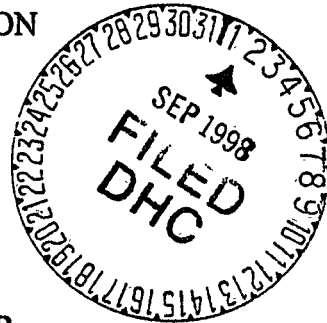


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DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
96 BSR 4



IN RE REINSTATEMENT PETITION
OF THOMAS L. KUMMER, ATTORNEY

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) ORDER
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THIS MATTER came on to be heard and was heard by a hearing committee of the Disciplinary Hearing Commission composed of Franklin E. Martin, Chair; Kenneth M. Smith and Anthony Foriest respecting the Petition of Thomas L. Kummer for reinstatement of his law license. Based upon the pleadings and other submissions of the parties hereto, the hearing committee hereby enters the following:

FINDINGS OF FACT

1. The law license of the petitioner, Thomas L. Kummer, was suspended for a period of three years pursuant to an order of the Disciplinary Hearing Commission of the N.C. State Bar dated Aug. 14, 1993.

2. On Nov. 27, 1996, Kummer filed a petition with the Secretary of the N.C. State Bar, requesting an order reinstating his license to practice law in the State of North Carolina.

3. On Dec. 3, 1996, Counsel of the N.C. State Bar filed a response to Kummer's petition, opposing reinstatement upon three grounds.

4. Pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0125(b)(7), the Secretary of the N.C. State Bar referred Kummer's petition and the Counsel's response thereto to the Disciplinary Hearing Commission for hearing.

5. On Aug. 5, 1997, pursuant to the consent of all parties hereto, a hearing was held respecting Kummer's petition by telephone conference call.

6. On Aug. 14, 1997, the hearing committee assigned to this matter entered an order deferring a final order respecting Kummer's reinstatement petition until:

a) Kummer's check for \$2,582.64 in payment of his back dues and costs cleared and was credited to the N.C. State Bar's account.

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b) the Council of the N.C. State Bar entered an order reinstating Kummer to the practice of law, based upon a finding that Kummer had satisfied the State Bar's rules regarding reinstatement of lawyers suspended for nonpayment of dues.

c) The N.C. State Bar Membership & Fees Committee has been notified concerning criminal charges which were then pending against Kummer in federal court in Georgia.

7. The conditions set out in this Committee's Aug. 14, 1997 order have been satisfied and the criminal charges against Kummer have been dismissed with prejudice.

8. Kummer has not yet paid his 1998 N.C. State Bar mandatory dues.

BASED UPON the foregoing FINDINGS OF FACT the hearing committee hereby makes the following:

CONCLUSIONS OF LAW

1. Kummer has satisfied the conditions set out in 27 N.C. Admin. Code Chapter 1, Subchapter B, § .0125 of the State Bar Discipline & Disability Rules.

2. Kummer is entitled to resume the practice of law in this state, upon payment of his 1998 N.C. State Bar dues, in the amount of \$175.

THEREFORE, pursuant to § .0125 of the Discipline & Disability Rules of the N.C. State Bar, it is hereby ordered:

1. Thomas L. Kummer is hereby reinstated to the active practice of law in North Carolina, as of the date upon which his 1998 membership dues in the amount of \$175 are received by the N.C. State Bar.

2. Thomas L. Kummer shall pay the costs of this proceeding within 30 days of receipt of the notice of the costs from the Secretary of the N.C. State Bar.

Signed by the Chair with the consent of all committee members.

This the 31 day of August, 1998.


Franklin E. Martin, Chair