

WAKE COUNTY  
NORTH CAROLINA

IN THE GENERAL COURTS OF JUSTICE  
SUPERIOR COURT DIVISION  
08 CVS 19524

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THE NORTH CAROLINA STATE BAR,	)	
PETITIONER,	)	
	)	
v.	)	CONSENT ORDER OF
	)	DISBARMENT
ROGER S. CARDINAL, ATTORNEY,	)	
RESPONDENT.	)	
	)	

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THIS MATTER came before the undersigned Judge of the Superior Court of Wake County. Petitioner, the North Carolina State Bar, was represented by Carmen K. Hoyme. Respondent, Roger S. Cardinal, was represented by Alan M. Schneider.

Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, Roger S. Cardinal (hereinafter "Cardinal"), the Court makes the following:

#### FINDINGS OF FACT

1. Cardinal was admitted to the North Carolina State Bar in 1984 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.
2. During all of the periods relevant hereto, Cardinal was engaged in the practice of law in Charlotte, North Carolina.
3. Cardinal utilized at least \$350,000.00, held by him in trust, for his own benefit without authorization to do so from the beneficial owners of the funds.
4. Cardinal misappropriated entrusted funds in the amount of at least \$350,000.00.

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

## CONCLUSIONS OF LAW

1. By misappropriating client funds from his trust account, Cardinal used entrusted funds for his personal benefit in violation of Rule 1.15-2(j) of the Revised Rules of Professional Conduct and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Revised Rules of Professional Conduct.
2. Cardinal's misconduct constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2).
3. The courts of this State have the inherent authority to take disciplinary action against attorneys licensed to practice law in North Carolina.
4. This Court has jurisdiction over the person of Roger S. Cardinal and of the subject matter of this proceeding.
5. Cardinal has engaged in professional misconduct warranting disbarment.

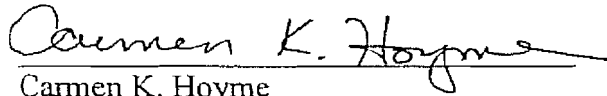
### IT IS NOW, THEREFORE, ORDERED:

1. Roger S. Cardinal is DISBARRED from the practice of law in North Carolina.
2. Cardinal shall comply with the provisions of 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0124 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 § .0124. Cardinal shall have thirty (30) days from the date of the entry of this order to complete the requirements of § .0124.
3. The costs of this action are taxed against Cardinal.

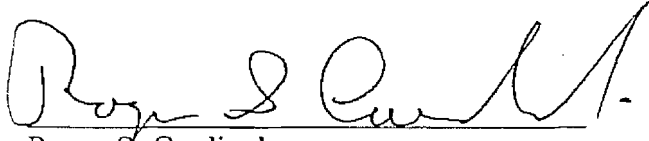
Dated this 21<sup>st</sup> day of November, 2008.

  
Superior Court Judge Presiding

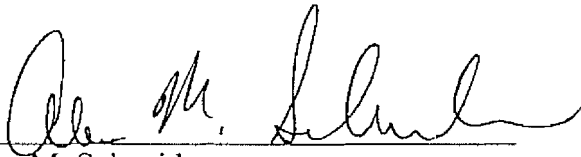
CONSENTED TO:

Handwritten signature of Carmen K. Hoyme in black ink, written over a horizontal line.

Carmen K. Hoyme  
Deputy Counsel, North Carolina State Bar  
Attorney for Petitioner

Handwritten signature of Roger S. Cardinal in black ink, written over a horizontal line.

Roger S. Cardinal  
Respondent

Handwritten signature of Alan M. Schneider in black ink, written over a horizontal line.

Alan M. Schneider  
Attorney for Respondent

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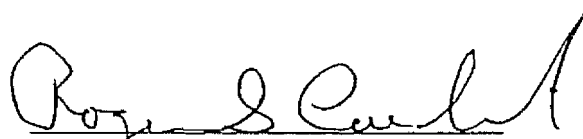
THE NORTH CAROLINA STATE BAR, )  
PETITIONER, )  
v. )  
ROGER S. CARDINAL, ATTORNEY, )  
RESPONDENT. )

AFFIDAVIT OF SURRENDER


ROGER S. CARDINAL, 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, and 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 by the State Bar regarding allegations that, over a period of approximately 18 years, I misappropriated at least \$350,000.00 from my attorney trust account that had been entrusted to me in a fiduciary capacity and utilized those funds for my own benefit without authorization from the beneficial owners of the funds.
4. I acknowledge that the material facts upon which the investigation is predicated are true.
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 is the 21 day of November, 2008.

  
Roger S. Cardinal

Sworn to and subscribed before me  
this the 21<sup>st</sup> day of November, 2008.

  
Notary Public

My commission expires: 9-30-09

