

WAKE COUNTY
NORTH CAROLINA



12564

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

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

KENNETH B. STEWART, ATTORNEY
Defendant

ORDER OF DISBARMENT

THIS MATTER coming before the undersigned Chair of the Disciplinary Hearing Commission pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0117(d) of the N.C. State Bar Discipline & Disability Rules upon the defendant's affidavit of Consent to Disbarment executed on the 30th day of November 2001 and filed with the undersigned on the 3rd day of December 2001 and the undersigned finds from that Consent to Disbarment the following:

1. The defendant's Consent to Disbarment was freely and voluntarily rendered, was not the result of coercion or duress and the Defendant was fully aware of the implications of submitting this Consent to Disbarment.
2. The defendant is aware that a hearing has been scheduled respecting the allegations contained in the State Bar's complaint in this matter and that by submitting this Consent to Disbarment he is giving up the right to defend himself against those allegations at that hearing.
3. The defendant has admitted that the material facts contained in the State Bar's complaint are true.
4. The defendant has admitted that he is guilty of the misconduct alleged in the State Bar's complaint which is incorporated herein by reference.
5. The defendant's Consent to Disbarment was submitted because the defendant knows that he could not successfully defend against the allegations in the State Bar's complaint in this matter.

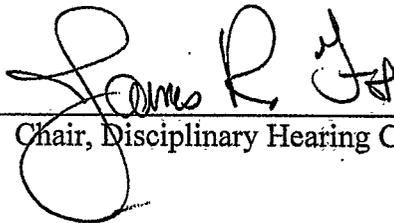
BASED UPON the foregoing findings, the undersigned concludes as follows:

- (a) The affidavit of the defendant contained in his Consent to Disbarment meets the requirements of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0117(d) of the N.C. State Bar Discipline & Disability Rules.
- (b) The Consent to Disbarment filed by the defendant herein should be accepted.
- (c) The facts as found constitute grounds for disbarment.

THEREFORE it is hereby ORDERED:

1. The defendant, Kenneth B. Stewart is hereby DISBARRED from the practice of law in North Carolina.
2. The defendant shall submit his license and membership card to the Secretary of the North Carolina State Bar no later than 30 days following service of this order upon the defendant.
3. The defendant shall pay the costs of this proceeding as assessed by the Secretary within 30 days following service of this order upon the defendant.
4. The defendant shall comply with all provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0124 of the N.C. State Bar Discipline & Disbarment Rules.

This the 3rd day of December, 2001.



Chair, Disciplinary Hearing Commission