

THE SUPREME COURT OF OHIO

<p>TOLEDO BAR ASSOCIATION</p> <p>Relator,</p> <p>v.</p> <p>BEAUREGARD MAXIMILLION HARVEY</p> <p>Respondent.</p> <div data-bbox="243 745 649 1008" style="border: 1px solid black; padding: 5px; text-align: center;"> <p>FILED</p> <p>JAN 21 2014</p> <p>CLERK OF COURT SUPREME COURT OF OHIO</p> </div>	<p>) Case No. 13-1995</p> <p>)</p> <p>)</p> <p>)</p> <p>) OBJECTION TO FINDINGS OF FACT,</p> <p>) CONCLUSIONS OF LAW AND</p> <p>) RECOMMENDATIONS</p> <p>)</p> <p>) Beau Harvey, Esq. (0078717)</p> <p>) 425 Jefferson Street, Suite 905</p> <p>) Toledo, OH 43604</p> <p>) (419)720-0400</p> <p>) <u>Ohills06@gmail.com</u></p> <p>)</p>
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Now comes the Respondent, Beau Harvey, and files his Objections to the Findings of Fact, Conclusions of Law, and Recommendations filed in this matter.

OVERVIEW

This matter was heard on May 30, 2013, in Columbus , before a panel consisting of two judges and one panel member, none of which resides in the district from which the complaint arose.

Respondent appeared pro se and the Relator was represented by Michael Bonfiglio, Bradley F. Hubbel, and Gordon R. Barry.

Respondent is charged with a five count complaint with various rule violations and was serving a one year suspension stayed conditioned upon no new violations. Respondent was not engaging in the practice of bankruptcy law any time during his suspension and that any violations regarding bankruptcy matters took place prior to this Court's prior sanction.

OBJECTION 1: JENNIFER HASSALL

Respondent maintains that an error occurred during the representation of Ms. Hassall at inception. However, Respondent properly advised the client as to the correct course of action, that if followed, would have provided Ms. Hassall with the desired outcome. However, Ms. Hassall testified that her father encumbered property by paying off her debts without consulting with Respondent. This matter was supported by testimony of Relator's expert Ms. Vaughan. The panel has chosen not to consider this a mitigating factor. Further, Ms. Vaughan also testified that Ms. Hassall could still receive the benefit of a bankruptcy filing.

OBJECTION 2: MICHAEL DEGENS Respondent testified as to not being served with a copy of the Complaint or that the Toledo Municipal Court had jurisdiction over him personally. Respondent was personally sued and does not reside in the Toledo Court's jurisdiction. However, prior to the recommendations for this matter being filed, Mr. Degens was paid the full amount of the refund due to him pursuant to the fee agreement between the parties. The panel did not verify this information prior to filing their recommendations and this should be considered a mitigating factor.

OBJECTION 3: ANDREA DEBAGGIO

Respondent agrees that he should have been more diligent regarding the return of phone calls from the time period complained of during November through March. The advice provided to Ms. Debaggio however required that the bankruptcy matter not be filed until after her federal tax refund had been properly disposed. The panel did not consider this factor in the delay in filing Ms. Debaggio's matter. The delay was a direct result of Ms. Debaggio's estimated federal tax refund.

OBJECTION 4: ANDREA DEBAGGIO DOCUMENTS

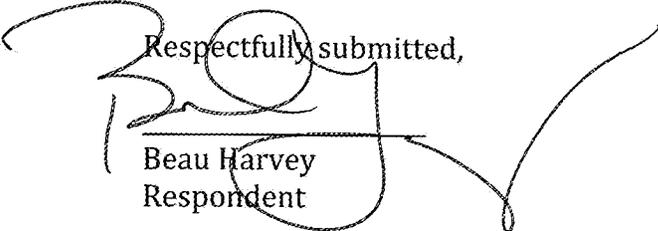
Respondent acknowledges that he should have provided the investigator/witness Ms. Vaughan with an accounting for Ms. Debaggio's matter. However, Ms. Vaughan asked for privileged information regarding every client for a

period of three years, not just an accounting for one client. This matter was not considered by the panel.

MITIGATING FACTORS AND SANCTION

The panel failed to acknowledge or address that the Respondent has not engaged in the practice of bankruptcy law since being placed on probation. Thus, no new violations have emerged from conduct occurring during the probationary period with respect to bankruptcy matters. Respondent acknowledges and agrees to the refund of the fees associated with Ms. Debaggio. Respondent has reimbursed Mr. Degens in full prior to the filing of the recommendations to this Court. Respondent has fulfilled all requirements of his probationary term with his mentor.

WHEREFORE, Respondent request an oral hearing on this matter and that this Court reject the Board's recommendation and impose a less severe saction.

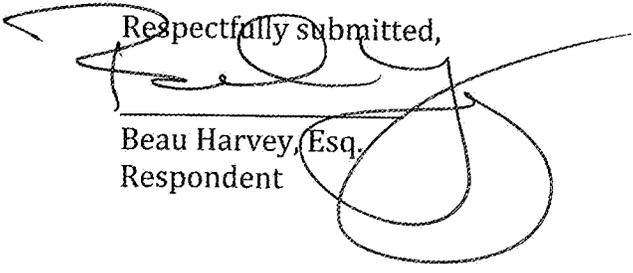
Respectfully submitted,

Beau Harvey
Respondent

CERTIFICATION

I hereby certify that this foregoing was sent on this 21st day of January 2014, first class mail, postage prepaid to:

Michael A. Bonfiglio
311 N. Superior Street
Toledo, OH 43604-1454

Respectfully submitted,


Beau Harvey, Esq.
Respondent