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BEFORE THE SECRETARY
OF THE
NORTH CAROLINA STATE BAR



96 BSR 1

IN RE: REINSTATEMENT OF) ORDER OF
 GENE H. KENDALL) REINSTATEMENT

This matter is before the Secretary of the North Carolina State Bar pursuant to the Petition for Reinstatement filed on March 20, 1996 by Gene H. Kendall. After conducting an investigation regarding petitioner's compliance with the requirements set forth in Rule .0125(b)(3) of the Discipline and Disability Rules, Counsel for the North Carolina State Bar did not file an objection to the petition.

THEREFORE, based upon a review of the disciplinary file and the Petition for Reinstatement, the Secretary enters the following:

FINDINGS OF FACT

1. An Order of Discipline was entered on April 28, 1995 in 95 DHC 2 which suspended petitioner's license to practice law for six months.
2. Petitioner began his period of active suspension on June 23, 1995.
3. Petitioner substantially complied with Rule .0124 of the Discipline and Disability Rules with respect to the wind down of his law practice as required by Rule .0125(b)(3)(A).
4. Petitioner has complied with all requirements of the Order of Discipline as required by Rule .0125(b)(3)(B).
5. Petitioner has abstained from the practice of law during the period of suspension as required by Rule .0125(b)(3)(C).
6. The Petition for Reinstatement was filed less than seven years after the effective date of suspension; therefore, petitioner is not required to take the bar exam as required by Rule .0125(b)(3)(D).

7. Petitioner has abstained from conduct during the period of suspension constituting grounds for discipline under G.S. 84-28(b) as required by Rule .0125(b)(3)(E).
8. No funds were disbursed by the Client Security Fund as a result of petitioner's misconduct; therefore the requirements of Rule .0125(b)(3)(F) do not apply.
9. The hearing committee, in the Order of discipline, did not find that petitioner had misappropriated funds which were not reimbursed by the Client Security Fund; therefore, the requirements of Rule .0125(b)(3)(G) do not apply.

Based upon the foregoing findings of fact, the Secretary enters the following:


CONCLUSIONS OF LAW

1. Petitioner has satisfied the requirements for reinstatement following a suspension as set forth in Rule .0125(b)(3).
2. Petitioner's license to practice law should be restored.

NOW, THEREFORE, pursuant to Rule .0125(b)(5), it is hereby ORDERED:

1. Gene H. Kendall is reinstated to the active practice of law in North Carolina on this date.
2. Gene H. Kendall's North Carolina State Bar membership card and his North Carolina State Bar license shall be returned to him.

This the 21st day of March, 1996.



L. Thomas Lunsford, II, Secretary
The North Carolina State Bar

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