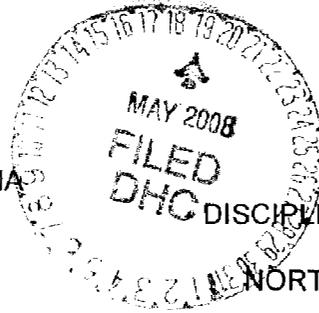


NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
07 DHC 13

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THE NORTH CAROLINA STATE BAR, )  
Plaintiff )

v. )

PETER K. GEMBORYS, Attorney, )  
Defendant )

ORDER TRANSFERRING  
DEFENDANT TO DISABILITY  
INACTIVE STATUS

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This matter was heard by a Hearing Committee of the Disciplinary Hearing Commission composed of Sharon B. Alexander, Chair, M. Ann Reed, and H. Dale Almond. Margaret Cloutier represented Plaintiff. Defendant was represented by Alan M. Schneider.

Based on the pleadings and the evidence presented, the Hearing Committee finds by clear, cogent and convincing evidence the following

#### FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereinafter "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 promulgated thereunder.
2. Defendant, Peter K. Gemborys, was admitted to the North Carolina State Bar on August 22, 1987 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Revised Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During the times relevant herein, Defendant actively engaged in the practice of law in the State of North Carolina and maintained a law office in Wilmington, New Hanover County, North Carolina.
4. The complaint in this action was filed by the North Carolina State Bar on July 9, 2007. Defendant was properly served with process.

5. Defendant filed a Notice of Disability on August 22, 2007 pursuant to 27 N.C.A.C. 1B, Section .0118(c)(1) of the North Carolina State Bar Discipline and Disability Rules asserting that he was disabled within the meaning of Section .0103(19) of said Rules.

6. By Orders filed September 24, 2007, Defendant was ordered to undergo a psychological examination pending hearing on the issue of his disability, Defendant was transferred to disability inactive status and the hearing on the disciplinary action was stayed pending a hearing on the issue of disability.

7. Defendant was evaluated by Dr. Philip L. Hillsman, M.D. of Raleigh Psychiatric Associates, P.A. on October 4, 2007 and April 14, 2008.

8. A hearing was held on May 2, 2008 during which evidence was presented by Defendant regarding his mental status.

9. The Hearing Committee carefully considered Dr. Hillsman's opinion that Defendant currently suffers from dysthymia, a depressive mood disorder, that Defendant has probably suffered from that condition for quite some years, and that the condition significantly impairs Defendant's professional judgment, performance or competence as an attorney.

10. The Hearing Committee also heard the testimony of Defendant and his wife.

Based on the foregoing Findings of Fact, the Committee enters the following

#### CONCLUSIONS OF LAW

1. All parties are properly before the Hearing Committee, and the Committee has jurisdiction over defendant and the subject matter of this proceeding.

2. Defendant is disabled within the meaning of 27 N.C.A.C. 1B §.0103(19), and Defendant should be transferred to disability inactive status pursuant to 27 N.C.A.C. 1B §.0118.

#### ORDER

1. Defendant is hereby transferred to disability inactive status.

2. Defendant shall refrain from practicing law in North Carolina until reinstated to active status pursuant to 27 N.C.A.C. 1B §.0125(c).

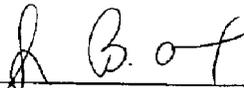
3. The disciplinary action filed by the State Bar is stayed until such time as Defendant is reinstated to active status.

4. The North Carolina State Bar, pursuant to Rule .0118(f), may continue to investigate the allegations of misconduct against Defendant, including the taking of whatever depositions it deems necessary to preserve evidence regarding the allegations contained in the complaint. No further orders of this Committee shall be necessary to take such depositions unless sought by the Defendant.

5. The reports of Dr. Hillsman presented as evidence at the hearing and contained in the file of the disciplinary matter 07 DHC 13 shall be kept under seal and not be accessible to the public unless and until ordered unsealed by the duly appointed Chair of this Committee.

6. Defendant shall be taxed with the costs of this action.

Signed by the undersigned Chair with the full knowledge and consent of the other members of the Hearing Committee, this 19 day of May, 2008.



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SHARON B. ALEXANDER, CHAIR  
HEARING COMMITTEE