

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 13 CVS 000651

FILED
2013 OCT -3 PM 2:16
WAKE COUNTY, C.S.C.
BY _____

THE NORTH CAROLINA STATE BAR,

Petitioner

v.

MATTHEW JEFFREY LESTER,
Attorney,

Respondent

CONSENT ORDER
OF DISBARMENT

THIS MATTER came before the undersigned Judge of the Superior Court of Wake County upon the tender of surrender of his law license by Matthew Jeffrey Lester, NCSB # 29319. Based upon the Affidavit of Surrender of Law License submitted to the Court by Respondent, Matthew Jeffrey Lester (hereinafter "Lester"), the Court makes the following:

FINDINGS OF FACT

1. Lester was admitted to the North Carolina State Bar in 2000 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. Lester is aware that there is presently pending an investigation regarding allegations that he is guilty of misappropriation of client funds.
3. Lester desires to resign his license to practice law and has tendered his license to practice law in North Carolina.
4. Lester's resignation is freely and voluntarily rendered. It is not the result of coercion or duress. Lester is fully aware of the implication of submitting his resignation.
5. Lester acknowledges that the material facts upon which the investigation is predicated are true.
6. Lester has submitted his resignation because he knows that if disciplinary charges were predicated upon the misconduct under investigation, he could not successfully defend against them.

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

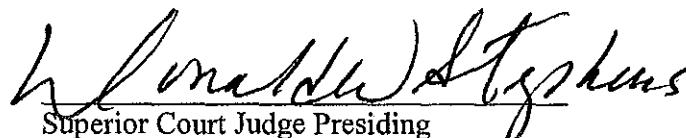
CONCLUSIONS OF LAW

1. By misappropriating client funds, Lester engaged in acts in violation of Rule 8.4(b) of the Rules of Professional Conduct and engaged in conduct in violation of Rule 8.4(c) of the Rules of Professional Conduct.
2. Lester'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 Matthew Jeffrey Lester and of the subject matter of this proceeding.
5. Lester has engaged in professional misconduct warranting disbarment.

IT IS NOW, THEREFORE, ORDERED:


1. Matthew Jeffrey Lester is DISBARRED from the practice of law in North Carolina. This disbarment is effective upon the entry of this order by the court.
2. Lester 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. Lester has 30 days from the entry of this order to complete the requirements of § .0124.
3. Lester shall not petition for reinstatement of his law license until the expiration of at least five (5) years from the date of entry of this order.
4. Lester's law license shall not be reinstated until he has demonstrated to the satisfaction of the Disciplinary Hearing Commission and the Council of the North Carolina State Bar that he has complied with 27 N.C. Admin. Code, Chapter 1, Subchapter B, Section .0125.
5. The costs of this action are taxed against Lester.

Done and Ordered this 3 day of October, 2013.

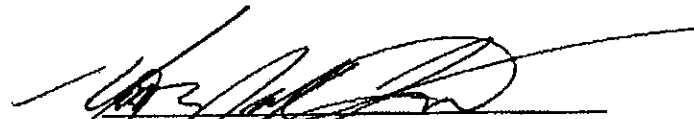


Superior Court Judge Presiding

The North Carolina State Bar v. Matthew Jeffrey Lester
13 CVS 000651
Consent Order of Disbarment

CONSENTED TO BY:



G. Patrick Murphy
Deputy Counsel, North Carolina State Bar
Attorney for Petitioner


Matthew Jeffrey Lester
Respondent
T. Richard Kane
Attorney for Respondent

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WAKE COUNTY

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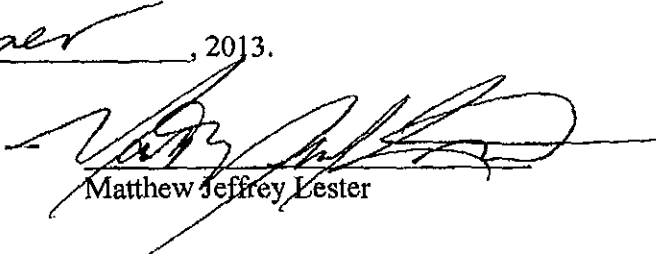
AFFIDAVIT OF SURRENDER OF
LAW LICENSE

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Matthew Jeffrey Lester, 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 presently pending an investigation regarding allegations that I am guilty of misappropriation of client funds, including: 1) the funds necessary to pay-off the sellers' mortgage in the transaction referenced in the Consent Order of Preliminary Injunction in this file; and 2) the transfer of other funds to which I was not entitled from my real estate trust account to my operating account.
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 the 2 day of October, 2013.


Matthew Jeffrey Lester

I, John C. Hazehurst, Notary Public of the County of Mecklenburg, State of North Carolina, certify that Matthew Jeffrey Lester 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 2 day of October, 2013.

[Signature]
Notary Public

My Commission Expires: 6-25-16

