



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

DISCIPLINARY COUNSEL, :

Relator :

v. : Case No. 2022-034

MARK STEWART BENNETT, ESQ. :

Respondent :

**ANSWER OF RESPONDENT TO RELATOR'S COMPLAINT**

Now comes Respondent Mark S. Bennett, Esq., by and through the undersigned counsel, and states the following as his Answer to Relator's Complaint:

1. Respondent admits the averments contained in paragraph no. 1 of Relator's Complaint.
2. Respondent admits the averments contained in paragraph no. 2 of Relator's Complaint.
3. Respondent admits the averments contained in paragraph no. 3 of Relator's Complaint.
4. Respondent admits the averments contained in paragraph no. 4 of Relator's Complaint that JS was a law student and also an intern with the Akron Office of the USAO in 2017, that she later left that office was, was subsequently an intern with the Youngstown in 2018, and worked at the USAO in 2019 variously in the Cleveland, Akron, and Youngstown offices, but, by way of further answer, Respondent denies, for want of knowledge, the averments contained in paragraph no. 4 of Relator's

- Complaint not specifically admitted herein including, but not limited to, JS' age in 2017 and the specific dates of JS' employment listed in that paragraph, but admits that JS has provided that information.
5. Respondent admits the averments contained in paragraph no. 5 of Relator's Complaint.
  6. Respondent denies for want of knowledge the averments contained in paragraph no. 6 of Relator's Complaint as to what JS "believed" but, by way of further answer, admits that JS made the statements set forth in Relator's Complaint.
  7. Respondent denies for want of knowledge the averments contained in paragraph no. 7 of Relator's Complaint as to what JS "heard" from a third party but, by way of further answer, admits that JS made the statements set forth in Relator's Complaint.
  8. Respondent admits the averments contained in paragraph no. 8 of Relator's Complaint and further states that Respondent, during the relevant period of time of the averments contained in that paragraph, believed that he and JS were engaging in flirtation that was mutually acceptable, but Respondent now understands he was mistaken in that regard and accepts responsibility that his conduct as described in paragraph no. 8 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.
  9. Respondent admits the averments contained in paragraph no. 9 of Relator's Complaint and further states that Respondent, during the relevant period of time of the averments contained in that paragraph, believed that he and JS were engaging in flirtation that was mutually acceptable, but Respondent now understands and accepts responsibility that his conduct as described in paragraph no. 9 was inappropriate and

unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.

10. Respondent admits the averments contained in paragraph no. 10 of Relator's

Complaint and further states that Respondent, during the relevant period of time of the averments contained in that paragraph, believed that he and JS were engaging in flirtation that was mutually acceptable, but that Respondent now understands and accepts responsibility that his conduct as described in paragraph no. 10 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.

11. Respondent admits the averments contained in paragraph no. 11 of Relator's

Complaint and further states that Respondent, during the relevant period of time of the averments contained in that paragraph, believed that he was offering or attempting to do something as a nice gesture for JS, but that Respondent now understands and accepts responsibility that his conduct as described in paragraph no. 11 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.

12. Respondent admits the averments contained in paragraph no. 12 of Relator's

Complaint and further states that, although he does not recall the exact dates of when the described conduct occurred, Respondent now understands and accepts responsibility that his conduct as described in paragraph no. 12 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.

13. Respondent denies for want of knowledge the averments contained in paragraph no. 13 of Relator's Complaint as to what JS "believed" but admits that he engaged in the conduct as admitted in his response to paragraph 12 of Relator's Complaint and, by way of further answer, admits that JS made the statements set forth in Relator's Complaint.
14. Respondent denies for want of knowledge the averments contained in paragraph no. 14 of Relator's Complaint as to whether another attorney entering the library at that time caused him to remove his hand, but admits that he engaged in the conduct as admitted in paragraph no.12 of Relator's Complaint, but, by way of further answer, admits that JS made the statements set forth in Relator's Complaint.
15. Respondent admits the averments contained in paragraph no. 15 of Relator's Complaint.
16. Respondent denies for want of knowledge the averments contained in paragraph no. 16 of Relator's Complaint as to whether JS "blocked" him from the various social media sites listed in that paragraph and that JS "blocked" Respondent's phone number, but admits that Respondent was at certain relevant times as set forth by Relator's Complaint unable to communicate with JS through those social media sites but, by way of further answer, admits that JS made the statements set forth in Relator's Complaint.
17. Respondent admits the averments contained in paragraph no. 17 of Relator's Complaint.
18. Respondent admits the averments contained in paragraph no. 18 of Relator's Complaint.

19. Respondent admits the averments contained in paragraph no. 19 of Relator's Complaint and further states that, although Respondent does not recall the specifics of the conversation described in that paragraph and that Respondent believed that he and JS were engaging in flirtation that was mutually acceptable, Respondent now understands he was mistaken in this regard and accepts responsibility that his conduct as described in paragraph no. 19 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.
20. Respondent admits the averments contained in paragraph no. 20 of Relator's Complaint.
21. Respondent admits that JS was reappointed as an intern to the USAO in Youngstown in 2018 but denies for want of knowledge the remaining averments contained in paragraph no. 21 of Relator's Complaint, but, by way of further answer, admits JS's statements set forth in Relator's Complaint.
22. Respondent admits the averments contained in paragraph no. 22 of Relator's Complaint and further states that Respondent believed that he and JS were engaging in conversation that was mutually acceptable and which Respondent intended to be helpful towards JS based upon prior conversations between them about issues that JS had shared with him regarding her relationship with her boyfriend, but that Respondent now understands that he was mistaken in his aforementioned belief and accepts responsibility that his conduct as described in paragraph no. 22 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.

23. Respondent admits the averments contained in paragraph no. 23 of Relator's Complaint.

24. Respondent admits the averments contained in paragraph no. 24 of Relator's Complaint and further states that, although Respondent does not recall the specifics of the conversation described in that paragraph and believed that he and JS were engaging in flirtation that was mutually acceptable, Respondent now understands he was mistaken in that regard and accepts responsibility that his conduct as described in paragraph no. 24 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.

Respondent further states that he did, in fact provide, a favorable reference letter for JS and that no sort of *quid pro quo* was actually intended by him nor was anything provided.

25. Respondent denies for want of knowledge the averments contained in paragraph no. 25 of Relator's Complaint as to whether or not JS utilized the recommendation he provided however, Respondent further states that he did, in fact provide, a favorable reference letter for JS and that no sort of *quid pro quo* was intended or provided. However, Respondent admits that JS made the statement set forth in Relator's Complaint.

26. Respondent admits the averments contained in paragraph no. 26 of Relator's Complaint and further states that Respondent believed that he and JS were engaging in flirtation that was mutually acceptable, Respondent now understands that he was mistaken in that regard and accepts responsibility that his conduct as described in

- paragraph no. 26 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.
27. Respondent admits the averment contained in paragraph no. 27 of Relator's Complaint that JS did report at times to the Akron office during her second term as an intern with the USAO, but Respondent further denies all other averments contained in paragraph no. 27 of Relator's Complaint for want of knowledge.
28. Respondent denies the averments contained in paragraph no. 28 of Relator's Complaint for want of knowledge but, by way of further answer, admits that JS made the statement contained in Relator's Complaint.
29. Respondent admits the averment contained in paragraph no. 29 of Relator's Complaint that he did text JS at various times during her internship with the USAO, but further denies all other averments contained in paragraph no. 29 of Relator's Complaint for want of knowledge but, by way of further answer, admits that JS made the statement contained in Relator's Complaint.
30. Respondent admits the averments contained in paragraph no. 30 of Relator's Complaint and further states that Respondent believed that he and JS were engaging in flirtation that was mutually acceptable, Respondent now understands he was mistaken in that regard and accepts responsibility that his conduct as described in paragraph no. 30 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.
31. Respondent admits the averments contained in paragraph no. 31 of Relator's Complaint and further states that Respondent believed that he and JS were engaging in flirtation that was mutually acceptable, Respondent now understands he was

- mistaken in that regard and accepts responsibility that his conduct as described in paragraph no. 31 was inappropriate and unprofessional, and Respondent is remorseful for his conduct as well as for any offense or harm that he visited upon JS.
32. Respondent admits the averments contained in paragraph no. 32 of Relator's Complaint.
33. Respondent admits the averments contained in paragraph no. 33 of Relator's Complaint.
34. Respondent admits the averments contained in paragraph no. 34 of Relator's Complaint.
35. Respondent denies any averments contained in Relator's Complaint not specifically admitted herein.

WHEREFORE, having fully responded to Relator's Complaint, Respondent prays that the Honorable Board of Professional Conduct duly review all facts, stipulations and mitigation as evidence presented, pursuant to Gov. Bar Rule V as well as applicable precedent in formulating its Report and Recommendation in the instant matter.

Respectfully submitted,

**/s/ Bryan L. Penvose**

Bryan L. Penvose #0074134

[bryan@koblentzlaw.com](mailto:bryan@koblentzlaw.com)

RICHARD S. KOBLENTZ #0002677

[rich@koblentzlaw.com](mailto:rich@koblentzlaw.com)

NICHOLAS E. FRONING #0091755

[nick@koblentzlaw.com](mailto:nick@koblentzlaw.com)

KOBLENTZ, PENVOSE, & FRONING, LLC

3 Summit Park Drive, Suite 440

Independence, Ohio 44131

Telephone: (216) 621-3012

Facsimile: (216) 621-6567

*Counsel for Respondent Mark Stewart Bennett, Esq.*

**CERTIFICATE OF SERVICE**

A copy of the foregoing has been served via e-mail on this **6th** day of September, 2022

upon:

Joseph M. Caligiuri, Disciplinary Counsel

[joseph.caligiuri@sc.ohio.gov](mailto:joseph.caligiuri@sc.ohio.gov)

Matthew A. Kanai, Asst. Disciplinary Counsel

[matthew.kanai@sc.ohio.gov](mailto:matthew.kanai@sc.ohio.gov)

Office of Disciplinary Counsel

65 East State Street, Suite 1510

Columbus, OH 43215-4215

*Counsel for Relator*

**/s/ Bryan L. Penvose**

Bryan L. Penvose #0074134

KOBLENTZ, PENVOSE, & FRONING, LLC