

STATE OF WEST VIRGINIA

NOV 13 2008

OFFICE OF
DISCIPLINARY COUNSEL

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 5th of November, 2008, the following order was made and entered:

Lawyer Disciplinary Board, Petitioner

vs.) No. 33852

Rodney S. Toth, an inactive member of The West Virginia State Bar, Respondent

On a former day, to-wit, August 21, 2008, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by John W. Bennett, its chairperson, pursuant to Rule 3.20 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in this reciprocal disciplinary action, recommending that the same sanction as the State of Florida issued be imposed; thus: (1) respondent's West Virginia law license be suspended for ninety-one days; (2) respondent be required to petition of reinstatement of his law license pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure; and (3) that respondent be required to pay the costs of this proceeding prior to petitioning for reinstatement.

Upon consideration whereof, the Court is of opinion to and doth hereby adopt the written recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that: (1) respondent's license to practice law in the State of West Virginia be, and it hereby is, suspended for a period of ninety-one days; (2) respondent shall petition for reinstatement of his law license pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure; and (3) respondent shall pay the

costs of this proceeding prior to petitioning for reinstatement. Justice Albright did not participate in the consideration or decision of this matter. Senior Status Justice McHugh sitting by temporary assignment.

Service of an attested copy of this order shall constitute sufficient notice of its contents.

A True Copy

Attest:


Clerk, Supreme Court of Appeals