

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

LAWYER DISCIPLINARY BOARD,

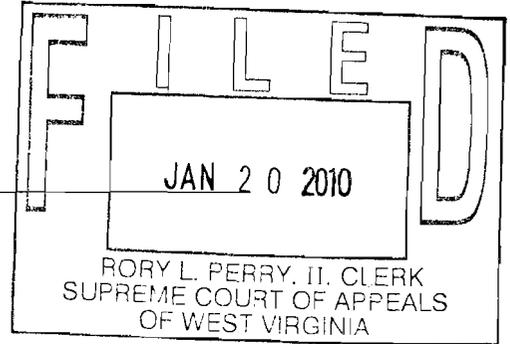
Complainant,

V.

ACTION NO. _____

KEITH L. WHEATON,

Petitioner



VERIFIED PETITION OF KEITH L. WHEATON FOR REINSTATEMENT FOLLOWING ANNULMENT

Comes now Keith L. Wheaton, pro se, and pursuant to Rule 3.33 of the West Virginia Rules of Disciplinary Procedure submits the following in support of his request to have his law license reinstated:

1. Mr. Wheaton has been living in Morrisville, North Carolina since January 2007, following his move from Martinsburg, West Virginia, where due to economic circumstances, he was unable to find economically beneficial employment to help support his family. Since 2007, Mr. Wheaton has held a few jobs, and in August 2008, founded JBT Media Holdings, Inc., an Internal Revenue Service S Corporation which is the parent company for Triangle Diversity Magazine, a bi-monthly multicultural publication in the Triangle (Raleigh, Durham, Chapel Hill) area of North Carolina. Also within JBT, Mr. Wheaton has conducted diversity training exercises with business groups in the area, and operated No Limits Literary Agency, which helps aspiring authors find publishers and negotiate publishing contracts. Mr. Wheaton is also seeking full time/part time employment to assist his family during this extremely severe economic period.
2. Mr. Wheaton and his family have suffered severe financial hardship since the annulment of his law license in January 2005, which caused him to file a Chapter 7 bankruptcy petition with the United States Bankruptcy Court for the Northern District of West Virginia. Said bankruptcy was discharged in 2005.

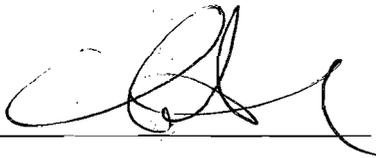
Additional civil actions were filed challenging the bankruptcy discharge, but were all dismissed in Mr. Wheaton's favor, based upon the ruling of the bankruptcy court; Filed jointly as Exhibit A attached.

3. Mr. Wheaton made efforts to repay some of the complainant's against him in the disciplinary proceedings, but on advice of counsel and following 11 U.S.C Sections 523(a)(6) and 11 U.S.C. 727, the claims designated in the Chapter 7 Bankruptcy petition, as well as those debts which were undesignated in the Petition were discharged. This discharge should also hold true for the State Bar's request for \$13,353.39 in reimbursement expenses for all proceedings related to this matter. See 11 U.S.C Section (a)(7) and Kawaahuhau v. Geiger, 523 U.S. 57, 118 S. Ct. 974, 140 LEd2d 90. The amount requested by the State Bar is not a fine, penalty or forfeiture, but a reimbursement for expenditures previously made. Further, no Statement of Expenses was ever received by the Petitioner. The Federal law further requires **"willful" and "malicious"** injury to persons or entities to except a debtors' debts from being discharged due to professional misconduct.
4. When asked during the Hearing what punishment they sought for Mr. Wheaton, many of the Complainants stated that they did not want him to lose his license to practice law, as they understood that he had a family to provide for.
5. Mr. Wheaton was not given time to assess or allowed to accept a three year suspension of his law license offered by the Office of Disciplinary Counsel, which abruptly changed its position on the night before the Hearing; the same night it was offered. If the offer of the three year suspension had stood, Mr. Wheaton, would have accepted.
6. Mr. Wheaton will complete any Continuing Legal Education requirements which this Court deems necessary to the reinstatement of his law license and will purchase malpractice insurance if allowed to be reinstated to the Bar;
7. Mr. Wheaton currently desires to remain in North Carolina and work in a legal capacity and will find necessary supervisory help in this regard.
8. Mr. Wheaton has become very active in Pleasant Grove Church and the local community through the Board of Directors West Cary Middle School PTSA Cary, NC., the Board of Directors of Read and Feed (a local charity which feeds low income children in the area and

tutors them in reading, www.readandfeed.org) the Cary Chamber of Commerce Education Committee, volunteer basketball coaching through Morrisville Parks and Recreation, and Helping Hands Mentoring Program at West Cary Middle School through Wake County Public Schools. (mentoring middle school aged African American males)

9. Mr. Wheaton has four minor children which are depending upon him economically to aid in their support;
10. Mr. Wheaton has completed the required Reinstatement Questionnaire and the same is attached as Exhibit B.

Wherefore, for the aforementioned reasons, Keith L. Wheaton, respectfully prays that his law license be reinstated.



PETITIONER

PRO SE

Keith L. Wheaton

P.O. Box 244

Morrisville, NC 27560

919-434-8614

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and accurate copy of the foregoing VERIFIED PETITION OF KEITH L. WHEATON FOR REINSTATEMENT FOLLOWING ANNULMENT upon the following by personal service this 20th day of January 2010:

Office of Disciplinary Counsel

2008 Kanawha Boulevard, East

Charleston, WV 25311



Keith L. Wheaton

P.O. Box 244

Morrisville, NC 27560

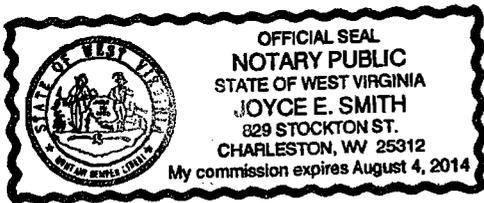
VERIFICATION

I, Keith L. Wheaton, after being duly sworn hereby affirm that all of the information contained in my **VERIFIED PETITION OF KEITH L. WHEATON FOR REINSTATEMENT FOLLOWING ANNULMENT** is true and accurate.

DATE: January 20, 2010

[Signature]

Taken, subscribed and sworn before me this 20th day of January, 2010.



Joyce E. Smith
Notary Public

My commission expires: August 4, 2014.

EXHIBITS

ON

FILE IN THE

CLERK'S OFFICE