

WAKE COUNTY
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE
SUPERIOR COURT DIVISION
09 CVS 8977

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

KENNETH POORTVLIET, Attorney,

Respondent

CONSENT ORDER
OF
DISBARMENT

THIS MATTER came on to be heard and was heard by the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar was represented by Leanor Bailey Hodge. Respondent, Kenneth Poortvliet represented himself.

Based upon the Affidavit of Surrender of Law License submitted to the court by Kenneth L. Poortvliet, the court makes the following:

FINDINGS OF FACT

1. Poortvliet was licensed to practice law in North Carolina on August 27, 2002.
2. During all periods relevant hereto, Poortvliet was engaged in the practice of law and operated a law office in Greensboro, North Carolina.
3. On March 31, 2006, Poortvliet received proceeds on behalf of a personal injury client, which proceeds were deposited into Poortvliet's trust account.
4. Between March 31, 2006 and October 31, 2008, Poortvliet misappropriated approximately \$9,080.00 from the personal injury settlement proceeds, which proceeds were entrusted client funds that Poortvliet was required to hold in a trust account.
5. Poortvliet converted the money misappropriated to his own use and benefit.
6. Poortvliet made restitution of the client funds he misappropriated.

Based upon the foregoing Findings of Fact the undersigned makes the following:

CONCLUSIONS OF LAW

1. By misappropriating entrusted client funds Poortvliet violated Rules 1.15-2(j) and 8.4(c) of the North Carolina Rules of Professional Conduct.
2. Poortvliet's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2).

IT IS NOW, THEREFORE, ORDERED:

1. Kenneth L. Poortvliet is DISBARRED from the practice of law in North Carolina.

BY

WAKE COUNTY C.S.C.

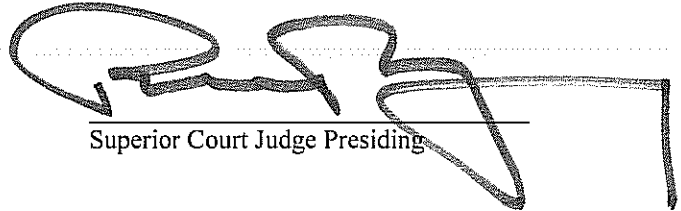
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2. Kenneth L. Poortvliet shall comply with the provisions of Subchapter B, Section .0124 of the Rules and Regulations of the North Carolina State Bar and shall surrender his law license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0124.

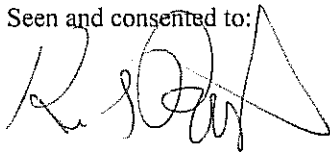
3. The costs of this action are taxed against Kenneth L. Poortvliet.

Done and Ordered this 5 day of March, 2010.

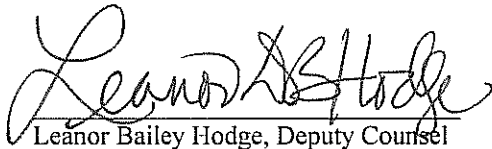


Superior Court Judge Presiding

Seen and consented to:



Kenneth L. Poortvliet, Respondent



Leann Bailey Hodge, Deputy Counsel
Katherine E. Jean, Counsel for Petitioner

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Respondent

AFFIDAVIT OF SURRENDER
OF LAW LICENSE

KENNETH L. POORTVLIET, 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.
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 a pending investigation against me regarding allegations that I have been guilty of misconduct by misappropriating approximately \$9,080.00 of client funds entrusted to me in a fiduciary capacity and converting the money to my own use and benefit.
4. I acknowledge the truth of the material facts upon which the investigation is predicated.
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.

This the 26 day of February, 2010.



Kenneth L. Poortvliet

I, Rose C Eagle, Notary Public of the County of Forsyth, State of North Carolina, certify that Kenneth L. Poortvliet personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 26 day of February, 2010.

Rose C Eagle
Notary Public

My Commission Expires: Nov 9, 2014

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WAKE COUNTY, C.S.C.