

WAKE COUNTY
NORTH CAROLINA



BEFORE THE COUNCIL OF THE
NORTH CAROLINA STATE BAR
09 BCS 5

IN RE TENDER OF SURRENDER OF)
LICENSE OF)
MATTHEW A. MARINO)

ORDER OF DISBARMENT

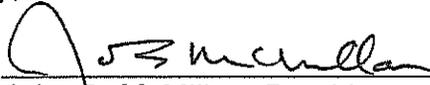
THIS MATTER was heard by the Council of the North Carolina State Bar pursuant to 27 N.C.A.C. 1B §.0117 (a) of the State Bar Discipline and Disability Rules upon the affidavit of tender of surrender of license executed by Matthew A. Marino on June 29, 2009, and filed in the offices of the State Bar on July 10, 2009.

Based on the affidavit, the Council finds that on September 3, 2008, Matthew A. Marino pled guilty in the United States District Court for the Southern District of New York to one count of misprision of a felony, and that on April 21, 2009 Marino was sentenced to serve 21 months in prison and ordered to pay a total of \$60,000,000.00 in restitution. This conduct constitutes grounds for discipline, under N.C. Gen. Stat. § 84-28 (b)(1) and (b)(2), in that Marino violated Rule 8.4 of the Revised Rules of Professional Conduct.

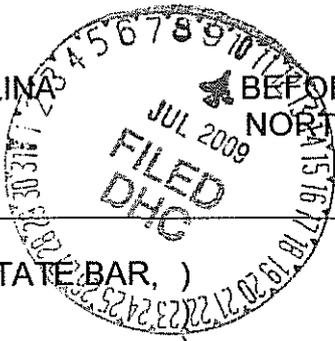
WHEREFORE, upon motion made and duly seconded, the Council enters the following Order:

1. The tender of surrender of the license of Matthew A. Marino is hereby accepted.
2. Matthew A. Marino hereby is DISBARRED from the practice of law in North Carolina.
3. Matthew A. Marino shall comply with the provisions of 27 NCAC 1B § .0124 of the State Bar Discipline and Disability Rules and shall surrender her license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 NCAC 1B § .0124 of the State Bar Discipline and Disability Rules.
4. The costs of this action are taxed against Matthew A. Marino.

Done and ordered this the 29th day of July, 2009.


John B. McMillan, President
The North Carolina State Bar

STATE OF NORTH CAROLINA
WAKE COUNTY



BEFORE THE COUNCIL OF THE
NORTH CAROLINA STATE BAR
09 BCS 5

THE NORTH CAROLINA STATE BAR,)
PETITIONER

v.)

AFFIDAVIT OF SURRENDER

MATTHEW A. MARINO, ATTORNEY,)
RESPONDENT)

Matthew A. Marino, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to State Bar Discipline & Disability Rule 27 NCAC 1B §.0117.

2. My resignation is freely and voluntarily rendered, and is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.

3. I am aware that there is a pending investigation by the State Bar regarding allegations that on September 3, 2008, I pled guilty in the United States District Court for the Southern District of New York to one count of misprision of a felony, and that on April 21, 2009 I was sentenced to serve 21 months in prison and ordered to pay a total of \$60,000,000.00 in restitution.

4. I acknowledge that the material facts upon which the investigation is predicated are true.

5. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This is the 29th day of June, 2009.

MATTHEW A. MARINO

Sworn to and subscribed before me
this the 29th day of June, 2009.

Notary Public

