

STATE OF NORTH CAROLINA

BEFORE THE COUNCIL
OF THE

WAKE COUNTY

NORTH CAROLINA STATE BAR
23 BCS 1

IN THE MATTER OF THE TENDER
OF SURRENDER OF LICENSE OF

ORDER OF DISBARMENT

DAVID E. GURGANUS

THIS MATTER came before the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0121(a) of the State Bar Discipline & Disability Rules upon tender of an affidavit of surrender of license executed by David E. Gurganus ("Gurganus").

Based upon the affidavit, the Council finds that by misappropriating entrusted funds in excess of \$4,000.00 and by altering and forging court documents, Gurganus engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on his fitness as a lawyer in violation of Rule 8.4(c) of the North Carolina Rules of Professional Conduct. Gurganus's conduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28(b)(2).

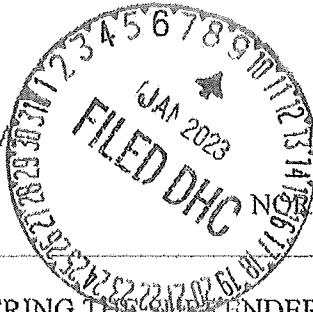
WHEREFORE, upon motion made and duly seconded, the Council enters the following Order:

1. The tender of surrender of license of David E. Gurganus is hereby accepted.
2. David E. Gurganus is hereby DISBARRED from the practice of law in North Carolina.
3. The administrative fees of this action are taxed against Gurganus.
4. Gurganus shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0128 of the State Bar Discipline & Disability Rules. Gurganus shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0128 of the State Bar Discipline & Disability Rules within ten (10) days of the entry of this order.
5. The effective date of the disbarment is the date the Council accepted the surrender pursuant to 27 N.C. Admin. Code 1B.0121(b) as dated by the President below.

Done and ordered this 20 day of January, 2023.

Marcia Armstrong
Marcia Armstrong, President
North Carolina State Bar

STATE OF NORTH CAROLINA
WAKE COUNTY



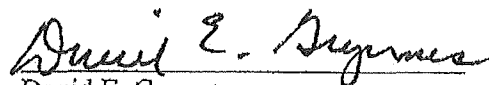
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AFFIDAVIT TENDERING THE SURRENDER OF THE LICENSE OF
DAVID E. GURGANUS

I, DAVID E. GURGANUS, being first duly sworn, say:

1. I desire to resign and hereby tender my license to practice law in North Carolina pursuant to the provisions of Section .0121 of the North Carolina State Bar Discipline and Disability Rules, 27 N.C. Admin. Code Chapter 1, Subchapter B, Section .0121.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is an investigation pending against me regarding allegations that I engaged in misconduct by misappropriating entrusted funds in excess of \$4,000.00 and altered or forged court documents.
4. I acknowledge that the material facts upon which the grievance is predicated are true.
5. I am submitting my resignation because I know that if disciplinary charges were brought against me for withholding these fees without informing the law firm, I could not successfully defend against them.
6. I understand that the hearing by the Council of the North Carolina State Bar with regard to the acceptance of the tender of surrender of my license to practice law will occur at the regularly scheduled meeting of the Council of the North Carolina State Bar on Friday, January 20, 2023.
7. I hereby waive any further notice of the hearing before the Council on my affidavit of surrender. I waive any claim, argument, or assertion that I have not received proper or timely notice of the hearing before the Council on my affidavit of surrender or any other defect in notice. I further waive any and all right or privilege to appear before the Council at that hearing.
8. I affirm that I have had a full opportunity to seek the advice and counsel of an attorney in filing my Affidavit of Surrender and in waiving any rights set forth herein.

Respectfully submitted, this the 27th day of November, 2022.


David E. Gurganus

I, Michelle Mormando, Notary Public of the County of New Hanover, State of North Carolina, certify that David E. Gurganus personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of her own personal knowledge, and executed the foregoing Affidavit.

This the 29 day of November, 2022

Michelle Mormando
Notary Public
(print name) Michelle Mormando

My commission expires: 04-29-24

