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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
90 DHC 16

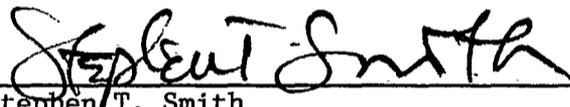
THE NORTH CAROLINA STATE BAR,)
Plaintiff,)
vs.)
RICHARD A. PENISTON, ATTORNEY,)
Defendant)

ORDER

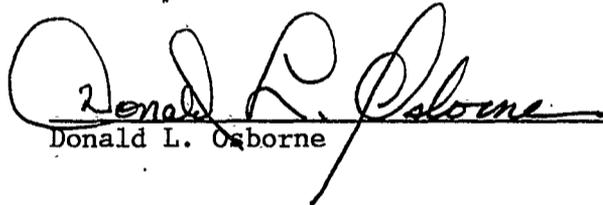
This matter came on to be heard and was heard on November 30, 1990, by a hearing committee composed of John G. Shaw, Chairman, Donald L. Osborne and Stephen T. Smith. The defendant, Richard A. Peniston, represented himself. The plaintiff was represented by Carolin D. Bakewell.

Based upon the arguments of counsel and the evidence presented, fundamental fairness under the particular facts of this case requires that Mr. Peniston should have received a Letter of Notice and since he did not, it is the decision of the a majority of the committee that this action is dismissed with prejudice.

This the 24th day of December, 1990.

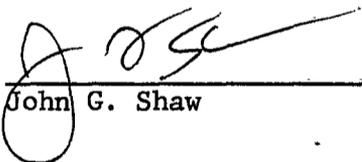


Stephen T. Smith



Donald L. Osborne

I dissent:



John G. Shaw