

VIRGINIA:

BEFORE THE DISCIPLINARY BOARD OF THE
VIRGINIA STATE BAR

IN THE MATTER OF)

VS B Docket No. 02-053-1838

JAMES GRAFTON GORE, JR.)
_____)

COMMONWEALTH OF VIRGINIA

City/County of _____

AFFIDAVIT DECLARING
CONSENT TO REVOCATION

Comes now James Grafton Gore, pursuant to ¶13.L. of the Rules of Court, Part Six, § IV, and submits the following affidavit declaring his consent to revocation of his license to practice law in Virginia.

1. The consent evidenced herein is freely and voluntarily rendered and is not the result of coercion or duress. I have consulted with counsel and am fully aware of the implications of consenting to revocation of my law license in Virginia.
2. I am aware that the Virginia State Bar has set a hearing before the Virginia State Bar Disciplinary Board for Friday, March 26, 2004. With regard to that hearing, I entered into the following stipulation on March 9, 2004:

STIPULATION OF FACT

a. James Grafton Gore, Jr. ("Mr. Gore") is licensed to practice law in the Commonwealth of Virginia. Mr. Gore also holds licenses to practice law in the District of Columbia and Maryland.

b. Between December 1998 and December 2001, Mr. Gore served as President of a restaurant management company known as Coco Loco Management ("CLM"). CLM owned and operated Chinatown Restaurants, Inc., a restaurant in the District of Columbia, doing business as Coco Loco (the "Restaurant"). For purposes of this Stipulation, Mr. Gore acknowledges that he was the person ultimately responsible for the filing of monthly sales tax returns and payment of sales taxes collected by the Restaurant.

c. On September 7, 2000, the District of Columbia filed criminal information against Mr. Gore, alleging that he failed to pay sales taxes collected by the Restaurant from December 31, 1998 through March 31, 2000.

d. CLM continued to operate the Restaurant until December 31, 2001, but did not remit collected sales taxes to the District of Columbia.

e. On or about June 4, 2001, Mr. Gore submitted four (4) checks to the District of Columbia Office of Tax and Revenue (the "Taxing Authority") totaling \$47,987.19. On or about June 27, 2001 Mr. Gore submitted eight (8) additional checks to the Taxing Authority totaling \$103,806.83. The twelve (12) checks were submitted as a remittance of sales taxes collected at the Restaurant. Each check presented to the Taxing Authority was returned for insufficient funds.

f. On December 13, 2001, Mr. Gore entered a plea of guilty in *District of Columbia v. Coco Loco Management, Inc., et al.*, Action Nos. T-63-00 and T-64-00, in the Superior Court of the District of Columbia to one count individually and one count regarding the corporation to the charge of non-willful failure to file taxes in violation of D.C. Code § 47-2028(a).

g. On February 28, 2002, Mr. Gore was sentenced to concurrent terms of imprisonment of six (6) months, with all but forty-five (45) days suspended, and upon release, three (3) years of supervised probation with two hundred (200) hours of community service. The Court also issued a separate order of restitution in the amount of \$885,848.00.

h. As a consequence of the foregoing conduct, Hearing Committee Number Five of the Board on Professional Responsibility for the District of Columbia Court of

Appeals has recommended that Mr. Gore's license to practice law within the District be suspended for a period of two (2) years. Subsequent to the issuance of the Hearing Committee's recommendation, the District of Columbia Court of Appeals Board on Professional Responsibility issued a recommendation that the Court of Appeals disbar Mr. Gore from the practice of law in the District of Columbia, but no final action as been taken as of the date hereof upon such recommendation.

RULE STIPULATIONS

i. Mr. Gore stipulates that the conduct described in ¶¶ a – g constitutes a criminal act in violation of DR 1-102(A) (3) of the Virginia Code of Professional Responsibility and Rule 8.4(b) Virginia Rules of Professional Conduct.

3. The material facts contained in ¶¶ 1 – 10 of the bar's Certification dated September 17, 2003 are true.

4. I cannot successfully defend against the bar's allegation that I engaged in criminal conduct, as evidenced by the criminal conviction acknowledged in ¶ 2.f. above.

JAMES GRAFTON GORE, JR.

Signed and dated this ____ day of March 2004.

NOTARY PUBLIC

My Commission expires: _____

Approved: _____
Seth M. Guggenheim, Assistant Bar Counsel