

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
PATRICK V. FOLTZ**

**VSb DOCKET NO. 17-000-108399**

**ORDER OF DISMISSAL**

**THIS MATTER** came on to be heard on April 28, 2017, before a panel of the Disciplinary Board consisting of William Henry Atwill, Jr., Chair, Stephen A. Wannall, Lay member, Tony H. Pham, Michael A. Beverly and Richard J. Colten (collectively, the “Board”). The Virginia State Bar (“Bar”) was represented by Ms. Kathleen M. Uston, Assistant Bar Counsel. The Respondent, Mr. Patrick V. Foltz, appearing in person, was represented by Andrea L. Moseley. Jennifer L. Hairfield, a registered professional court reporter, Chandler & Halasz, P.O. BOX 9349, Richmond, VA 23227, (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

The Chair polled the members of the Board as to whether any of them had any personal or financial interest that could affect, or reasonably be perceived to affect their ability to be impartial in this matter. Each Board member, including the Chair, responded that there were no such interests or conflicts.

The matter came before the Board pursuant to Rule 13-24 (as amended 1 March 2017) on a Rule to Show Cause dated March 1, 2017, based upon an Order of the U.S. Bankruptcy Court for the Eastern District of Virginia suspending the Respondent for 60 days from practicing in that Court, as to why the same or equivalent discipline should not be imposed by the Board. The bankruptcy court is a Jurisdiction within the meaning of Rule 13-24A.2. Respondent filed a response to the Rule to Show Cause on March 9, 2017.

At hearing, the Virginia State Bar concurred with Respondent that had this matter arisen originally with the Virginia State Bar, that the same conduct would not be grounds for disciplinary action or for the same or equivalent discipline in Virginia since the Bar’s

investigation revealed additional, material facts relating to the subject matter that were not known to the Bankruptcy Court when it conducted its hearing, and that the matter would have been summarily dismissed by Bar.

Upon consideration of the issues raised by the Respondent and the Bar, it is

ORDERED that the Rule to Show Cause be and the same hereby is DISMISSED; and it is further ORDERED that the Clerk of the Disciplinary System shall send a certified copy of this Order by certified mail to Patrick V. Foltz at his last address of record with the Virginia State Bar, by certified mail, to his counsel Andrea L. Moseley and shall hand-deliver a copy to Kathleen Uston, Assistant Bar Counsel.

ENTERED this \_\_15th\_\_ day of May, 2017 .

VIRGINIA STATE BAR DISCIPLINARY BOARD

**William H. Atwill**

Digitally signed by William H. Atwill  
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ou=Disciplinary Board, email=batwill@atandlpc.com,  
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William Henry Atwill, Jr., Chair