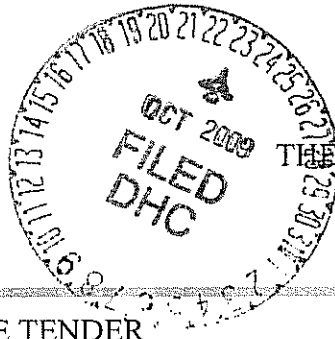


NORTH CAROLINA

WAKE COUNTY



BEFORE THE COUNCIL OF

THE NORTH CAROLINA STATE BAR

09 BCS 6

IN THE MATTER OF THE TENDER  
OF SURRENDER OF LICENSE OF

ORDER OF DISBARMENT

RODDEY M. BROWN III

THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to Section .0117 of Subchapter B of the Rules and Regulations of the North Carolina State Bar upon an affidavit of tender of license executed by Roddey M. Brown III and filed in the offices of the North Carolina State Bar on October 21, 2009.

Based upon the affidavit of surrender of law license, the Council finds that Roddey M. Brown III misappropriated \$21,282.16 entrusted to him in a fiduciary capacity and utilized those funds for his own personal benefit without authorization to do so from the beneficial owners of the funds.

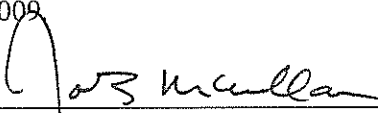
The Council also finds that Roddey M. Brown III has waived his right to notice of this hearing and the right to be heard before the Council.

The Council concludes that the conduct of Roddey M. Brown III constitutes grounds for discipline under N.C. Gen. Stat. §84-28(b)(2) in that Roddey M. Brown III violated Rules 1.15-2(j) and 8.4(b) and (c) of the North Carolina Rules of Professional Conduct and that the Council may enter an order of discipline accordingly.

WHEREFORE, upon motion duly made and seconded, the Council of the North Carolina State Bar enters the following order:

1. The tender of surrender of license of Roddey M. Brown III is hereby accepted.
2. Roddey M. Brown III is hereby DISBARRED from the practice of law in North Carolina.
3. Roddey M. Brown III will comply with the provisions of Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar. Brown will surrender his license and permanent registration card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0124.
4. The costs of this action are taxed against Roddey M. Brown III.

Done and Ordered, this the 23d day of October, 2009

  
\_\_\_\_\_  
John B. McMillan, President  
President

NORTH CAROLINA  
WAKE COUNTY

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



AFFIDAVIT OF SURRENDER

Roddey M. Brown 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 rendered. It is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation.
3. I am aware that there is pending an investigation regarding allegations that I misappropriated entrusted funds in the amount of \$21,282.16 entrusted to me in a fiduciary capacity and utilized those funds for my own personal benefit without authorization to do so from the beneficial owners of the funds.
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.
6. I understand that the hearing by the Council of the North Carolina State Bar with regard to the acceptance of my Affidavit of Surrender will occur at the regularly scheduled meeting of the Council of the North Carolina State Bar on Friday, October 23, 2009 at the Old State Capitol in Raleigh, North Carolina.
7. I acknowledge that I understood before tendering my Affidavit of Surrender that it would be presented to the Council at its meeting on Friday, October 23, 2009.
8. I hereby waive any claim, argument, or assertion that I have not received proper or timely notice of the hearing before the Council on Friday, October 23, 2009 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.

9. 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 in this Waiver.

This the 15 day of October, 2009.

  
Roddey M. Brown III

I, Jarred Overcash, Notary Public of the County of Charleston, State of South Carolina, certify that Roddey M. Brown III personally appeared before me this day and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me

This the 15 day of October, 2009.

  
Notary Public

My commission expires:

