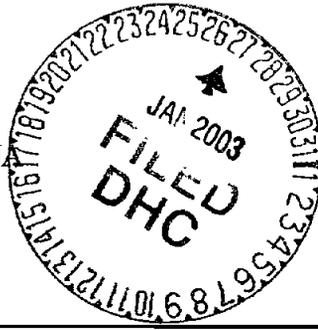


NORTH CAROLINA
WAKE COUNTY



BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
02 BCS 6

IN THE MATTER OF THE TENDER)	
OF SURRENDER OF LICENSE OF)	ORDER OF DISBARMENT
)	
GORDON H. BROWN)	

THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, §.0117(a) of the State Bar Discipline & Disability Rules upon an affidavit of tender of surrender of license executed by Gordon H. Brown on November 26, 2002 and filed in the offices of the North Carolina State Bar on December 2, 2002

Based upon the affidavit, the Council finds that Gordon H. Brown's conduct of misappropriating funds from his firm and from funds entrusted to his care for the benefit of others is grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Brown violated Rules 8.4(b) and (c) of the Revised Rules of Professional Conduct.

WHEREFORE, upon Motion made and duly seconded, the Council enters the following Order:

1. The tender of surrender of license of Gordon H. Brown is hereby accepted.
2. Gordon H. Brown is hereby DISBARRED from the practice of law in North Carolina.
3. Gordon H. Brown shall comply with the provisions of 27 N.C.A.C. Chapter 1, Subchapter B, § .0124 of the State Bar Discipline & Disbarment Rules 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 of the State Bar Discipline & Disbarment Rules.
4. The costs of this action are taxed against Gordon H. Brown.

Done and ordered this 24 day of January, 2003

James K. Dorsett, III, President
North Carolina State Bar

STATE OF NORTH CAROLINA

COUNTY OF WAKE

AFFIDAVIT

FROM: Gordon H. Brown

TO: The Council of the North Carolina State Bar

I, Gordon H. Brown, hereby tender my license to practice and desire to resign from the North Carolina State Bar. My resignation is extended freely and voluntarily, and is not the result of coercion or duress, and I am fully aware of the implications of submitting this, my resignation.

I am aware that there is presently pending an investigation or other proceeding regarding allegations that I have been guilty of misconduct, including the following:

1. I served as trustee of a trust established by the will of Pinkie Cowan Smith for the benefit of Edward Tyrone Smith. The trust for Mr. Smith included accounts at Branch Banking & Trust Co. ("BB&T") checking account number 5111241092, BB&T certificate of deposit ("CD") account number 58041158628, BB&T CD account number 5804154800, and BB&T CD account number 5804158784.
2. Between December 15, 1998, and June 1, 2001, I issued checks totaling approximately \$42,000 from the trust checking account payable to myself, Gordon H. Brown, as payee. These payments of trust funds were without justification or consideration, without benefit to the beneficiary of the trust, and without prior or subsequent disclosure to or approval by the Court or the trust beneficiary. I was not entitled to these funds and misappropriated them. No disclosure or accounting of the disbursement of trust funds paid to me was made in any document filed by me with the Court.
3. I commingled funds belonging to the Smith trust with funds belonging to other wards and beneficiaries for whom I acted as a fiduciary.
4. Prior to January 1, 2002, I directed that two checks from the firm trust account to be paid to me. I was not entitled to those funds. The checks were in the amount of \$5,216.96 and \$11,242.46

I acknowledge that the facts as set forth in Paragraphs 1-4 are true. I am submitting my resignation because I know if charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 26th of November 2002.



Gordon H. Brown

Sworn to and subscribed before me,
this 26th of November 2002.



Notary Public

My Commission Expires: 3-30-05