

IN THE SUPREME COURT OF OHIO

ORIGINAL

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|-----------------------|---|----------------------|
| DISCIPLINARY COUNSEL, | : | |
| | : | |
| RELATOR, | : | |
| | : | CASE NO. 2010-2021 |
| VS. | : | |
| | : | |
| PERCY SQUIRE, | : | BCGD Case No. 09-023 |
| | : | |
| RESPONDENT. | : | |

RESPONSE OF RESPONDENT PERCY SQUIRE TO NOTICE OF THE OHIO
ATTORNEY GENERAL'S POSITION ON RESPONDENT'S MOTION TO
SUPPLEMENT THE RECORD

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FILED
DEC 30 2015
CLERK OF COURT
SUPREME COURT OF OHIO

MEMORANDUM

Separate and apart from whether the imposition of statutory costs under R.C. § 131.02, following the filing of a voluntary petition in bankruptcy is a violation of the automatic stay under 11 U.S.C. §362(a) and therefore void ab initio, the Response of the Ohio Attorney General is an admission that there is no justification for the imposition of \$2,798.45 in collection costs against the undersigned.

The attorney general states: “[t]he Attorney General merely included collection costs in its calculation of the outstanding balance due, it did not take affirmative steps to collect or enforce the Disciplinary Debt outside of the bankruptcy proceeding.” See, p. 2 “Notice of the Ohio Attorney General’s Position on Respondent’s Motion to Supplement the Record.” (emphasis added).

In other words, the Attorney General is admitting that its office did absolutely nothing to earn a legal fee. The Attorney General is stating it is entitled to a fee simply as a windfall. The office did no work and “merely included collection costs in its calculation”. This admission by the Attorney General is stunning. It is ironic indeed in a disciplinary proceeding where I have been accused of misappropriation and other dastardly conduct in relation to taking client funds for legal fees without a proper basis, that the Ohio Attorney General asserts a right to collect fees for doing absolutely nothing. The AG just includes the fee in its calculation.

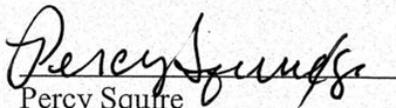
Notwithstanding, the Attorney General’s claim it is entitled to a windfall, 11 U.S.C. §362(a)(6) states a bankruptcy filing stays “any act to collect, assess or recover a claim against the debtor that arose before commencement of the case.” See, 11 U.S.C. §362(a)(1) and (a)(6) and In re. Braught 307 B.R. 399 (S.D. New York, 2004).The

November 11, 2012 certification of uncollected costs to the Attorney General was an act to collect a claim that arose before commencement of my May 2012 bankruptcy filing.

The Attorney General's argument that dismissal of my 2012 Chapter 11 somehow resuscitates certification of the collection costs is baseless. Under 11 U.S.C. §362(a) the November 11, 2012 certification of costs claim to the Attorney General was a nullity, void ab initio. Accordingly, the subsequent dismissal of any bankruptcy could not revive it, it was stillborn.

For these reasons it is respectfully requested that the \$2,798.45 collection fee that the Attorney General admits it did nothing to earn be eliminated.

Respectfully submitted,


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PROOF OF SERVICE

I hereby certify that a true and correct copy of the forgoing was served via email

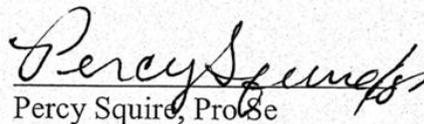
December 30, 2015 upon:

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