


ORDERED.

Dated: October 15, 2018


Cynthia C. Jackson
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re:

Tamara D. Harris,

Case No.: 6:17-bk-06716-CCJ
Chapter 7

Debtor.

ORDER GRANTING UNITED STATES TRUSTEE'S MOTION FOR CONTEMPT,
SANCTIONS: DISGORGEMENT, THE ASSESSMENT OF FINES
AND STATUTORY DAMAGES, AND FOR ADDITIONAL INJUNCTIVE RELIEF

This case came before the Court for trial on the Acting United States Trustee's Motion for Contempt, Sanctions: Disgorgement, the Assessment of Fines and Statutory Damages, and For Additional Injunctive Relief (Doc. No. 7 the "UST's Motion"). By the UST's Motion, the Acting United States Trustee ("UST") requests that the Court impose sanctions and award statutory damages against Mr. Warren Scott Sizinski ("Sizinski"), a bankruptcy petition preparer, for failing to comply with this Court's orders and for violating Section 110 of the Bankruptcy Code. Having reviewed the record and evidence, considered the argument of counsel presented at trial and consistent with the Memorandum Opinion entered contemporaneous with this order it is:

ORDERED:

1. The UST's Motion is GRANTED.
2. Mr. Warren Scott Sizinski is in civil contempt of this Court.
3. To purge the contempt, Mr. Sizinski shall do all of the following:
 - a. First, Mr. Sizinski is ORDERED to pay \$48,991.00 ("Total Sanctions") to be tendered to the United States Trustee by money order or certified funds within 45 days after entry of this Order, made payable as described below.

The Total Sanctions are derived from the following:

 - i. For violation of this Court's permanent injunction prohibiting Mr. Sizinski from participating in any manner in bankruptcy petition preparation services in this District (*Gebhardt v. Sizinski*, 6:14-ap-0100-CCJ, Doc. No. 11) Mr. Sizinski shall, pursuant to 11 U.S.C. § 110(h)(3), tender to the United States Trustee by money order or certified funds, made payable to the United States Trustee, all fees paid to him by the Debtors listed on the Exhibit A, in the amount of \$36,491.00. The United States Trustee shall disburse the refunds as identified on Exhibit A to each of the respective debtors after this disgorgement of \$36,491.00 has been tendered by Mr. Sizinski.
 - ii. For 13 violations of Sections 110(b)(2), (c) and (e) of the Bankruptcy Code, Mr. Sizinski shall, pursuant to 11 U.S.C. § 110(l)(1), tender to the United States Trustee by money order or certified funds, made payable to the United States Trustee \$6,500.00 (\$500 for each violation) within 45 days after entry of this Order. The United States Trustee shall deposit such fines in the United States Trustee Fund.

- iii. For four violations of this Court's Interim Order Enjoining Bankruptcy Petition Preparer Warren Scott Sizinski and For Sanctions (Doc. No. 20) entered in this case, Mr. Sizinski shall tender \$4,000.00 by money order or certified funds to the United States Trustee, made payable to the United States Trustee, within 45 days after entry of this Order. The United States Trustee shall deposit such fines in the United States Trustee Fund.
 - iv. For committing fraudulent, unfair or deceptive acts upon Ms. Harris, Mr. Sizinski shall tender \$2,000.00 by money order or certified funds to the United States Trustee, made payable to Ms. Harris, within 45 days after entry of this Order, for accounting and distribution to Ms. Harris, pursuant to 11 U.S.C. § 110(i) of the Bankruptcy Code.
 - v. In the event that Mr. Sizinski fails or refuses to tender the Total Sanctions to the United States Trustee in the time required, the United States Trustee may take whatever legal action as is necessary to collect and enforce this judgment pursuant to 11 U.S.C. § 110 and 11 U.S.C. § 105.
 - vi. The United States Trustee shall file with this Court a statement regarding Mr. Sizinski's compliance with this Order within 60 days after entry of this Order on the Court's docket.
- b. Second, within 30 days after entry of this Order on the Court's docket, Mr. Warren Scott Sizinski, and any of his businesses or employers, (including but not limited to "Themis Group", "Themis Partners", "Ch7Bankruptcies"), and

any of his agents, partners, officers, directors, representatives, servants, employees, associates, assignees, successors or assigns (including but not limited to Devin Colbert) and any other persons or legal entities working in concert and participation with Mr. Sizinski shall:

- i. Cease all advertising for services offered in connection with any bankruptcy, including cancelling all print, radio, television or on line ads;
 - ii. Disable any websites (including but not limited to www.chapter7bankruptcies.com; chapter7bankruptcies1.godaddysites.com), blogs or other electronic forums or media that advertises prohibited services;
 - iii. Remove signs, notices, posters, billboards or other means of notifying the public of offered services that are prohibited; and
- c. Third, within 45 days from the date of the entry of this Order, Mr. Sizinski shall file a declaration with this Court, under penalty of perjury, that he has fully complied with this Order.

4. IT IS FURTHER ORDERED that Mr. Warren Scott Sizinski, as an individual and a/k/a “Themis Group”, “Themis Partners”, “Ch7Bankruptcies”, directly or indirectly, by and through any of his agents, partners, officers, directors, representatives, servants, employees, associates, assignees, successors or assigns and/or all persons and legal entities working in concert and participation with Mr. Sizinski are, commencing forthwith, are permanently enjoined from the date of the entry of this Order, in both Florida and anywhere else in the United States:

- a. From acting, directly or indirectly, as a bankruptcy petition preparer as that term is defined by 11 U.S.C. § 110 and any amendments thereto.

- b. From providing any services, directly or indirectly, as a debt relief agency or from providing any bankruptcy assistance, as those terms are defined in 11 U.S.C. § 101, et al., and any amendments thereto.
- c. From typing, assisting, advising, providing legal guidance, advice, assistance, or consultation of any kind, directly or indirectly, to any person in connection with the filing or prosecution of any bankruptcy case or any document in any bankruptcy case.
- d. From advertising, selling, marketing, displaying, or making any other offer or making any representation, directly or indirectly, that they may provide any of the services enjoined by this Order.
- e. From giving any legal advice, from preparing or assisting in the preparation of any petitions, schedules, statement of financial affairs or any other documents for filing in a bankruptcy case in the Middle District of Florida or anywhere in the United States or from rendering any advice, instruction, direction or assistance with the preparation of any document for filing in any bankruptcy matter in Florida or anywhere in the United States; whether for a direct fee, indirect compensation or for free, pursuant to 11 U.S.C. § 110(j)(2)(B), until such time as Mr. Sizinski is admitted to practice law in the state where the bankruptcy case is filed.
- f. From contracting or agreeing, directly or indirectly, whether orally or in writing, with anyone to perform any service or engage in any act enjoined by this Order.

5. IT IS FURTHER ORDERED that notwithstanding anything otherwise provided by this Order, this injunction shall prohibit the above described conduct, regardless of whether any service or product is provided for a fee, barter, trade or for free.

6. IT IS FURTHER ORDERED that this Court will conduct a continued hearing on contempt pursuant to 11 U.S.C. Section 105(d) (“Continued Hearing”) on **December 14, 2018 at 2:00 p.m. (400 West Washington Street, 6th Floor, Courtroom D, Orlando, Florida)**, to determine whether Mr. Sizinski has purged his contempt by complying with this Order. At the Continued Hearing, Mr. Sizinski may provide evidence of his inability to comply with the Order despite having made “in good faith, all reasonable efforts” to do so.

7. IT IS FURTHER ORDERED that Mr. Sizinski shall appear at the Continued Hearing on **December 14, 2018 at 2:00 p.m.** In the event Mr. Sizinski does not appear at the Continued hearing the Court shall direct the Office of the United States Marshal for the Middle District of Florida, to arrest and bring Mr. Sizinski before the Court.

8. IT IS FURTHER ORDERED that if Mr. Sizinski does not purge his contempt by the time of the Continued Hearing, the Court will consider further sanctions, including incarceration until such time as he purges his contempt.

9. IT IS FURTHER ORDERED that, in addition to the parties in this bankruptcy case, the United States Trustee shall serve a courtesy copy of this Order on the Debtors appearing on Exhibit A and file a certificate of service within 14 days after entry of this Order.

The Clerk’s Office is directed to serve a copy of this order on all interested parties and Warren Sizinski at the following known addresses: Warren Sizinski, 2263 N. New Haven Avenue, Suite 107, Melbourne, FL 32904; Warren Sizinski, P.O. Box 1626, Melbourne, FL 32902; Warren Sizinski, P.O. Box 120232, Melbourne, FL 32912; Warren Sizinski, 100 Rialto Place, Suite 700, Melbourne FL 32901; Warren Sizinski, 1900 S. Harbour City Blvd., Ste. 328, Melbourne, FL 32901; Warren Sizinski, 7777 N. Wickham Road, #12-217, Melbourne, FL 32940; Warren Sizinski, 5130 Commercial Drive, Suite H, Melbourne, FL 32940; and Warren Sizinski, 3711 Peacock Drive, Melbourne, FL 32904.

EXHIBIT A

	Petition Date	Case Name	Case No.	Refund
1	01/27/15	Aboudaya, Hisham & Claude	6:15-bk-00672-KSJ	400.00
2	01/30/15	Frazier, Cynthia	6:15-bk-00842-CCJ	599.00
3	02/23/15	Frazier, John Mark	6:15-bk-01505-CCJ	599.00
4	03/18/15	Kumar, Nigel & Inessa S.	6:15-bk-02306-KSJ	599.00
5	03/25/15	Whyte, Hasanea B.	6:15-bk-02581-CCJ	599.00
6	04/08/15	Kinney, Judith & John	6:15-bk-03089-KSJ	599.00
7	04/08/15	Gross, Wanda	6:15-bk-04053-CCJ	599.00
8	06/11/15	Aldrich, Rick	6:15-bk-05101-CCJ	599.00
9	06/18/15	DeLoatche, Stacey & James F.	6:15-bk-05311-CCJ	300.00
10	07/09/15	McLaughlin, Angela Howton	6:15-bk-05956-CCJ	599.00
11	07/21/15	McCaughey, Brian S.	6:15-bk-06291-CCJ	599.00
12	09/02/15	McKee, Christopher	6:15-bk-07574-CCJ	599.00
13	09/30/15	Rivera, Matthew	6:15-bk-08362-KSJ	599.00
14	10/08/15	McCaughey, Cynthia & Kevin	6:15-bk-08573-KSJ	300.00
15	11/02/15	Harrison, Alexis M.	6:15-bk-09326-KSJ	599.00
16	02/01/16	McCaughey, Mary F.	6:16-bk-00644-CCJ	599.00
17	02/24/16	O'Connell, Richard & Carissa	6:16-bk-01183-RAC	599.00
18	04/07/16	Stanley, Kelli	6:16-bk-02306-CCJ	599.00
19	04/08/16	Belcher, Amanda	6:16-bk-02334-KSJ	599.00
20	04/08/16	Ward, Angela	6:16-bk-02328-KSJ	599.00
21	04/22/16	Rodriguez, Michael K.	6:16-bk-02662-RAC	599.00
22	04/25/16	Connatser, Marvin E.	6:16-bk-02722-KSJ	599.00
23	05/03/16	Carr, Lori Ann	6:16-bk-02988-RAC	599.00
24	05/25/16	Klemann, Mark A.	6:16-bk-03508-KSJ	599.00
25	05/25/16	Persell, Earl H.	6:16-bk-03509-CCJ	599.00
26	05/27/16	McQueen, Eric & Michelle	6:16-bk-03608-CCJ	599.00

27	05/27/16	Shuler, Madeline	6:16-bk-03583-RAC	599.00
28	05/27/16	Wildman, Charmaine	6:16-bk-03582-RAC	599.00
29	06/01/16	Rosa, Jackeline	6:16-bk-03674-KSJ	599.00
30	06/13/16	Tyo, Ellen M.	6:16-bk-03918-RAC	599.00
31	06/22/16	Baker, Kathy M.	6:16-bk-04118-RAC	599.00
32	07/27/16	Graves, Lester & Theresa	6:16-bk-04984-RAC	599.00
33	08/16/16	Cambridge, Calvin	6:16-bk-05449-CCJ	599.00
34	08/24/16	Ramos, Marco	6:16-bk-05619-CCJ	599.00
35	09/16/16	Kane, Michael & Rita	6:16-bk-06074-CCJ	599.00
36	09/16/16	Rhodes, Loraine	6:16-bk-06145-RAC	599.00
37	09/22/16	Pelletier, Mark	6:16-bk-06272-KSJ	599.00
38	10/24/16	Hunter, Victoria	6:16-bk-06988-RAC	599.00
39	11/14/16	Schilling, Sharon	6:16-bk-07429-RAC	599.00
40	11/15/16	Brannan, Velma	6:16-bk-07455-KSJ	599.00
41	12/07/16	Cook, Desmond	6:16-bk-07962-CCJ	599.00
42	12/19/16	Singh, Harminder	6:16-bk-08197-CCJ	599.00
43	12/27/16	Chase, Kevin	6:16-bk-08358-KSJ	599.00
44	02/15/17	Ellis, July	6:17-bk-00961-RAC	599.00
45	03/02/17	Famiglietti, Leah & Holbrokk, Jeremy	6:17-bk-01353-CCJ	599.00
46	03/21/17	Kelly, Melanie	6:17-bk-01810-KSJ	599.00
47	04/04/17	Ramos, Efrain & Mitchell, Patty	6:17-bk-02208-RAC	599.00
48	04/10/17	Wisneski, Yolanda	6:17-bk-02342-RAC	599.00
49	04/17/17	Churchill, William	6:17-bk-02497-CCJ	599.00
50	04/20/17	Donnelly, Patrick	6:17-bk-02570-CCJ	599.00
51	04/24/17	Curry, William & Wanda	6:17-bk-02660-KSJ	599.00
52	04/27/17	Hand, Chanel Medina	6:17-bk-0275-KSJ	599.00
53	05/08/17	DiSano, Louis	6:17-bk-03039-RAC	599.00
54	06/13/17	McDougall, Zipporah	6:17-bk-03918-RAC	599.00

55	06/19/17	Whitehead, Emelis ¹	6:17-bk-04054-KSJ	-
56	09/30/17	Davis, Edward	6:14-bk-11045-CCJ	599.00
57	10/10/17	Wlodarski, Jaime	6:17-bk-06533-KSJ	599.00
58	10/20/17	Harris, Tamara D.	6:17-bk-06716-RAC	599.00
59	10/23/17	Livasy, Christopher	6:17-bk-06768-KSJ	599.00
60	2/27/18	Gonzalez, Kelly J.	6:18-bk-01062-KSJ	599.00
61	3/23/18	Lowery, Randolph D.	6:18-bk-01588-CCJ	749.00
62	4/10/18	Nguyen, Tony V.	6:18-bk-02045-KSJ	599.00
63	4/12/18	Clark, Michelle & Michael	6:18-bk-02098-CCJ	599.00

¹ The bankruptcy court previously ordered disgorgement in the amount of \$599.00 in this case. See *In re Whitehead*, Case No. 6:17-bk-04054-KSJ (Bankr. M.D. Fla. Jan. 10, 2018).