

WAKE COUNTY
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION

10 CVS 004434
FILED -6 PM 3:26

THE NORTH CAROLINA STATE BAR,	)	WAKE COUNTY, N.C.
PETITIONER,	)	
	)	BY _____
v.	)	
	)	CONSENT ORDER
GERARD A. BOS,	)	OF DISBARMENT
RESPONDENT.	)	

THIS MATTER came on to be heard and was heard by the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar was represented by Katherine E. Jean. Respondent, Gerard A. Bos, was represented by Nancy E. Walker.

Based upon the Affidavit of Surrender of Law License submitted to the court by Bos, the court makes the following:

FINDINGS OF FACT

1. Bos misappropriated \$5000.00 that was held in escrow in his law firm trust account for the benefit of SHL Properties and Afranie Tuffour and utilized it for his own personal benefit or for the benefit of SHL Properties without Tuffour's authorization to do so.
2. Bos misappropriated \$300.00 from his law firm trust account and utilized it for his own personal benefit or for the benefit of SHL Properties without authorization to do so from the beneficial owner of the funds.
3. Bos misappropriated \$10,190.50 delivered to him in trust by his former law partner G. Miller Jordan and utilized it for his own personal benefit without Jordan's authorization to do so.

Based upon the foregoing Findings of Fact, the court makes the following:

CONCLUSIONS OF LAW

1. By misappropriating entrusted funds for his own personal benefit or for the benefit of a third party without authorization to do so from the beneficial owners of the funds, Gerard A. Bos violated Rules 1.15-2(a) and (j) and 8.4 (b) and (c) of the Rules of Professional Conduct.

2. Bos' misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2).

IT IS NOW, THEREFORE, **ORDERED**:

1. Gerard A. Bos is DISBARRED from the practice of law in North Carolina.
2. Gerard A. Bos shall comply with the provisions of Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0124.
3. Bos shall complete the wind down of his law practice by December 31, 2010. Disbarment is effective December 31, 2010.
4. The costs and administrative fees of this action are taxed against Gerard A. Bos.

Done and Ordered this 6 day of December, 2010.

Donald W. Stephens
Superior Court Judge Presiding

WE CONSENT

[Signature]
Gerard A. Bos
Respondent

Nancy E. Walker
Nancy E. Walker
Attorney for Respondent

[Signature]
Katherine E. Jean
Attorney for Petitioner

WAKE COUNTY
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION

10 CVS 004434
FILED 10-12-10 PM 3:29

THE NORTH CAROLINA STATE BAR,
PETITIONER,

v.

GERARD A. BOS,
RESPONDENT.

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)
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)

BY _____

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

Gerard A. Bos, being first duly sworn, deposes and says as follows:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0117 of the N.C. State Bar Discipline & Disability Rules. I consent to be disbarred effective December 31, 2010. I will wind down my law practice by December 31, 2010.

2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation. I affirm that I have obtained the advice and counsel of an attorney before submitting this Affidavit.

3. I am aware that there is pending an investigation regarding allegations that I misappropriated entrusted funds as follows and utilized those funds for my own personal benefit or for the benefit of third parties without authorization to do so from the beneficial owners of the funds:

a. I misappropriated \$5000.00 that was held in escrow in my law firm trust account for the benefit of SHL Properties and Afranie Tuffour and utilized it for my own personal benefit or for the benefit of SHL Properties without Tuffour's authorization to do so.

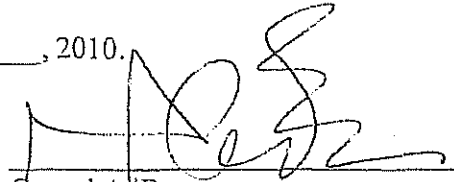
b. I misappropriated \$300.00 from my law firm trust account and utilized it for my own personal benefit or for the benefit of SHL Properties without authorization to do so from the beneficial owner of the funds.

c. I misappropriated \$10,190.50 delivered to me in trust by my former law partner G. Miller Jordan and utilized it for my own personal benefit without Mr. Jordan's authorization to do so.

4. I acknowledge that the material facts upon which the investigation is predicated are true.

5. I am submitting my resignation because I know that if disciplinary charges were predicated upon the misconduct under investigation, I could not successfully defend against them.

This the 1 day of December, 2010.


Gerard A. Bos

I, LaDonna Tillman Griffin, Notary Public of the County of Lincoln, State of North Carolina, certify that Gerard A. Bos personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

Sworn to and subscribed before me

This the 1st day of December, 2010.

LaDonna Tillman Griffin
Notary Public

My Commission Expires: 4-1-2015

