

by Justice McGraw, was concurred in by Justices Caplan, Neely, Harshbarger and Miller.

The Committee on Legal Ethics of The West Virginia State Bar, Complainant

vs.

Miller, J.

Jonathan S. Noetzel a member of the West Virginia State Bar, Defendant

This proceeding came on this day for decision upon the verified complaint, with exhibits, of the Committee on Legal Ethics of The West Virginia State Bar, praying that the license to practice law of the respondent, Jonathan S. Noetzel, be suspended for a period of six months; the rule issued thereon, returnable June 28, 1977; the answer of respondent to the complaint upon which the rule to show cause was issued; and upon the written briefs and oral arguments made on behalf of the parties.

The Committee on Legal Ethics of The West Virginia State Bar found that Jonathan S. Noetzel has been guilty of professional misconduct in that on September 9, 1976, based on a plea bargaining agreement, he entered a plea of guilty in the United States District Court for the Southern District of West Virginia in Charleston, of having violated the provisions of Title 21, United States Code, Section 844(a), in that in April, 1976, he telephonically misrepresented his identity to a pharmacist as being that of a physician in order to obtain a quantity of a controlled substance, that is, methaqualone.

This Court, from the record before it, finds that Jonathan S. Noetzel has been guilty of professional misconduct in that, by virtue of the foregoing, he has engaged in conduct prejudicial to the administration of justice in violation of the provisions of Disciplinary Rule 1-102(A)(5), and has engaged in conduct that adversely reflects on his fitness to practice law in violation of Disciplinary Rule 1-102(A)(6).

It is therefore ORDERED that the license of Jonathan S. Noetzel to practice law in the State of West Virginia is hereby suspended for the period of six months from and after the date of this order, and that he shall have the right, pursuant to Section 28, of Article VI of the By-Laws of The West Virginia State Bar, to apply to this Court, at the expiration of said six months, for reinstatement of his right and license to practice law in this State, upon proof by him of his having in the meantime reimbursed the Committee on Legal Ethics of The West Virginia State Bar for its actual and necessary expenses in connection with this case in the amount of \$1,226.68.

It is further ORDERED that a copy of this order be certified to the Secretary

July 15, 1977

of The West Virginia State Bar and to all parties hereto.

Justice Neely deeming himself disqualified, did not participate in the consideration or decision of this case.