

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING
COMMISSION
NORTH CAROLINA STATE BAR
22 BSR 1 & 16 DHC 10

IN THE MATTER OF)
)
Petition for Reinstatement of)
Keith C. Booker, Attorney)

**CONSENT ORDER OF
REINSTATEMENT**

THIS MATTER was considered by a Hearing Panel of the Disciplinary Hearing Commission composed of Stephanie N. Davis, Chair, Irving L. Joyner, and Brandon Gosey, pursuant to 27 N.C. Admin. Code 1B § .0114. Plaintiff, the North Carolina State Bar (the "State Bar"), was represented by Robert W. Weston. Defendant, Keith C. Booker ("Booker"), represented himself. Booker waives a formal hearing in this matter and both parties stipulate and consent to the entry of this order and to the discipline imposed. Booker waives any right to appeal this consent order or to challenge in any way the sufficiency of the findings.

Based upon the records of the Disciplinary Hearing Commission and the consent of the parties, the Hearing Panel makes the following:

FINDINGS OF FACT

1. In a Consent Order of Discipline (the "Order of Suspension") filed June 3, 2016, in *The North Carolina State Bar v. Keith C. Booker*, 16 DHC 10, a hearing panel of the Disciplinary Hearing Commission (the "DHC") suspended Booker from the practice of law for five years.

2. In the Order of Suspension, Paragraph 7 of the Decretal Section provided that if Booker successfully petitioned for reinstatement following the end of the five-year period, his reinstatement would be conditional on compliance with the following:

For the next two years following the date [Booker] is reinstated to active practice, [Booker] shall permit audits of his trust and operating accounts by the North Carolina State Bar. Such audits will be conducted at [Booker's] expense. The North Carolina State Bar will not exercise the right to audit the [Booker's] bank accounts more than twice a year. Such limitation on random audits will not preclude the North Carolina State Bar from conducting any audits for cause pursuant to the Rules of Professional Conduct. Furthermore, any information or documentation obtained by the North Carolina State Bar while conducting said audit(s) that indicates [Booker] committed additional violations of the Rules of Professional

Conduct may result in further disciplinary proceedings being brought against [Booker].

3. If Booker failed to comply with the conditions of reinstatement, Paragraph 8 of the Decretal Section of the Order of Suspension provided that his non-compliance would trigger a one-year revocation of Booker's reinstatement as follows:

[Booker's] conditional reinstatement shall be subjected to the same procedures as set out in 27 N.C. Admin. Code 1B § .0114(x) [now recodified at 27 N.C. Admin. Code 1B § .0118 and referred to as "Rule .0118 hereinafter], [Booker] hereby waives any right to other administrative procedure regarding his conditional reinstatement and consents to his conditional reinstatement being subject to the procedural structure of [Rule .0118]. If the Disciplinary Hearing Commission finds, after a hearing, that [Booker] is not in compliance with the condition listed in paragraph 7, the Disciplinary Hearing Commission shall revoke [Booker's] reinstatement to the active practice of law for a period of one (1) year, after which time [Booker] may again apply for reinstatement.

4. On June 13, 2019, in a second action against Booker in this tribunal, entitled *The North Carolina State Bar v. Keith C. Booker*, 18 DHC 40, the DHC entered an additional Consent Order of Discipline reprimanding Booker.

5. On July 6, 2022, Booker filed a verified Petition for Reinstatement requesting that his license to practice law be reinstated.

6. The North Carolina State Bar filed a Response to Booker's Petition for Reinstatement on August 8, 2022. A hearing before the DHC was scheduled pursuant to 27 N.C. Admin. Code 1B § .0129(b) [hereinafter "Rule .0129(b)"].

7. As indicated in Rule .0129(b)(4), to be reinstated to the practice of law, a suspended lawyer must prove by clear, cogent, and convincing evidence that he abstained from conduct during the period of suspension that would constitute grounds for discipline pursuant to N.C.G.S. § 84-28(b).

8. Booker engaged in conduct during the period of suspension that constituted grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b), as set forth in the June 13, 2019 Consent Order of Discipline in 18 DHC 40.

9. Booker acknowledges that during the period of suspension he engaged in the misconduct for which he was reprimanded in 18 DHC 40, and consents to a modification of the conditional reinstatement terms imposed by the Order of Suspension as follows:

(a) During the two-year period of conditional reinstatement provided for in Paragraph 7 of the Decretal Section of the Order of Suspension,

Booker shall abstain from any conduct that would constitute grounds for discipline pursuant to N.C. Gen. Stat. 84-28(b); and

- (b) If Booker fails to comply with the condition in subparagraph (a) above, his non-compliance shall trigger the one-year revocation of Booker's conditional reinstatement to the active practice of law provided for in Paragraph 8 of the Decretal Section of the Suspension Order.

Based on the foregoing Findings of Fact and with the consent of the parties, the Hearing Panel makes the following

CONCLUSIONS OF LAW

1. All parties are properly before the DHC and the Commission has jurisdiction over Booker and the subject matter of this proceeding.
2. Although Booker did not abstain from conduct during the period of suspension that constitutes grounds for discipline under N.C.G.S. § 84-28(b), his post-suspension misconduct should not preclude Booker from ever returning to the practice of law.
3. The public will be adequately protected if Booker is permitted to resume practicing law subject to the parties' agreed-upon modification of the conditional reinstatement terms in the Order of Suspension.

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the parties, the Hearing Panel enters the following

ORDER

1. Keith C. Booker's Petition for Reinstatement is ALLOWED subject to the conditions set forth in the June 3, 2016 Consent Order of Discipline, as modified by the agreement of the parties and with the approval of the Hearing Panel in this Consent Order.
2. In particular, the conditional reinstatement terms in the June 3, 2016 Consent Order of Discipline are modified to add the following:
 - (a) During the two-year period of conditional reinstatement provided for in Paragraph 7 of the Decretal Section of the June 3, 2016 Consent Order of Discipline, Booker shall abstain from any conduct that would constitute grounds for discipline pursuant to N.C. Gen. Stat. 84-28(b); and

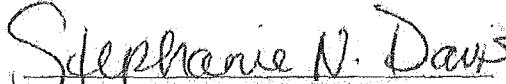
(b) If Booker fails to comply with the condition in subparagraph (a) above, his non-compliance shall trigger the one-year revocation of Booker's reinstatement to the active practice of law provided for in Paragraph 8 of the Decretal Section of the June 3, 2016 Consent Order of Discipline.

3. If Booker's conditional reinstatement is revoked for engaging in additional misconduct, the revocation shall not constitute discipline for the new misconduct, and shall not preclude the State Bar from initiating such further investigatory or disciplinary proceedings as it deems appropriate concerning the new misconduct.

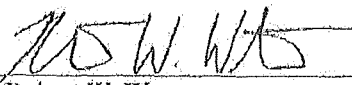
4. Except as expressly modified herein, the terms of Booker's conditional reinstatement provided for in the June 3, 2016 Consent Order of Discipline shall remain in effect.

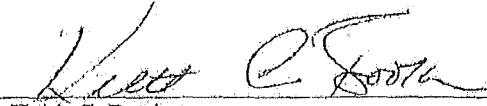
5. Booker is taxed with the costs and administrative fees of this proceeding, which Booker shall pay within six months of the date of this Order.

Signed by the undersigned Chair with the knowledge and consent of the other members of the Hearing Panel, this 13th day of October, 2022.


STEPHANIE N. DAVIS, CHAIR
DISCIPLINARY HEARING PANEL

CONSENTED TO BY:


Robert W. Weston
Attorney for Plaintiff


Keith C. Booker
Defendant