

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
08/10/2017
Clerk of the
Appellate Courts

IN RE: WESLEY LYNN HATMAKER, BPR #14880
An Attorney Licensed to Practice Law in Tennessee
(Campbell County)

No. M2017-01583-SC-BAR-BP
No. M2017-01585-SC-BAR-BP
BOPR No. 2016-2641-2-WM
BOPR No. 2017-2754-2-WM-22.3

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Wesley Lynn Hatmaker on October 6, 2016; upon a Motion for Default Judgment and that Charges in Petition for Discipline Be Deemed Admitted filed by the Board on November 29, 2016; upon entry of an Order for Default Judgment on December 27, 2016; upon a Supplemental Petition for Discipline filed on January 4, 2017; upon a Motion for Default Judgment and that Charges in Supplemental Petition for Discipline Be Deemed Admitted filed by the Board on January 31, 2017; upon entry of an Order for Default Judgment on February 13, 2017; upon a hearing on April 25, 2017; upon the Findings of Fact, Conclusions of Law and Judgment entered on April 26, 2017; upon service of the Findings of Fact, Conclusions of Law and Judgment upon Mr. Hatmaker by the Executive Secretary of the Board on April 26, 2017; upon the Board of Professional Responsibility's Application for Assessment of Costs filed on May 2, 2017; upon the Findings and Judgment for Assessment of Costs entered on May 30, 2017; upon service of the Findings and Judgment for Assessment of Costs upon Mr. Hatmaker by the Executive Secretary of the Board on May 30, 2017; upon consideration and approval by the Board on June 9, 2017; upon expiration of the appeal period with no appeal taken; and upon the entire record in this cause. This matter is also before the Court upon a Notice of Submission pursuant to Tenn. Sup. Ct. R. 9, § 22.3.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Judgment recommending a disbarment.

On October 3, 2016, Mr. Hatmaker was disbarred by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2016-01992-SC-BAR-BP). To date, Mr. Hatmaker has not requested, nor been granted, reinstatement.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Mr. Hatmaker is disbarred, pursuant to Tenn. Sup. Ct. R. 9, § 12.1.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. Hatmaker shall make restitution to the following individuals and shall furnish to the Board of Professional Responsibility proof of restitution. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Hatmaker shall reimburse TLFCP in the same amount:

(a) Willie Dilbeck - \$1,000.00

(b) Larry Skeen - \$2,600.00

(c) Jeffrey Anderson - \$40,000.00

(d) Mary Jane Partin in trust for the use and benefit of Shelby Jane Davis, a minor - \$104,361.77

(e) Terry Crosby - \$1,200.00

(3) Prior to seeking reinstatement, Mr. Hatmaker must meet all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this disbarment until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Mr. Hatmaker shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 28, regarding the obligations and responsibilities of disbarred attorneys.

(5) Mr. Hatmaker shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 30.4(d), regarding the procedure for reinstatement.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Hatmaker shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$852.88 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(8) This disbarment shall be in lieu of the suspension provided for by Tenn. Sup. Ct. R. 9, § 22.3, as a result of Mr. Hatmaker's plea of guilty to theft of property and

the Court declines to refer the matter to the Board for the institution of any formal proceeding as a result of the Notice of Submission.

(9) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM