

NORTH CAROLINA
WAKE COUNTY



BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
05 BCS 6

IN THE MATTER OF THE TENDER	)	
OF SURRENDER OF LICENSE	)	ORDER OF DISBARMENT
OF JAMES T. FERGUSON III	)	

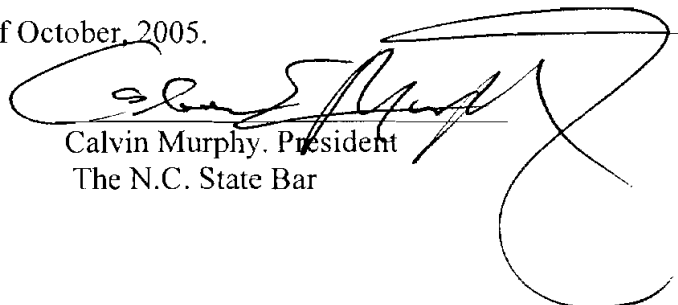
THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0117(a) of the State Bar Discipline & Disability Rules upon an affidavit of tender of surrender of license executed by James T. Ferguson on August 23, 2005 and filed in the offices of the North Carolina State Bar on August 24, 2005.

Based upon the affidavit, the Council finds that the conduct of James T. Ferguson III is grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that James T. Ferguson III engaged in serious criminal conduct in violation of Rules 8.4(b) and (c) of the Revised Rules of Professional Conduct.

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

1. The tender of surrender of license of James T. Ferguson III is hereby accepted.
2. James T. Ferguson III is hereby is DISBARRED from the practice of law in North Carolina.
3. James T. Ferguson III shall comply with the provisions of 27 N.C.A.C. Chapter 1, Subchapter B, § .0124 of the State Bar Discipline & Disbarment Rules and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by § .0124 of the State Bar Discipline & Disbarment Rules.
4. The costs of this action are taxed against James T. Ferguson III.

Done and ordered this 21st day of October, 2005.



Calvin Murphy, President
The N.C. State Bar

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AFFIDAVIT OF SURRENDER

James E. Ferguson, III, 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.

2. My resignation is freely and voluntarily tendered. 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 pending an investigation arising out the following: on July 28, 2005 I was convicted of one count of conspiracy to commit securities fraud, mail fraud and wire fraud in violation of 15 U.S.C. Sec. 78(j)(b) upon a plea of guilty to count 1 of an indictment in the United States District Court for the Western District of North Carolina, file number 5:05-CR-207T.

4. I acknowledge that certain material facts upon which my guilty plea was based are true.

5. I am submitting my resignation because I know that if disciplinary charges were predicated upon my guilty plea, I could not successfully defend against them.

This the 23rd day of August 2005.

James E. Ferguson III
James E. Ferguson, III

Sworn to and subscribed before me
this the 23rd day of August, 2005.

Michelle Bailey Terry
Notary Public

My commission expires: 6/20/2006

