

NORTH CAROLINA
WAKE COUNTY

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
90 BCS 4

IN THE MATTER OF THE
TENDER OF LICENSE OF

DENNIS WAYNE GADDY

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ORDER OF DISBARMENT

This matter came on to be heard and was heard by the Council of the North Carolina State Bar pursuant to Section 17 of Article IX of the Discipline and Disbarment Procedures of the North Carolina State Bar on October 19, 1990, upon an affidavit of tender of license pursuant to Section 17(2)(a) executed by Dennis Wayne Gaddy on October 1, 1990. Based upon the affidavit of Dennis Wayne Gaddy, the Council of the North Carolina State Bar makes the following Findings of Fact:

1. There is a pending disciplinary proceeding before the Disciplinary Hearing Commission of the North Carolina State Bar captioned North Carolina State Bar v. Dennis Wayne Gaddy, 90 DHC 14.
2. The allegations of misconduct in that disciplinary action involve Gaddy's misappropriation of client funds, commingling his personal and business funds with client funds, engaging in a check kiting scheme to cover worthless checks, and making misrepresentations to a client regarding the receipt of client funds.
3. Gaddy rendered freely and voluntarily his resignation by affidavit dated October 1, 1990. The tender of his resignation was not the result of coercion or duress. Gaddy was fully aware of the implications of submitting his resignation.
4. Gaddy submitted his resignation because he knew that the charges were predicated upon misconduct which was investigated by the North Carolina State Bar and he could not successfully defend against the charges. Gaddy further acknowledged that the material facts upon which the complaint in the disciplinary action was predicated are true.
5. Based upon Gaddy's admissions in his affidavit, he has engaged in various acts of misconduct, primary of which are the misappropriation of client funds and commingling of his personal and business funds with client funds. A notice of this proceeding was mailed to Gaddy.

Based upon the foregoing FINDINGS OF FACT, the Council of the

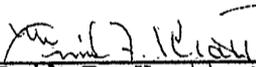
North Carolina State Bar makes the following CONCLUSIONS OF LAW:

1. The affidavit of Dennis Wayne Gaddy to surrender his license complies with Section 17 of Article IX of the Discipline and Disbarment Procedures of the North Carolina State Bar and the affidavit should be accepted.
2. Gaddy's misappropriation of client funds violated Rule 1.2(B) and (C) of the Rules of Professional Conduct, his commingling of personal and business funds with client funds violated Rule 10.1(A) and (C) of the Rules of Professional Conduct, and his engaging in a check kiting scheme to cover worthless checks violated Rule 1.2(B) and (C) of the Rules of Professional Conduct.

Now, therefore, upon motion duly made and seconded, the Council of the North Carolina State Bar ORDERS that:

1. The tender of the license of Dennis Wayne Gaddy is accepted.
2. Dennis Wayne Gaddy is DISBARRED from the practice of law in North Carolina.
3. Dennis Wayne Gaddy shall surrender his license and membership card to the Secretary of the North Carolina State Bar, if such has not been done.
4. The costs of this proceeding are taxed to Dennis Wayne Gaddy.

This the 19 day of October, 1990.


Emil F. Kratt, President
The North Carolina State Bar

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