

**BEFORE THE LAWYER DISCIPLINARY BOARD  
STATE OF WEST VIRGINIA**

SCA EFiled: Mar 05 2024  
04:45PM EST  
Transaction ID 72252368

In Re: Vickie Leigh Hylton, a member of  
The West Virginia State Bar

**Bar No.:** 9927  
**I.D. No.:** 23-03-056

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**STATEMENT OF CHARGES**

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**To:** Vickie L. Hylton, Esquire  
Post Office Box 928  
Beaver, West Virginia 25813

**YOU ARE HEREBY** notified that a Hearing Panel Subcommittee of the Lawyer Disciplinary Board will hold a hearing pursuant to Rules 3.3 through 3.16 of the Rules of Lawyer Disciplinary Procedure, with regard to the following charges against you:

1. Vickie L. Hyton (hereinafter "Respondent") is a lawyer who practices in and around Beaver, which is located in Raleigh County, West Virginia. Respondent was admitted to The West Virginia State Bar October 6, 2005. As such, Respondent is subject to the disciplinary jurisdiction of the Supreme Court of Appeals of West Virginia and its properly constituted Lawyer Disciplinary Board.
2. This complaint was opened by the Office of Lawyer Disciplinary Counsel (ODC) against Respondent Vickie L. Hylton, a licensed member of the West Virginia State Bar pursuant to Rule 2.4 of the Rules of Lawyer Disciplinary Procedure after ODC received notice dated January 17, 2023, from Chase Bank indicating that Respondent's IOLTA account had been overdrawn in the amount of \$565.39.
3. By letter dated February 13, 2023, ODC sent Respondent a letter directing her to file a response to the complaint within twenty (20) days of its receipt.

4. By letter dated February 17, 2023, Respondent filed a timely response and stated that at the time of the overdraft, there were “no client funds in her IOLTA account” and the “account balance was zero.”
5. In verified response to ODC, Respondent further stated that she keeps all of her blank checks in one secure location in her office. Respondent stated that when she removed a check to pay an office bill, she inadvertently took a check for her IOLTA account rather than her operating account.
6. In her verified response to ODC, Respondent stated she paid the bill on January 10, 2023, in the amount of \$565.39. She further stated later that evening when she was working on some accounting, she noticed the check had been written on the wrong account.
7. In her verified response to ODC, Respondent further stated that the following morning, Respondent notified the entity to whom she had written the check and informed them of the error. Respondent stated she advised she would either pay the bill with cash or with another check from her operating account. Respondent stated she was advised to deposit that amount in the IOLTA account so that the check would clear.
8. In her verified response to ODC, Respondent finally stated that she no longer handled client funds and intended to close her IOLTA account and destroy any remaining checks.
9. On or about April 6, 2023, a confidential investigative subpoena *duces tecum* was signed and served upon JPMorgan Chase Bank that requested production of any and banking records related to Respondent’s operating, trust or IOLTA accounts from January of 2022.
10. The balance in Respondent’s IOLTA account on January 1, 2022, was \$29,143.22. There were deposits made in the amount of \$11,223.74. There were two checks written out of the account in the amount of \$5,394.00, one made payable to “CSED” with the memo

referencing "Anthony Lyle Hylton 400136" in the amount of \$394.00 and the second made payable to "Vickie Hylton" in the amount \$5,000.00.

11. The balance in Respondent's IOLTA account on February 1, 2022, was \$34,969.87. There were two checks written out of the account in the amount of \$5,394.00, one made payable to "CSED" with the memo line referencing "Anthony Lyle Hylton 400136" in the amount of \$394.00 and the second made payable to "Vickie Hylton" in the amount \$5,000.00.
12. The balance in Respondent's IOLTA account on March 1, 2022, was \$29,575.87. There were deposits made in the amount of \$2,580.18. One check from the State of WV in the amount of \$1,177.95 and the other from Progressive Insurance in the amount of \$1,400.00, both made payable to Hylton Law Office. There were three checks written out of the account in the amount of \$5,788.00, two made payable to "CSED" with the memo line referencing "Anthony Lyle Hylton 400136" in the amounts of \$394.00 and the second made payable to "Vickie Hylton" in the amount \$5,000.00.
13. The balance in Respondent's IOLTA account on April 1, 2022, was \$26,365.82. There was one check written out of the account made payable to "Vickie Hylton" in the amount \$5,000.00.
14. The balance in Respondent's IOLTA account on May 1, 2022, was \$21,365.82. There was a deposit made in the amount of \$720.00 written on the account of Pearlene Pauley made payable to Hylton Law Office. There was one check written on the account made payable to "CSED" with the memo line referencing "Anthony Lyle Hylton 400136" in the amounts of \$394.00.
15. The balance in Respondent's IOLTA account on June 1, 2022, was \$21,691.82. There were deposits made in the amount of \$760.00 with the memo line stating, "Howard

Hearing” and a deposit in the amount of \$820.00 with the memo line stating “guardian/conservator”, both made payable to Hylton Law Office. There was one check written out of the account in the amount made payable to “CSED” with the memo line referencing “Anthony Lyle Hylton 400136” in the amount of \$394.00.

16. The balance in Respondent’s IOLTA account on July 1, 2022, was \$22,877.82. There were deposits made in the amount of \$2,100.00 from Black Flag Tattoo, LLC<sup>1</sup> with the memo line stating, “child support” made payable to Hylton Law Office. There was one check written out of the account in the amount made payable to “CSED” with the memo line referencing “Anthony Lyle Hylton 400136” in the amount of \$394.00 and the second made payable to “Vickie Hylton” in the amount \$7,500.00.
17. The balance in Respondent’s IOLTA account on August 1, 2022, was \$17,063.82. There was one check written out of the account in the amount made payable to “CSED” with the memo line referencing “Anthony Lyle Hylton 400136” in the amount of \$394.00.
18. The balance in Respondent’s IOLTA account on September 1, 2022, was \$16,689.82. There were two checks written out of the account in the amount both made payable to “CSED” with the memo line referencing “Anthony Lyle Hylton 400136” in the amount of \$394.00.
19. The balance in Respondent’s IOLTA account on October 1, 2022, was \$15,901.82.
20. The balance in Respondent’s IOLTA account on November 1, 2022, was \$15,901.82. There were two checks written out of the account in the amount of \$5,394.00, one made payable to “CSED” with the memo line referencing “Anthony Lyle Hylton 400136” in the amounts of \$394.00 and the second made payable to “Vickie Hylton” in the amount \$5,000.00.

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<sup>1</sup> The registered agent for this business is Anthony L. Hylton.

21. The balance in Respondent's IOLTA account on December 1, 2022, was \$10,507.82. There were two checks written out of the account in the amount of \$8,500.00, one made payable to "Vickie Hylton" in the amount of \$5,000.00 and the second made payable to "Vickie Hylton" in the amount \$3,500.00.
22. A review of Respondent's IOLTA account records indicates that a deposit was made on January 3, 2023, of a check dated December 20, 2022, made payable to Hylton Law Office, PLLC in the amount of \$3,080.00.
23. By way of relevant background, on or about April 22, 2022, Respondent was appointed by the Court as guardian *ad litem* in a petition filed seeking guardianship and conservatorship for a protected person. The Court ordered that her fees be paid by the Estate and that her billable rate was \$200.00 per hour. [Circuit Court of Raleigh County, West Virginia, Case No. 2022-G41-0008] The deposit on January 3, 2023, in the amount of \$3,080.00 was a check from the Petitioner in those guardianship proceedings.
24. After that deposit, the balance in the IOLTA account was \$5,087.82.
25. On January 6, 2023, an electronic withdrawal was made from Respondent's IOLTA in the amount \$5,050.00 payable to Spinnaker Resorts, which upon information and belief is a resort located in Hilton Head, South Carolina.
26. On January 10, 2023, a check was issued from the IOLTA account made payable to Sheriff of Fayette County in the amount of \$565.39, and because of the prior electronic withdrawal to Spinnaker Resorts there was insufficient funds in the IOLTA.
27. The check written from the IOLTA account to the Sheriff of Fayette County was for Respondent's personal property taxes for the tax year 2022.

28. On or about January 17, 2023, a check in the amount of \$700.00 was deposited into the IOLTA account from Respondent's law office account to cover the \$565.39 check made payable to the Sheriff of Fayette County, West Virginia.
29. It is difficult to determine whether Respondent earned the fees she paid to herself out of the IOLTA, but at a minimum, Respondent misappropriated and converted funds held in her IOLTA account to her own personal use with the electronic payment to Spinnaker Resorts and her payment of her personal property taxes, she has violated Rule 8.4(c); and 8.4(d) of the Rules of Professional Conduct, as set forth below:

**Rule 8.4 Misconduct**

It is professional misconduct for a lawyer to:

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(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice...

30. Because she made knowingly false statements of material facts to ODC in the investigation of this disciplinary matter, she has violated Rules 8.4(c) and 8.4(d), as set forth above, and Rule 8.1(a) of the Rules of Professional Conduct, as set forth below:

**Rule 8.1 Bar Admission and Disciplinary Matters**

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

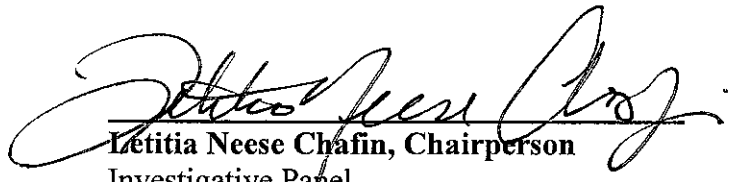
(a) knowingly make a false statement of material fact...

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Pursuant to Rule 2.9(d) of the Rules of Lawyer Disciplinary Procedure, the Investigative Panel has found that probable cause exists to formally charge you with a violation of the Rules of

Professional Conduct and has issued this Statement of Charges. As provided by Rules 2.10 through 2.13 of the Rules of Lawyer Disciplinary Procedure, you have the right to file a verified written response to the foregoing charges within 30 days of service of this Statement of Charges by the Supreme Court of Appeals of West Virginia. Failure to file a response shall be deemed an admission of the factual allegations contained herein.

**STATEMENT OF CHARGES ORDERED** on the 10<sup>th</sup> day of February, 2024, and  
**ISSUED** this 10<sup>th</sup> day of February, 2024.



**Letitia Neese Chafin, Chairperson**  
Investigative Panel  
Lawyer Disciplinary Board

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**CERTIFICATE OF SERVICE**

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This is to certify that I, Rachael L. Fletcher Cipoletti, Chief Lawyer Disciplinary Counsel for the Office of Lawyer Disciplinary Counsel, have this day, the 5<sup>th</sup> day of March, 2024 served a true copy of the foregoing "**STATEMENT OF CHARGES**" upon Respondent Vickie L. Hylton, through first class mail, and electronically through File and Serve Xpress to the following address:

Vickie L. Hylton, Esquire  
Post Office Box 928  
Beaver, West Virginia 25813  
[hyltonlawofc@frontier.com](mailto:hyltonlawofc@frontier.com)

And upon the Hearing Panel Subcommittee by First Class United States Mail and electronically at the following addresses:

Richard A. Pill, Esquire  
85 Aikens Center  
Martinsburg, West Virginia 25404  
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Rachael L. Fletcher Cipoletti