

NORTH CAROLINA

WAKE COUNTY

BEFORE THE COUNCIL
OF THE
NORTH CAROLINA STATE BAR
02 BCS **5**

IN THE MATTER OF THE
TENDER OF LICENSE OF:
ANDRE F. BARRETT

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ORDER OF DISBARMENT

THIS MATTER coming on to be heard and being heard by the Council of the North Carolina State Bar pursuant to Section .0017 of Subchapter B of the Rules and Regulations of the North Carolina State Bar upon an affidavit of tender of license executed by Andre F. Barrett and filed in the offices of the North Carolina State Bar on 18 July 2002.

Based upon the affidavit of tender of license, the Council finds that Andre F. Barrett misappropriated funds from his trust account, commingled trust funds with his own funds, used the misappropriated funds for his own personal use, and failed to properly disburse funds from his trust account to numerous third parties in residential loan closings. The Council further finds that the amount misappropriated has not been finally determined, but will exceed \$800,000. The Council also finds that Andre F. Barrett has waived his rights to notice of this hearing and the right to be heard before the Council. The Council concludes that the conduct of Andre F. Barrett constitutes grounds for discipline under N.C. Gen. Stat. §84-28(b)(2) in that Andre F. Barrett violated Rules 1.15-2(a) and (m) and 8.4(a), (b), and (c) of the Revised 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 Andre F. Barrett is hereby accepted.
2. Andre F. Barrett is hereby DISBARRED from the practice of law in North Carolina.
3. Andre F. Barrett will comply with the provisions of Subchapter B, Section .0024 of the Rules and Regulations of the North Carolina State Bar and 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 .0024.
4. The costs of this action are taxed against Andre F. Barrett.

Done and Ordered, this the 19th day of July, 2002.



E. Fitzgerald Parnell III, President
The North Carolina State Bar

02 BCS 5

NORTH CAROLINA STATE BAR
CUMBERLAND COUNTY

AFFIDAVIT

TO: The Council of the North Carolina State Bar

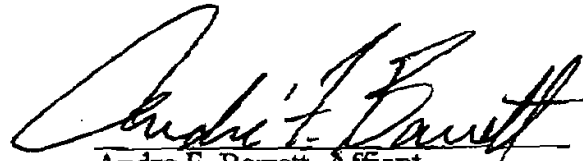
I, Andre Barrett, hereby tender my license to practice law in North Carolina and desire to resign from the North Carolina State Bar. My resignation is extended freely and voluntarily and is not the result of coercion or duress. I am fully aware of the implications of submitting my resignation from the North Carolina State Bar.

I am aware that there is presently pending an investigation or other proceedings regarding allegations that I have been guilty of misconduct, specifically:

1. Allegations that I misappropriated funds from my client trust account, account number _____, that I maintained at Capital Bank during the period running from 6 June 2002 back to at least November 2001. For example, on numerous occasions during the period, I issued checks payable to myself for purported fees that either were unearned or for amounts significantly greater than the fee to which I was entitled or for two or more fees for the same transaction. The exact amount of the funds I misappropriated has not been determined at this time, but exceed \$800,000.
2. Allegations that I commingled the client funds I misappropriated from my trust account with my own personal funds in my operating account. I used those misappropriated funds for my own personal purposes, such as meeting my staff payroll obligations and other business and personal expenses.
3. As a result, it is alleged that I failed to disburse trust funds from numerous loan closings to third parties, including sellers, prior mortgage holders, real estate brokers, lien creditors and others or issued numerous instruments to such payees from my trust account that were returned for insufficient funds. The exact number of such transactions has not been determined.
4. As a further result, First American Title Insurance Company, has been required to cover claims under insured closing letters for the disbursement of these funds, the final amount of which has yet to be determined, but will exceed \$1.3 million dollars.
5. I have been cooperating with First American Title Insurance Company to audit my trust account records and see that those losses are covered.

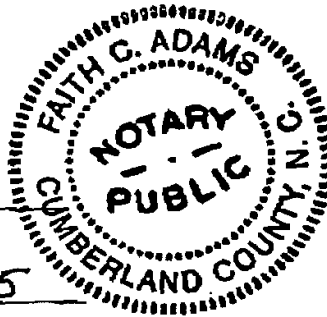
I acknowledge that the facts set out in paragraphs 1-5 can be established by the requisite evidence and the requisite standard of proof can be satisfied. I am submitting my resignation because I believe such resignation to be in the best interest of my clients, the public and the North Carolina State Bar.

This, the 18th day of July, 2002.


Andre F. Barrett, Affiant

Sworn to and subscribed before me
this the 18th day of July, 2002.


NOTARY PUBLIC



My Commission Expires: 03-12-05