



STATE OF NORTH CAROLINA
WAKE COUNTY

FILED DHC

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
11 DHC 23

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

BENJAMIN J. VILOSKI, Attorney,

Defendant

ORDER OF
DISBARMENT

This matter came before the undersigned Chair of The Disciplinary Hearing Commission pursuant to 27 N.C.A.C. 1B §.0117(d) upon an affidavit of surrender of license executed by Benjamin J. Viloski on 10 January 2012 and filed in the offices of the North Carolina State Bar on 12 January 2012.

Based upon the pleadings and the record, the undersigned makes the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar (hereafter "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, Benjamin J. Viloski, was licensed to practice law in North Carolina in 2006, and during all relevant periods herein he was an Attorney at Law subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina

3. On 6 January 2012, the North Carolina State Bar filed a formal complaint against Defendant alleging he was convicted of nine felony charges in federal court and thereby violated the Rules of Professional Conduct. This conduct constitutes grounds for discipline under N.C. Gen. Stat. § 84-28 (b)(1) and (b)(2), in that conviction of a criminal offense showing professional unfitness is grounds for imposition of professional discipline under N.C. Gen. Stat. § 84-28(b)(1), and in that Viloski engaged in criminal conduct reflecting adversely on this honesty, trustworthiness, or fitness as a lawyer in violation of Rule 8.4(b) of the Rules of Professional Conduct.

4. Defendant has indicated his consent to disbarment by filing an affidavit of surrender with the Disciplinary Hearing Commission. The affidavit meets all requirements set forth in 27 N.C.A.C. 1B §.0117(a)(1)-(4) and (d).

Based upon the foregoing Findings of Fact, the undersigned makes the following

CONCLUSIONS OF LAW

1. 27 N.C.A.C. 1B §.0108(a) provides that the Chair of the Disciplinary Hearing Commission has the power and duty to enter orders disbarring members by consent.

2. Defendant's affidavit meets all requirements set forth in 27 N.C.A.C. 1B §.0117(a)(1)-(4) and (d) and the facts upon which the affidavit is predicated warrant Defendant's disbarment.

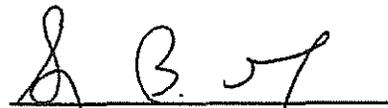
3. Defendant has admitted that the material facts upon which the State Bar's complaint is predicated are true and the misconduct alleged in the complaint has been established. The State Bar's complaint is incorporated by reference herein.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

ORDER

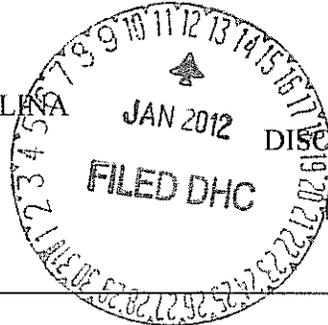
1. The surrender of the license of Benjamin J. Viloski is hereby accepted.
2. Benjamin J. Viloski is DISBARRED from the practice of law in North Carolina effective upon the entry of this order with the Secretary of the North Carolina State Bar.
3. Benjamin J. Viloski shall comply with the provisions of 27 N.C.A.C. 1B §.0124 of the State Bar Discipline and Disability Rules.
4. The costs of this action are taxed against Defendant.

This the 12 day of January, 2012.


Sharon B. Alexander, Chair
Disciplinary Hearing Commission

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR 11 DHC 23

THE NORTH CAROLINA STATE BAR,

v.

BENJAMIN J. VILOSKI, ATTORNEY,

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AFFIDAVIT OF SURRENDER OF LAW LICENSE

BENJAMIN J. VILOSKI, being first duly sworn, deposes and says:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to State Bar Discipline and Disability Rule 27 N.C.A.C. 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 formal complaint against me filed by the State Bar before the Disciplinary Hearing Commission alleging that I was convicted of nine federal felony offenses and thereby engaged in criminal conduct reflecting adversely on my fitness as a lawyer. A copy of the complaint is incorporated herein by reference and a copy of it is attached hereto as Exhibit A.

4. I acknowledge that the material facts alleged in the complaint are true.

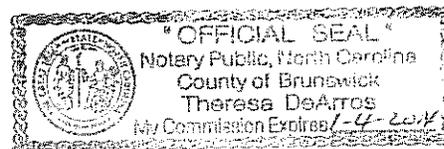
5. I am submitting my resignation because I know that I cannot successfully defend against the charges in the complaint.

This is the 10th day of January, 2012.

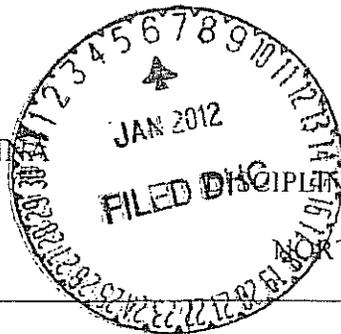
[Signature]
Benjamin J. Viloski

Sworn to and subscribed before me this the 10 day of January, 2012.

[Signature]
Notary Public
My commission expires: 1-4-2014



STATE OF NORTH CAROLINA
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DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
11 DHC 23

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

BENJAMIN J. VILOSKI, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

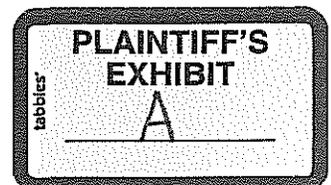
1. Plaintiff, the North Carolina State Bar (hereafter "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Benjamin J. Viloski (hereafter "Defendant" or "Viloski"), was admitted to the North Carolina State Bar on 24 February 2006 and is an Attorney at Law subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. Upon information and belief, during the relevant period referred to herein Viloski was not actively engaged in the practice of law.

4. On 29 July 2011 Viloski was found guilty of the following felony offenses in *United States v. Benjamin Viloski*, N.D.N.Y. case #5:09-CR-00418:

- Count 1: Conspiracy to Commit Mail and Wire Fraud
- Counts 2 and 5: Mail Fraud
- Count 12: Conspiracy to Commit Money Laundering and Transactions in Criminally Derived Property
- Counts 13, 14 and 15: Aiding and Abetting Concealment Money Laundering
- Count 16: Aiding and Abetting Transactions in Criminally Derived Property
- Count 31: False Statements to Federal Agents



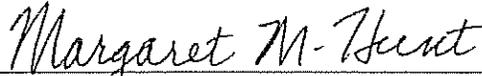
5. Conviction of a criminal offense showing professional unfitness is grounds for imposition of professional discipline under N.C. Gen. Stat. §§ 84-28(b)(1) and (b)(2).

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C.G.S. §§ 84-28(b)(1) and (b)(2) in that: By committing the criminal offenses of which he was convicted, Viloski engaged in criminal conduct showing professional unfitness and reflecting adversely on his honesty, trustworthiness and fitness as a lawyer in violation of Rule 8.4(b).

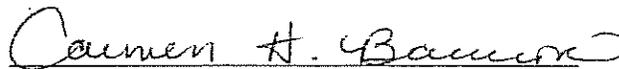
WHEREFORE, Plaintiff prays that

1. Disciplinary action be taken against Defendant in accordance with N.C.G.S. § 84-28 and 27 N.C.A.C. 1B § .0114 as the evidence on hearing may warrant;
2. Defendant be taxed with the administrative fees and with actual costs permitted by law in connection with the proceeding; and
3. For such other and further relief as the Hearing Panel deems appropriate.

This the 5th day of January, 2012.



Margaret M. Hunt, Chair
Grievance Committee



Carmen Hoyme Bannon, Deputy Counsel
The North Carolina State Bar
P. O. Box 25908
Raleigh, NC 27611
(919) 828-4620
State Bar #33998