

WAKE COUNTY  
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE  
SUPERIOR COURT DIVISION  
07 CVS 5892

THE NORTH CAROLINA STATE BAR,  
PETITIONER,

v.

DANIEL A. FULCO, 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 Katherine E. Jean. Respondent, Daniel A. Fulco, was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the court by Fulco, the court makes the following:

#### FINDINGS OF FACT

1. Daniel A. Fulco utilized at least \$267,000.00, held by him in trust, for his own benefit or the benefit of third parties without authorization to do so from the beneficial owners of the funds.
2. Daniel A. Fulco misappropriated entrusted funds in the amount of at least \$267,000.00.

Based upon the foregoing Findings of Fact, the court makes the following:

#### CONCLUSIONS OF LAW

1. By misappropriating entrusted funds for his own personal benefit or for the benefit of third parties without authorization to do so from the beneficial owners of the funds, Daniel A. Fulco violated Rules 1.15-2(j) and 8.4(c) of the Revised Rules of Professional Conduct.
2. Daniel A. Fulco's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. Section 84-28(b)(2).


#### IT IS NOW, THEREFORE, ORDERED:

1. Daniel A. Fulco is DISBARRED from the practice of law in North Carolina.

2. Daniel A. Fulco shall comply with the provisions of Subchapter B, Section .0024 of the Rules and Regulations of the North Carolina State Bar and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by Subchapter B, Section .0024.

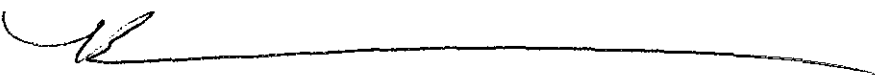
3. The costs of this action are taxed against Daniel A. Fulco.

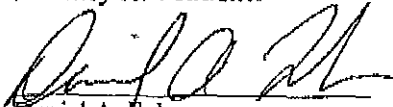
Done and Ordered this 13<sup>th</sup> day of August, 2007.

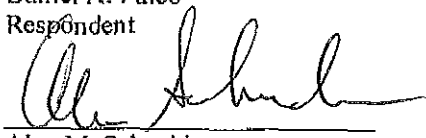
  
Superior Court Judge Presiding

PUBLISHED

WE CONSENT

  
Katherine E. Jean  
Attorney for Petitioner

  
Daniel A. Fulco  
Respondent

  
Alan M. Schneider  
Attorney for Respondent

WAKE COUNTY  
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE  
SUPERIOR COURT DIVISION  
07 CVS 5892

THE NORTH CAROLINA STATE BAR,  
PETITIONER,  
v.  
DANIEL A. FULCO, ATTORNEY,  
RESPONDENT.

AFFIDAVIT OF SURRENDER  
OF LAW LICENSE

Daniel A. Fulco, 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 implication of submitting my resignation.
3. I am aware that there is pending an investigation regarding allegations that I misappropriated at least \$267,000.00 entrusted to me in a fiduciary capacity and utilized those funds for my own personal benefit or for the benefit of third parties without authorization from the beneficial owners of the funds.
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 10 day of August, 2007.

Daniel A. Fulco  
Daniel A. Fulco

I, Alpina Shah, Notary Public of the County of Mecklenburg State of North Carolina, certify that Daniel A. Fulco 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 10<sup>th</sup> day of Aug, 2007.

Alpina Shah  
Notary Public

My Commission Expires: 12-7-11

