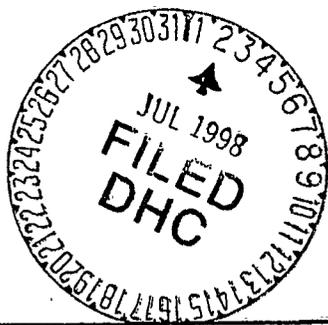


20242

WAKE COUNTY
NORTH CAROLINA



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

THE NORTH CAROLINA STATE BAR,
Plaintiff

vs.

VICTOR N. YAMOUTI, Attorney,
Defendant

ORDER

This matter coming on for hearing and being heard on the 1st day of July, 1997 before a hearing committee composed of Joseph G. Maddrey, Chair, Michael L. Bonfoey and A. James Early, III. The plaintiff, The North Carolina State Bar, was represented by Clayton W. Davidson III. The Defendant, Victor N. Yamouti, was represented by C. Frank Goldsmith, Jr. Based upon the pleadings in this matter, the stipulations on prehearing conference, and the evidence presented at the hearing, the hearing committee makes the following:

FINDINGS OF FACT

1. The evidence presented by the Plaintiff in this matter did not rise to the level of clear, cogent, and convincing evidence that the Defendant had engaged in sexual conduct as alleged in the complaint in this matter.

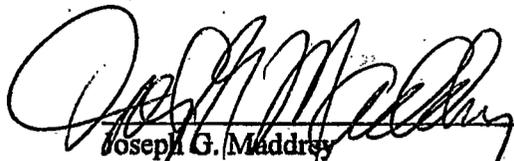
Based on the foregoing Findings of Fact, the hearing committee makes the following:

CONCLUSIONS OF LAW

1. The North Carolina State Bar has failed to meet its burden of proving that the Defendant violated North Carolina Rules of Professional Conduct as alleged in the complaint in this matter, and therefore, the claims for relief in the complaint should be dismissed.

Based on the foregoing Findings of Fact and Conclusions of Law it is hereby ORDERED, ADJUDGED AND DECREED that no discipline be imposed in this matter, and the complaint against the Defendant be dismissed.

Signed by the undersigned Chair of the hearing committee of the Disciplinary Hearing Commission with the full knowledge and consent of the other members of the hearing committee and the consent of the parties affixed to this document, this the 17 day of July, 1998.



Joseph G. Maddy
Chair, Disciplinary Hearing Committee