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NORTH CAROLINA

WAKE COUNTY

IN THE MATTER OF THE TENDER
OF SURRENDER OF LICENSE OF

DAVID F. HERZIG

FILED

1983 APR 5 8 AM 11:21

B.E. JAMES, SEC.
THE N.C. STATE BAR

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
83 BCS 2

ORDER OF DISBARMENT

This matter coming on to be heard and being heard by the Council of The North Carolina State Bar pursuant to Section 17 of Article IX of the Rules and Regulations of The North Carolina State Bar on April 8, 1983, upon the tender of surrender of license of David F. Herzig, and

It further appearing that David F. Herzig filed an affidavit in Support of Surrender of License on February 25, 1983 made pursuant to Section 17(1) of Article IX of the Rules and Regulations of The North Carolina State Bar, and

BASED UPON the Affidavit of David F. Herzig, the Council makes the following:

FINDINGS OF FACT

1. That on December 6, 1982 The North Carolina State Bar filed a Complaint against David F. Herzig before the Disciplinary Hearing Commission in File Number 82 DHC 14.
2. The allegations in said Complaint which would constitute violations of Disciplinary Rule 9-102(A) of the Code of Professional Responsibility are true.

CONCLUSIONS OF LAW

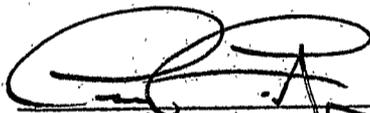
1. The Affidavit filed by David F. Herzig on February 25, 1983 meets the requirements of Section 17 of the Rules and Regulations of The North Carolina State Bar and should be accepted.

2. The allegations from the Complaint filed in 82 DHC 14 to which David F. Herzig admits constitute violations of North Carolina General Statute § 84-28(a), (b)(2) in that David F. Herzig failed to preserve the identity of funds of clients paid into his law firm in one or more identifiable bank accounts maintained in the State in violation of Disciplinary Rule 9-102(A) of the Code of Professional Responsibility.

NOW, THEREFORE, UPON MOTION DULY MADE AND SECONDED, IT IS HEREBY ORDERED:

1. That the tender of surrender of license of David F. Herzig be accepted.
2. That David F. Herzig be and hereby is DISBARRED.
3. That the costs of this action be taxed against David F. Herzig.

By Order of the Council of The North Carolina State Bar, this the 8th day of April, 1983.



Louis J. Fisher, Jr., President
The North Carolina State Bar