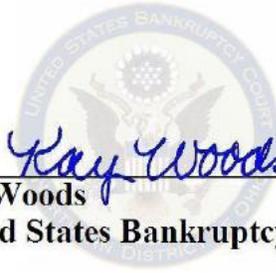


IT IS SO ORDERED.

Dated: January 10, 2014
12:19:49 PM



Kay Woods

 Kay Woods
 United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:

ALICE R. PARKMAN,

Debtor.

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CASE NUMBER 13-42710

CHAPTER 7

HONORABLE KAY WOODS

ORDER REGARDING ORDER TO APPEAR AND SHOW CAUSE
 CONCERNING JOSEPH MARIO SPATES AND MISHELLE HUBBARD
 (i) FINDING MR. SPATES AND MS. HUBBARD IN CONTEMPT;
 (ii) REQUIRING MR. SPATES AND MS. HUBBARD TO DISGORGE FEES;
 AND (iii) ENJOINING MS. HUBBARD FROM ACTING AS A
 PETITION PREPARER

On December 12, 2013, Debtor Alice R. Parkman, *pro se*,
 filed a voluntary petition for relief under chapter 7 of Title
 11, United States Code. The Debtor completed Notice to All
 Debtors Filing Bankruptcy Without an Attorney ("Notice") (Doc.
 # 4), which indicated that the Debtor had been assisted in

preparing her bankruptcy petition by "Machell Hall" and "Mr. Spade." (Notice at 2.) Despite what she wrote on the Notice, the Debtor specifically told court personnel at the intake counter that she had consulted with and paid Joseph Mario Spates ("Mr. Spates") and Mischelle Hubbard ("Ms. Hubbard") as non-attorney bankruptcy petition preparers. The Debtor further stated (and wrote on the Notice) that neither Mr. Spates nor Ms. Hubbard would answer her calls and that they took her money without providing any services in preparing a bankruptcy petition for her. Neither Mr. Spates nor Ms. Hubbard signed the Debtor's petition as a non-attorney bankruptcy petition preparer.

As a consequence, on December 13, 2013, this Court issued Order for (i) Joseph Mario Spates; (ii) Mischelle Hubbard; and (iii) Alice R. Parkman to Appear and Show Cause ("Show Cause Order") (Doc. # 9). Although sent to the address for Mr. Spates that was last known to the Court, service of the Show Cause Order on Mr. Spates was returned as undeliverable. (Doc. 01/02/2014.) After an internet search for a new address, the Show Cause Order was re-served on Mr. Spates, which was not returned as undeliverable. (Doc. # 17.)

The Court held a hearing on the Show Cause Order on January 9, 2014 ("Hearing"), at which only Debtor Alice R.

Parkman appeared. Neither Mr. Spates nor Ms. Hubbard appeared at the Hearing.

In response to questions from the Court, the Debtor stated that she paid Mr. Spates \$125.00 in the spring of 2011. Before taking any action for the Debtor, on July 28, 2011, Mr. Spates was permanently enjoined from acting as a bankruptcy petition preparer in this District (see Case No. 11-40228). Despite not performing any services for the Debtor, Mr. Spates refused to refund the Debtor's fee.

Mr. Spates referred the Debtor to Ms. Hubbard. The Debtor stated that she paid Ms. Hubbard \$125.00 in or about May 2012. Ms. Hubbard was enjoined from acting as a bankruptcy petition preparer for a period of six months, which ended on July 5, 2012. (See Case No. 11-43519.) Ms. Hubbard failed to provide any services to the Debtor and also refused to refund the Debtor's fee.

Based upon the failure of Mr. Spates and Ms. Hubbard to appear and show cause as required by the Show Cause Order, this Court finds Mr. Spates and Ms. Hubbard to be in Contempt of Court. Based upon the representations of the Debtor and the record before the Court, the Court finds that Mr. Spates and Ms. Hubbard each accepted at least \$125.00 ("Preparer's Fee") from the Debtor for the express purpose of preparing a bankruptcy petition for the Debtor; however, neither Mr. Spates

nor Ms. Hubbard prepared a bankruptcy petition for the Debtor nor did either one of them provide any services to the Debtor. The Court further finds that neither Mr. Spates nor Ms. Hubbard returned any part of the Preparer's Fees to the Debtor, despite the Debtor's requests for such return or refund.

Moreover, based upon the Court's familiarity with Ms. Hubbard's actions and shortcomings as a bankruptcy petition preparer in other cases (e.g., Case No. 11-43519), and Ms. Hubbard's willful disregard for her obligations to the Debtor in this case, the Court finds that Ms. Hubbard should be enjoined from acting as a bankruptcy petition preparer in this District.

It is therefore **ORDERED**:

JOSEPH MARIO SPATES and **MISCHELLE HUBBARD** are hereby found to be in Contempt of Court, based upon their willful non-compliance with the Show Cause Order.

JOSEPH MARIO SPATES shall disgorge and refund to Alice R. Parkman, Debtor, the Preparer's Fee paid to him by the Debtor, in an amount not less than \$125.00 plus statutory interest from the date of this Order. Mr. Spates is directed to make such refund to Ms. Parkman no later than thirty (30) days after entry of this Order.

MISCHELLE HUBBARD shall disgorge and refund to Alice Parkman, Debtor, the Preparer's Fee paid to her by the Debtor,

in an amount not less than \$125.00, plus statutory interest from the date of this Order. Ms. Hubbard is directed to make such refund to Ms. Parkman no later than thirty (30) days after entry of this Order.

MISCHELLE HUBBARD is hereby enjoined as a bankruptcy petition preparer in this District pending further order of this Court. Ms. Hubbard may petition the Court for relief from this injunction upon showing that she (i) has complied with the disgorgement requirements of this Order; and (ii) will comply with all provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules. Until the Court enters a further Order lifting this injunction, Ms. Hubbard shall not act as a bankruptcy petition preparer for any purpose in any location through the Northern District of Ohio.

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