

STATE OF WEST VIRGINIA

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At a Regular Term of the Supreme Court of Appeals, continued from and held in Kanawha County, on May 11, 2023, the following order was made and entered:

Office of Lawyer Disciplinary Counsel,
Petitioner

vs.) No. 23-187

Keith L. Wheaton, a member of the
West Virginia State Bar,
Respondent

CONTEMPT AND SUSPENSION ORDER

On April 3, 2023, the petitioner Office of Lawyer Disciplinary Counsel (ODC), by Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel, filed a petition for a rule to show cause to be directed against the respondent Keith L. Wheaton, to show cause as to why he should not be held in contempt and why the respondent should not be suspended immediately and indefinitely until he has demonstrated full compliance with this Court's orders. No response to the petition was filed.

On April 20, 2023, the Court issued a rule to show cause in contempt directed against the respondent returnable May 9, 2023. The ODC and Keith L. Wheaton, self-represented, presented oral argument to the Court on May 9, 2023.

The Court has carefully considered the petition, the appendix, and the oral arguments of the parties. The Court agrees with the recommendation of the ODC, and finds good cause to hold Keith L. Wheaton in contempt for his failure to comply with this Court's orders and to suspend his license to practice law in West Virginia until such time as he has demonstrated full compliance.

It is ORDERED that Keith L. Wheaton is held in contempt of Court for his failure to comply with the auditing requirements set forth and required by the Court's June 14, 2021, mandate finalizing the Court's decision in *In re Petition for Reinstatement of Keith L. Wheaton*, 245 W.Va. 199, 858 S.E.2d 662 (2021).

It is ORDERED that Keith L. Wheaton's license to practice law in the State of West Virginia is immediately suspended. He is ordered to comply with Rule 3.28 of the Rules of Lawyer Disciplinary Procedure.

It is ORDERED that Keith L. Wheaton will purge himself of the contempt once he has demonstrated full compliance with the Court's June 14, 2021, mandate by providing the first annual audit of all accounts associated with his practice by a certified public accountant from the time of his reinstatement to the practice of law through June 30, 2022. The remaining required audits are due June 30, 2023, and June 30, 2024.

It is ORDERED that Keith L. Wheaton's license to practice law will be automatically reinstated under Rule 3.31 of the Rules of Lawyer Disciplinary Procedure if he purges himself of the contempt and demonstrates full compliance with the Court's mandate within three months from the date of this order.

It is ORDERED that if Keith L. Wheaton's license to practice law in the State of West Virginia is suspended for longer than three months from the date of this order, automatic reinstatement will no longer apply and Keith L. Wheaton will need to file a petition for reinstatement in accordance with Rule 3.32 of the Rules of Lawyer Disciplinary Procedure.

This order constitutes final disposition and the matter is removed from the docket of this Court.

The Clerk of Court is directed to serve a copy of this order on the respondent, Keith L. Wheaton, the Office of Lawyer Disciplinary Counsel, and the West Virginia State Bar.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

