS THAT CERTAIN NORTH CAROLINA GENERAL WARRANTY DEED BY AND BETWEEN BENNETT-PIPER ENTERPRISES, INC., AS GRANTOR, AND KATHLEEN CURL, AS GRANTEE, DATED MARCH 23, 2016 AND SUBSEQUENTLY RECORDED IN THE OFFICE OF THE HAYWOOD COUNTY REGISTER OF DEEDS IN BOOK 903 AT PAGES 2367 THROUGH 2368.

II. And the jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did

(Over)

2

III. And the jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did

Signature Of Prosecutor



WITNESSES

Special Agent Ronald A. McLcod, NCSOS

The Witnesses marked "X" were sworn by the undersigned Foreperson of the Grand Jury and, after hearing testimony, this Bill was found to be:

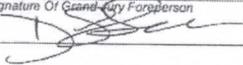
A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of indictment.

NOT A TRUE BILL.

Date

1/8/2018

Signature Of Grand Jury Foreperson



## State commission reprimands Maggie broker

James P. Bennett of Maggie Valley has been reprimanded by the N.C. Real Estate Commission.

Bennett is a licensed real estate firm broker and conducts business in and around Maggie Valley.

In a case heard before the commission in November 2017, it was stipulated that Bennett allowed an unlicensed individual to communicate with clients and potential clients of Carolina Vacations Inc. in a manner that made the unlicensed individual to be a broker.

This individual appeared to negotiate rental rates and fees, the consent order states.

Furthermore, Bennett failed to supervise Carolina Vacations Inc., allowing the company to advertise and rent property without an executed agency agreement.

By agreeing to a consent order, both parties waived further proceedings and judicial review.

The order stipulated that Bennett's broker's license was suspended for three months unless Bennett completed a specified real estate course by Feb. 1, something Bennett said has already happened.

That means instead of a temporary license suspension, Bennett was instead reprimanded.



The commission is an independent agency of the state that oversees licensing and regulating real estate agents and time-share projects.

Bennett said the complaint stemmed from a disgruntled client who lost a court case, so turned to the state real estate commission instead.

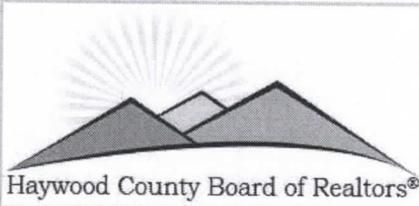
Bennett does not own,

Carolina Vacations Inc but served as the broker in charge.

"It is what it is," he said, noting the issue boiled down to improper supervision of another individual.

The N.C. Secretary of State's office indicated that Carolina Vacations Inc. was sold in April 2017 and lists the registered agent as Todd Senff and the primary office is in Cornelius, North Carolina.

The company's website states that Carolina Vacations is the largest property management company in Haywood County. State commission reprimands Maggie broker.



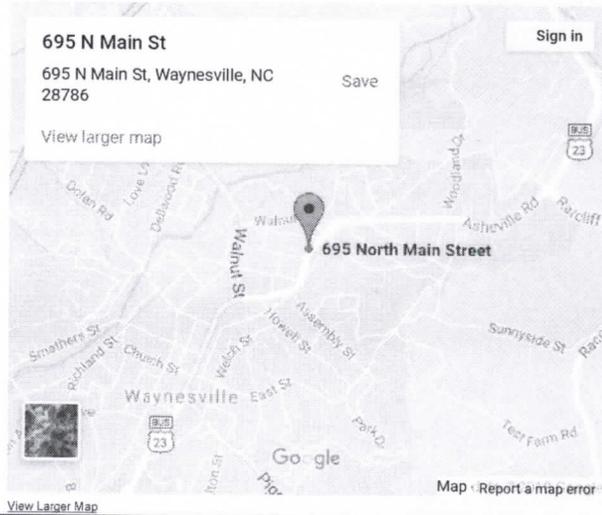
HOME ABOUT ALLIED MEMBERS ADVOCACY WHY USE A REALTOR FIND A REALTOR / APPRAISER MEMBERS AREA  
CONSUMER CORNER LINKS OF INTEREST CONTACT

### How To Contact Us

**Haywood County Board of REALTORS**  
695 North Main Street  
Waynesville, NC 28786

**828.452.5096**  
**Fax: 828.452.0073**

**Lisa M. Brown, e-PRO**  
Association Executive  
[exec@hcbor.org](mailto:exec@hcbor.org)



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