

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
08 BCS 1

IN THE MATTER OF THE TENDER
OF SURRENDER OF LICENSE OF

DENNIS A. WHITLING

ORDER OF DISBARMENT

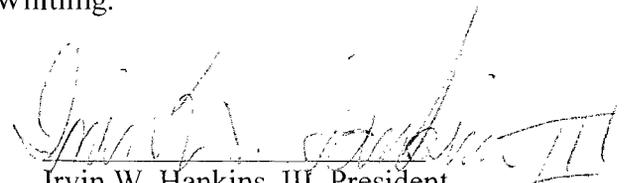
THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0117(a) of the State Bar Discipline & Disability Rules upon an affidavit of tender of surrender of license executed by Dennis A. Whitling ("Whitling") on July 2, 2008 and filed in the offices of the North Carolina State Bar on July 7, 2008.

Based upon the affidavit, the Council finds that Whitling's conduct of conversion of funds to himself without authority from the law firm with which he was employed and from an estate trust for which he was trustee grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Whitling 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:

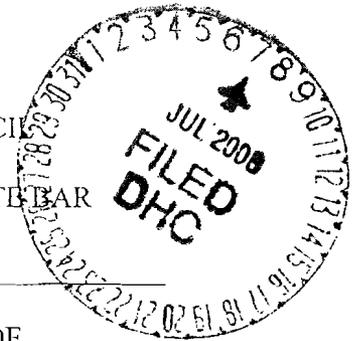
1. The tender of surrender of license of Dennis T. Whitling is hereby accepted.
2. Dennis T. Whitling is hereby DISBARRED from the practice of law in North Carolina.
3. Whitling shall comply with the provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the State Bar Discipline & Disbarment 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 Whitling.

Done and ordered this 18th day of July 2008.


Irvin W. Hankins, III, President
North Carolina State Bar

STATE OF NORTH CAROLINA

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
08 BCS i



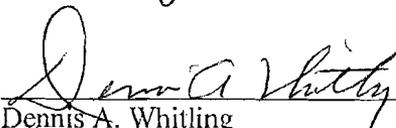
WAKE COUNTY

AFFIDAVIT TENDERING THE SURRENDER OF THE LICENSE OF
DENNIS A. WHITLING

I, Dennis A. Whitling, being first duly sworn, say:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of Section .0117 of the North Carolina State Bar Discipline and Disability Rules, 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is presently pending an investigation regarding allegations that I have been guilty of misconduct by misappropriating funds from the law firm with which I was employed, diverting to myself legal fees from an estate trust for which I was trustee that had been authorized for disbursement to the law firm, filing a false annual account with the Clerk stating those funds had been disbursed to the law firm when in fact I disbursed the funds to myself, and disbursing additional funds to myself from the trust that were labeled in the memo line of the check as fees but had not been approved by the Clerk for such disbursement as required by statute.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
5. My resignation is being submitted because I know that if charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

Respectfully submitted, this the 2nd day of July 2008.


Dennis A. Whitling

Sworn to and subscribed before me
This the 2 day of July 2008.


Notary Public

My commission expires: 4-2-2013

