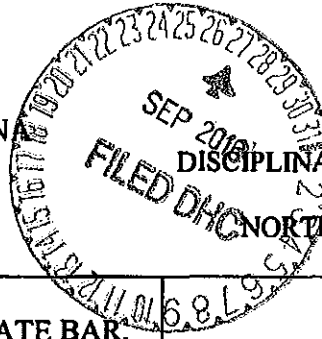


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 DHC 24

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

DONNA KAREN CODY, Attorney,

Defendant

ORDER OF DISBARMENT

THIS MATTER coming before the undersigned Chair of The Disciplinary Hearing Commission (DHC) pursuant to 27 N.C. Admin. Code 1B § .0117(d) upon an affidavit of surrender of license executed by Donna Karen Cody ("Cody") dated September 22, 2016 and filed with the Chair of the DHC on September 27, 2016.

Based upon the pleadings and the record, the undersigned makes the following:

FINDINGS OF FACT

1. The Defendant, Donna Karen Cody (hereafter "Cody") was licensed to practice law on August 24, 1985.
2. During all periods relevant hereto, Cody was actively engaged in the practice of law in Robbinsville, Graham County, North Carolina.
3. Cody served as Administrator of the Estate of Kenneth William Frye.
4. Between August and September, 2013 Cody misappropriated at least \$12,300.00 from funds entrusted to her in her fiduciary capacity as identified above and submitted a false accounting under oath to the Clerk of Court to which she attached falsified bank statements.

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

CONCLUSIONS OF LAW

1. 27 N.C. Admin. Code 1B § .0108 provides that the Chair of the DHC has the power and duty to enter orders disbarring members by consent.
2. 27 N.C. Admin. Code 1B § .0117(d) states that the Chair of the DHC will accept the surrender and issue an order of disbarment upon determination that an affidavit

of surrender filed pursuant to this subsection meets the requirements set out in 27 N.C. Admin. Code 1B § .0117(a)(1), (2), (3), and (4).


3. Defendant's affidavit meets all requirements set forth in 27 N.C. Admin. Code 1B §.0117(a)(1), (2), (3), (4) and (d) and the facts upon which the affidavit is predicated warrant Defendant's disbarment.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

ORDER

1. The surrender of the license of Donna Karen Cody is hereby accepted.
2. Donna Karen Cody is DISBARRED from the practice of law in North Carolina effective upon the entry of this order with the Secretary of the North Carolina State Bar.
3. Donna Karen Cody shall comply with the provisions of 27 N.C. Admin. Code 1B § .0117(c) and § .0124 of the State Bar Discipline and Disability Rules and shall surrender her license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C. Admin. Code 1B § .0124 of the State Bar Discipline and Disability Rules.
4. Cody shall provide to the State Bar within thirty days of the effective date of this Order an address and telephone number at which clients seeking return of their files can communicate with Cody and obtain such files.
5. Cody shall return client files to the client within five days of receipt of a request for return of the client file. Cody will be deemed to have received any such request three days after the date the request is sent to her if the request is sent to the address Cody provided to the State Bar pursuant to this Order.
6. Cody's law license shall not be reinstated until she has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that she has complied with 27 N.C. Admin. Code 1B § .0125.
7. The costs of this action and administrative fees are taxed against Defendant. Defendant shall pay the costs within sixty days of service of a statement of costs upon her.

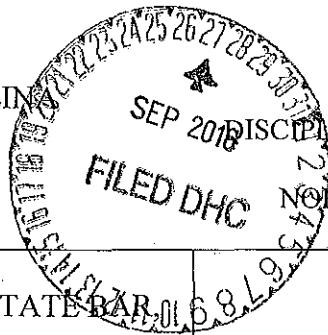
This the 27th day of September, 2016.


Fred M. Morelock, Chair
Disciplinary Hearing Commission

STATE OF NORTH CAROLINA

WAKE COUNTY

THE NORTH CAROLINA STATE BAR



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
16 DHC 24

Petitioner

v.

DONNA KAREN CODY, Attorney,

Respondent

AFFIDAVIT OF
SURRENDER OF LAW LICENSE

Donna Karen Cody, being first duly sworn, deposes and says as follows:

1. I desire to surrender and hereby tender my license to practice law in North Carolina.
2. My surrender is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my surrender.
3. I am aware that there is a pending a complaint against me in the Disciplinary Hearing Commission alleging that I misappropriated at least \$12,300.00 of fiduciary funds and that I submitted a false accounting under oath to the Clerk of Court to which I attached falsified bank statements.
4. I acknowledge that the material facts upon which the complaint is predicated are true.
5. I am submitting my resignation because I know that I cannot successfully defend against these disciplinary charges.

This the 22nd day of September, 2016.

Donna Karen Cody
Donna Karen Cody

I, Stephanie-Lyn S. Lepe, Notary Public of the County of Cherokee, State of North Carolina, certify that Donna Karen Cody personally appeared before me this day and acknowledged the due execution of the foregoing Affidavit.

Sworn to and subscribed before me, this the 22nd day of September, 2016.

Stephanie-Lyn S. Lepe
Notary Public
My Commission Expires: 05/05/21

