

NORTH CAROLINA
WAKE COUNTY

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

IN THE MATTER OF THE TENDER OF
SURRENDER OF LICENSE OF:

FRED L. FLORA, JR.

ORDER OF DISBARMENT

This matter coming on to be heard and being heard on January 15, 1993 by the Council of the North Carolina State Bar pursuant to Sec. 17 of Article IX of the Rules and Regulations of the North Carolina State Bar upon the tender of surrender of license of Fred L. Flora, Jr. by affidavit executed on December 30, 1992 and filed on December 31, 1992; and with notice of the hearing of this matter having been given to Fred L. Flora, Jr. through his attorney, Joseph C. Delk, III; and based upon the contents of the affidavit, the Council finds as follows:

1. The affidavit of Fred L. Flora, Jr. satisfies the requirements of Sec. 17(A) of Article IX of the Rules and Regulations of the North Carolina State Bar.

2. Fred L. Flora, Jr. has admitted to appropriating funds of clients to his own use.

BASED UPON the foregoing, the Council concludes:

1. The tender of surrender of license of Fred L. Flora, Jr. should be accepted.

2. The facts admitted in the affidavit are grounds for discipline pursuant to G.S. Sec. 84-28(b) in that Fred L. Flora, Jr. violated Rules 1.2(B) and (C) and 10.1(A) of the Rules of Professional Conduct.

THEREFORE, the Council, upon motion made and seconded, enters the following ORDER:

1. The affidavit of tender of surrender of license of Fred L. Flora, Jr. is hereby accepted.

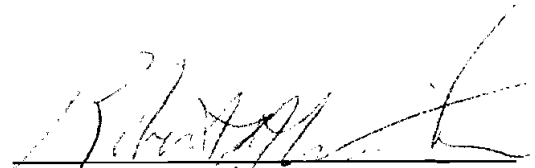
2. Fred L. Flora, Jr. is hereby DISBARRED from the practice of law in North Carolina.

3. Fred L. Flora, Jr. must surrender his license

certificate and membership card forthwith to the Secretary.

4. Fred L. Flora, Jr. is taxed with the costs of this proceeding as assessed by the Secretary.

This the 15 of January, 1993.


Robert A. Wicker
President

NORTH CAROLINA
CALDWELL COUNTY

AFFIDAVIT

In The Matter of:)	
FRED L. FLORA, JR.,)	North Carolina State Bar
)	Procedure
Attorney.)	Article IX, Section 17(A)
_____)	

FRED L. FLORA, JR., being first duly sworn, deposes and says the following:

1. I am presently licensed to practice law in the State of North Carolina.

2. I am the subject of an investigation into allegations of misconduct on my part which is presently ongoing before the North Carolina State Bar.

3. I desire to resign from the practice of law and tender my license to practice in the State of North Carolina.

4. My resignation is freely and voluntarily rendered and is not the result of coercion, duress or any mental or emotional problem.

5. I am fully aware of the implications of my submitting this resignation.

6. I am aware there is presently pending before the North Carolina State Bar an investigation regarding allegations of misconduct regarding my handling and comingling of client funds.

7. The nature of the allegations are that I settled a personal injury claim of Nam A. Wilson and did not notify Mr. Wilson of the settlement and in fact deposited the funds from the settlement in my own personal account, comingling the same for my own personal use. The funds were received in October, 1991 and not replaced and disbursed to the client until April, 1992. Some of these funds were used to pay a second mortgage that was due on my house. That on other occasions involving other clients, including Dennis Harris, funds were designated to be disbursed to said client's benefit but were in fact used for my personal expenses. I switched funds to different trust accounts to cover funds that I had deposited in my personal account until the funds were replaced.

8. The facts set forth in paragraph 7 hereinabove and giving rise to the grievance are true.

9. I am submitting this resignation because I know that I cannot successfully defend against the charges predicated on these allegations.

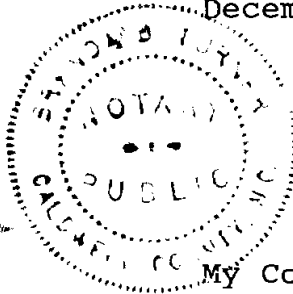
Fred L. Flora, Jr.
FRED L. FLORA, JR.

STATE OF NORTH CAROLINA

COUNTY OF CALDWELL

I, a Notary Public, do hereby certify that FRED L. FLORA, JR., personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this the 30th day of December, 1992.



Brenda B. Turner
NOTARY PUBLIC

My Commission Expires: 10-23-95