

**BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO**

Disciplinary Counsel
65 East State Street, Suite 1510
Columbus, Ohio 43215-4215

FILED

AUG 18 2022

BOARD OF PROFESSIONAL CONDUCT

Relator,

v.

Case No. 2022-034

Mark Stewart Bennett, Esq.
Attorney Registration No. 0069823
1991 Crocker Road, Suite 600
Westlake, Ohio 44145

Respondent.

Complaint and Certificate

Relator alleges that Mark Bennett, an attorney admitted to the practice of law in the state of Ohio, has committed the following misconduct:

1. Respondent was admitted to the practice of law in the state of Ohio on November 9, 1998.
2. Respondent is subject to the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
3. During the period referenced below, respondent was employed as an Assistant United States Attorney (“AUSA”) in the U.S. Attorney’s Office for the Northern District of Ohio (“USAO”).
4. In May 2017, J.S. was 24 years old and started an internship at the Akron office of the USAO, coinciding with her second year of law school. Her internship ended in November 2017. However, she was reinstated as an intern in the Youngstown office in

August 2018, and worked at the USAO until June 2019. J.S. worked variously in the Cleveland, Akron, and Youngstown offices.

5. J.S. became acquainted with respondent in 2017, while working as an intern in the USAO.
6. At times during her internship, J.S. believed that respondent attempted to look up J.S.'s skirt or would be "looking at [her] butt."
7. J.S. heard from a male intern that respondent had made sexually inappropriate comments about her.
8. During the internship, respondent had conversations with J.S. about his marital sex life.
9. Respondent also asked J.S. about her sex life and suggested that he could be J.S.'s sexual partner.
10. At some point during the internship, respondent requested that J.S. send him nude photos of herself on Snapchat.
11. During the internship, respondent offered to buy J.S. clothing from J. Crew, Victoria's Secret, and Brooks Brothers.
12. In August or September 2017, respondent and J.S. were in the Akron office's library. Respondent told J.S. she needed a copy of the 2015 Sentencing Guidelines. He then reached across her body, touching her breasts with the back of his hand.
13. J.S. believed the touching was intentional because respondent made and held eye contact with her during the touching.
14. Respondent removed the back of his hand when another attorney came into the library.
15. During the internship, respondent began communicating with J.S. through various media, including Snapchat, Facebook, and text messaging.

16. Eventually, J.S began blocking respondent's methods of communicating with her, including refusing Snapchat requests, blocking his phone number, and blocking him on Facebook.
17. When respondent questioned J.S. about her not being visible on social media, she would feign ignorance, claiming that she did not know it happened.
18. After her first internship ended in 2017, J.S. left the USAO. However, J.S. decided to try to return in 2018, and she reached out to respondent to ask who she should contact.
19. Respondent replied, asking what she was willing to do to get back into the office. J.S. believed his question had sexual overtones and did not pursue the matter with respondent.
20. J.S. was reappointed as an intern in late 2018.
21. J.S. asked to be stationed in the Youngstown office rather than the Akron or Cleveland offices where respondent was primarily stationed.
22. However, on January 2, 2019, respondent texted J.S. about why she was in Youngstown, including inquiring into her sex life:

R: why do you love YNG¹ so much??? back with the same guy???

J.S. mayyybeeeee

R: what is wrong with you??? havent you learned yet? I thought you were finally going to just focus on finishing school and getting a real job???

J.S. i am!!!! i have been applying to jobs like crazy

R: but you are driving 2 hours out of ur way??? and it obviously didnt work out the first time...is IT² really that good??

J.S. omg im getting back to work.

R: fine...what do i care anyway if u flunk out...³

¹ "YNG" refers to the Youngstown office of the USAO.

² J.S. explained that in the context of the texts, "IT" referred to sex with her then-partner.

³ All text and social media messages throughout have been reproduced verbatim, errata sic.

23. In or around January or February of 2019, J.S. asked respondent for a letter of recommendation for a clerkship.
24. Respondent replied by asking what he would get in exchange for the letter of recommendation.
25. J.S. decided not to pursue the recommendation and, instead, obtained recommendations from other attorneys.
26. In March 2019, at around 4:00 a.m., respondent Facebook messaged J.S., “Why do you haunt my dreams?”
27. J.S. also had to report to the Akron office during her second term. During her time in the Akron office, J.S. stated that she disliked interacting with respondent so much that if she saw him looking for her, she would leave the area.
28. She also asked a colleague to let her use their workstation so respondent would not know she was in the office.
29. Respondent continued to text J.S., which contacts J.S. felt were unwelcome and which she ignored.
30. In a June 2019 text message exchange, respondent said, “Nice. Cant wait to have it,” in reference to J.S.’s butt, which he informed her “was looking wide for a while there..”
31. Respondent also texted her, “Damn u for making me think about it again,” referring to sexual activity.
32. After J.S. informed a colleague about her interactions with respondent, the Department of Justice Office of the Inspector General investigated the allegations against respondent.
33. As a result of the investigation, respondent resigned from the USAO and subsequently reported his actions to the Office of Disciplinary Counsel. A short time later, the

Department of Justice, likewise, informed the Office of Disciplinary Counsel of its investigation and concern regarding respondent's actions.

34. Respondent's conduct, as alleged above, violates Prof.Cond.R. 8.4(h) [A lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law].

Conclusion

Relator requests that respondent be found in violation of the Ohio Rules of Professional Conduct and be sanctioned accordingly.

Respectfully submitted,

/s Joseph M. Caligiuri
Joseph M. Caligiuri (0074786)
Disciplinary Counsel
Relator

/s Matthew A. Kanai
Matthew A. Kanai (0072768)
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Counsel for Relator

Certificate

The undersigned, Joseph M. Caligiuri, Disciplinary Counsel, hereby certifies that Matthew A. Kanai is authorized to represent relator in the action and have accepted the responsibility of prosecuting the complaint to its conclusion.

Dated: August 18, 2022

/s Joseph M. Caligiuri
Joseph M. Caligiuri (0074786)
Disciplinary Counsel

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Waiver of Probable Cause

Under Gov.Bar R. V(11)(B), respondent stipulates that there is probable cause for the filing of a complaint and waives the determination of probable cause by a Probable Cause Panel of the Board of Professional Conduct.

Dated:

7-21-22

Richard Koblentz / by NEF
Richard Koblentz, Esq.
Counsel for Respondent