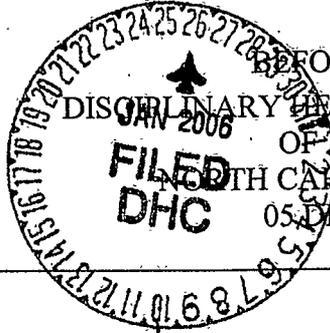


WAKE COUNTY  
NORTH CAROLINA



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
05 DHC 54

THE NORTH CAROLINA STATE BAR	)	
Plaintiff	)	FINDINGS OF FACT
v.	)	CONCLUSIONS OF LAW
	)	& CONSENT ORDER
RANDY L. CARTRETTE, ATTORNEY	)	OF DISCIPLINE
Defendant	)	

THIS MATTER came on to be heard and was heard before a hearing committee of the Disciplinary Hearing Commission composed of Carlyn G. Poole, Chair, M. Ann Reed, and Johnny A. Freeman. The Defendant, Randy L. Cartrette, was represented by Alan M. Schneider. Carolin Bakewell represented the Plaintiff. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. Based upon the consent of the parties, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.
2. The Defendant, Randy L. Cartrette, ("Cartrette"), was admitted to the North Carolina State Bar in 1999, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
3. During all or a portion of the period relevant hereto, Cartrette was engaged in the practice of law in Columbus County, North Carolina.
4. Cartrette has knowingly and voluntarily waived his right to a formal hearing.
5. Cartrette was properly served with process herein.
6. On one or more occasions between the summer of 2003 and February 10, 2004, Cartrette knowingly possessed and engaged in the illegal use of marijuana

7. On one or more occasions between September 2003 and February 10, 2004, Cartrette knowingly possessed and engaged in the illegal use of cocaine.

8. On March 10, 2004, Cartrette was arrested and charged with felonious possession of cocaine and marijuana.

9. On Oct. 4, 2004, Cartrette entered a no contest plea to the drug charges pending against him and entered into a deferred adjudication agreement with the District Attorneys Office wherein if Cartrette complied with the agreement for a period of one (1) year the charges would be dismissed.

10. On October 16, 2005, the criminal charges pending against Cartrette were dismissed.

Based upon the foregoing Findings of Fact, the hearing committee hereby enters the following:

#### CONCLUSIONS OF LAW

1. All parties are properly before the hearing committee and the committee has jurisdiction over the Defendant, Randy L. Cartrette, and the subject matter of this proceeding.

2. Cartrette's conduct, as set out in the Findings of Fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b) as follows:

(a) By knowingly possessing and using marijuana and cocaine, which are illegal substances, Cartrette engaged in criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b).

#### FINDINGS OF FACT REGARDING DISCIPLINE

1. Cartrette's misconduct is mitigated by the following factors:

(a) Absence of a prior disciplinary record

(b) Absence of a dishonest or selfish motive

(c) Cartrette was experiencing personal problems during the time period in question and has actively and successfully sought treatment and counseling

(d) Full and free disclosure and cooperative attitude toward the Bar proceedings

(e) good character and reputation

(f) remorse

(g) interim rehabilitation through participation in the North Carolina State Bar Lawyer Assistance Program.

2. There are no aggravating factors.
3. On or about March 8, 2004, Cartrette successfully completed a residential substance abuse treatment program at the Wilmington Treatment Center
4. Upon discharge, Cartrette entered into a two-year Recovery Contract with LAP.
5. Cartrette has fully complied with his LAP Recovery Contract and has made excellent progress in addressing his substance abuse
6. The Assistant Director of LAP reports that, given Cartrette's compliance, insight and therapeutic work over the last two years, it is his opinion that Cartrette can safely engage in the practice of law.

#### CONCLUSIONS REGARDING DISCIPLINE

1. Cartrette's misconduct, although occurring outside the practice of law, nevertheless adversely affected the standing of the legal profession in the eyes of the public and substantial discipline is warranted to assure the public that the Bar will not tolerate violations of the criminal laws by attorneys in this State.

2. Because of the nature of Cartrette's misconduct, the DHC has found that a stayed suspension is necessary to ensure that Cartrette continues receiving treatment for his substance abuse which will help ensure that he does not engage in future violations of the Rules of Professional Conduct.

Based upon the foregoing Findings of Fact and Conclusions of law and with the consent of the parties, the hearing committee enters the following:

#### ORDER OF DISCIPLINE

1. The law license of the Defendant, Randy L. Cartrette, is hereby suspended for a period of 1 year, and the suspension is stayed for 3 years from the effective date of this order on the following conditions:

- a) Cartrette will provide the Office of Counsel with a current working street address (not a P.O. Box) and will advise the Bar in writing of any changes in his address within 10 days of all changes.
- b) Cartrette will respond to all letters of notice and requests for information from the N.C. State Bar by the deadlines stated in the communication.
- c) Cartrette will timely pay all State Bar membership dues and Client Security Fund assessments.
- d) Cartrette will timely comply with his continuing legal education requirements and will pay all fees and costs assessed by the applicable deadline.

e) Cartrette will not violate any law of the United States or the laws of any state.

f) Cartrette will not violate any provision of the Rules of Professional Conduct.

(g) Cartrette shall comply with all treatments prescribed by his psychiatrist or other mental health professional for his substance abuse and any other mental health problems diagnosed by such medical care providers. Such treatments shall be solely at Cartrette's expense. Cartrette shall have his treatment program supervised by the North Carolina State Bar Lawyer Assistance Program (LAP) and will comply with all terms of the program.

(h) Cartrette will provide the Office of Counsel with a release authorizing the Counsel or her designated representative to contact the Lawyers Assistance Program and/or his medical care providers to determine if he is complying with all requirements imposed by the LAP. Cartrette shall not revoke the release at any time during the period of stayed suspension.

(i) Cartrette shall ensure that the Office of Counsel receives written reports from the LAP confirming that he is complying with all requirements imposed by the LAP. The reports shall be due in the Office of Counsel on each Jan. 1, April 1, July 1 and Oct. 1 throughout the period of stayed suspension.

2. Cartrette shall pay the costs of this proceeding within 30 days of service of the statement of costs upon him by the Secretary of the State Bar.

3. If the stay of the suspension is lifted at any time and the suspension of Cartrette's law license is activated for any reason, before seeking reinstatement of his license to practice law, Cartrette must show by clear, cogent and convincing evidence that he has complied with each of the following conditions:

a) Submitted his license and membership card to the Secretary of the N.C. State Bar within 30 days after the effective date of the order suspending his law license.

b) Complied with all provisions of 27 N.C.A.C. Chapter 1, Subchapter B, Section .0124 of the State Bar Discipline & Disability Rules on a timely basis.

c) Demonstrated that he is not suffering from any addiction, disability or condition that would impair his ability to competently engage in the practice of law.

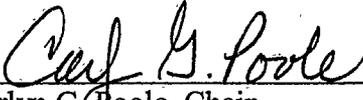
d) Demonstrated that he has abstained from all alcohol use or consumption and has not taken any prescription drugs or controlled substances other than as authorized by his treating physician for at least one year next preceding the filing of his petition for reinstatement. This requirement will apply regardless of when the stay is lifted and regardless of whether enforcement of this provision would extend the period of suspension of Cartrette's law license beyond the three year stay period set out herein.

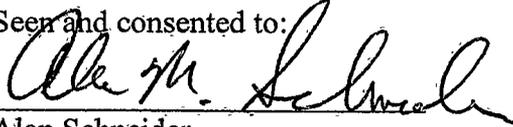
e) Provided the Office of Counsel with releases to obtain and review his medical records, including psychological and mental health evaluations and interview his medical care providers.

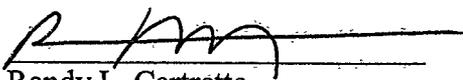
f) Paid all due and owing membership fees, Client Security Fund assessments and costs assessed by the DHC or the State Bar.

g) Complied with all continuing legal education requirements imposed by the North Carolina State Bar.

Signed by the Chair of the Hearing Committee with the knowledge and consent of the other Committee members:

  
\_\_\_\_\_  
Carlyn G. Poole, Chair,  
Disciplinary Hearing Committee

Seen and consented to:  
  
\_\_\_\_\_  
Alan Schneider  
Defendant's Attorney

  
\_\_\_\_\_  
Randy L. Cartrette  
Defendant

  
\_\_\_\_\_  
Carolin Bakewell  
Plaintiff's Attorney