

Anthony Viola
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Cleveland Heights, Ohio 44118
(330) 998-3290
MrTonyViola@icloud.com

December 31, 2024

Michael P. Maloney
Law Director
City of Westlake
27700 Hilliard Boulevard
Westlake, OH 44145

COPY TO: Mayor's Office
Westlake City Council
Robin R. Leasure, Esq., Assistant Director of Law
Chief of Police

RE: Public Records and Emails concerning
Westlake Resident Mark Bennett

Dear Mr. Maloney,

Thank you for producing extensive public records, including email communications, concerning Mark Bennett's attempts to have members of the Justice for Dawn Pasela, including me, prosecuted. I am writing to make sure your office (as well as any law enforcement officials) have a complete and accurate factual record in this matter. I am also writing to express my surprise that Mr. Bennett appears not to have realized that all of his emails were public records, and that forwarding emails to your office that were written by his attorney, Michael Harvey, could destroy any attorney-client privilege associated with this matter. Mr. Bennett also appears not to have realized that emails sent to him by Senior Assistant Ohio Attorney General Daniel Kasaris about his "covert" Facebook page also are now public records. I am not sure whether or not your office has any obligations to report Mr. Bennett's false statements to the Ohio Supreme Court Office of Discipline Counsel, or if there is any obligation to inform Mr. Bennett that his practice of forwarding his attorney's written communications to your office could void attorney-client privilege, but I am simply alerting you concerning these issues and deferring to you as to any future actions that you deem necessary, if any.

I am attaching key supporting documents and also correcting the following statements made by Mr. Bennett in writing to your colleagues:

BENNETT FALSE STATEMENT # 1 AND DATE:

In a March 12, 2024 email, Bennett states that “I had absolutely no involvement with Dawn Pasela.”

IMPORTANT FACTUAL EVIDENCE THAT CONTRADICTS BENNETT’S STATEMENTS

Bennett’s statement to your colleagues is contradicted by his earlier statement made in 2024:

“As part of trial preparation, the FBI Agent assigned to the federal trial learned of the recording from one of the agents working on the state prosecution case. Mr. Bennett immediately instructed the FBI agent to obtain a copy of the one recording {made by Pasela} and listen to the recording ... Bennett advised the Agent to make copies ... and provide it to defense counsel.”

(2024 letter from Attorney Michael P. Harvey, copy attached hereto as **Exhibit A.**)

The Pasela family and I believe Mr. Bennett has important information about the voice recordings (which have never been produced by the government) and that Mr. Bennett is obligated to share all of his knowledge about Dawn Pasela.

BENNETT FALSE STATEMENT # 2 AND DATE:

“Viola also falsely states that I was fired” May 30, 2024 email.

IMPORTANT FACTUAL EVIDENCE THAT CONTRADICTS BENNETT’S STATEMENTS

According to documents provided to the Ohio Supreme Court disciplinary counsel’s website, a sworn statement from Bennett’s own attorney Christopher Landrigan, states that “Mr. Bennett was ultimately going to be removed from his employment as an AUSA” following the Inspector General’s findings that detailed Mr. Bennett’s misconduct. Mr. Landrigan goes on to state that prior to the government’s intention to terminate him, “Mr. Bennett did not intend to resign from the OAUSA and intended to stay at the OSAO for his entire career” but faced an “inevitable removal from his employment,” **Exhibit B.**

I therefore believe that statements I’ve made to journalists that Mr. Bennett was fired are factually correct and supported by evidence – and certainly not grounds for any criminal charges.

BENNETT FALSE STATEMENT # 3 AND DATE:

According to Mr. Bennett, any journalists or podcasters covering his disciplinary proceedings or any grass roots marketing in the community of events seeking Justice for Dawn constitute a nefarious plot that I have funded. According to Bennett, “He has the funds to create and mail all of these postcards, flyers and to make banners, yard signs and T shirts,” March 26, 2024 email.

IMPORTANT FACTUAL EVIDENCE THAT CONTRADICTS BENNETT’S STATEMENTS

Bennett incorrectly assumes that the undersigned is funding such efforts, when such is not the case. I have never spent one cent on T shirts, banners, yard signs or postage for mass mailings. I am also not the person who put up the \$10,000 reward as part of the 2024 investigative series and documentary produced by Seeking Justice, please see **Exhibit C**, reward by Seeking Justice and media coverage of Mr. Bennett’s disciplinary hearings.

BENNETT FALSE STATEMENT # 4 AND DATE:

In a March 12, 2024 email, Bennett takes issue with the time of Dawn Pasela’s death and claims that the timing of her death exonerates him from any responsibility.

IMPORTANT FACTUAL EVIDENCE THAT CONTRADICTS BENNETT’S STATEMENTS

Uncovered.com carefully examined Dawn Pasela’s death, as well as Mr. Bennett’s involvement therein, and put together an exhaustive timeline of events: <https://uncovered.com/cases/dawn-pasela#timeline>

I believe our statements concerning Ms. Pasela are accurate, supported by her family, police reports and the Medical Examiner’s investigation.

BENNETT FALSE STATEMENT # 5 AND DATE:

Bennett claims he was thrown out of his Westlake office in January 2024 and incurred various expenses (he had to “order new business cards”) and claims he is a “victim” of my activities (see 1/11/2024 and 1/30/2024 emails.) As a result of Bennett’s being asked to leave his office, he demands that criminal charges be filed against the undersigned.

IMPORTANT FACTUAL EVIDENCE THAT CONTRADICTS BENNETT'S STATEMENTS:

The Ohio Supreme Court's issuance of an opinion in early January, 2024 sanctioning Mr. Bennett for "widespread" wrongdoing, including his conditioning professional assistance to an intern on her willingness to provide sexual favors was widely covered in the news media, Disciplinary Counsel v. Bennett, Slip Opinion No. 2023-Ohio-4752. Chief Justice Sharron Kennedy wrote that "Bennett's actions tainted the public trust. His conduct ... undermined the credibility of and public faith in government, impeded the common good, and were not in the best interests of the American people ... he was also a representative of the United States and possessed all the powers that comes with that position. His actions demeaned both the legal profession and his government office.

I believe that the reason Bennett was asked to leave his law office was the release of the Court's opinion, and not as a result of any distribution of flyers or marketing efforts on our behalf.

BENNETT FALSE STATEMENT # 6 AND DATES:

"Every statement on the flyer is false" January 10, 2024 email, and on February 19, 2024, Bennett wrote that "the only thing that will stop / slow him down is if he is charged for ... stalking and telecommunications harassment."

IMPORTANT FACTUAL EVIDENCE THAT CONTRADICTS BENNETT'S STATEMENTS

Mr. Bennett's own affidavit states that he admits to all allegations set forth in the Disciplinary Counsel's complaint, **EXHIBIT D**.

BENNETT FALSE STATEMENT # 7 AND DATE:

Bennett claims he is being defamed by allegations that he engaged in "sexually predatory" behavior, May 30, 2024 and cites my statements on various interview programs that Mr. Bennett is a "sexual predator."

IMPORTANT FACTUAL EVIDENCE THAT CONTRADICTS BENNETT'S STATEMENTS

The Ohio Supreme Court's ruling in Disciplinary Counsel v. Bennett, Slip Opinion No. 2023-Ohio-4752 detailed instances of sexual assault, including Bennett placing his hand on the intern's breasts, and utilized evidence from a forensic analysis of Bennett's government computer to retrieve messages from Bennett which confirmed he used his authority as a prosecutor to solicit sex from an intern and then lied to investigators about his actions.

According to the Disciplinary Counsel's complaint, Bennett also demanded nude photos from an intern before he would write her a letter of recommendation, looked up a co-worker's skirt, was "looking at [her] butt" on different occasions and wrote:

- "Can[']t wait to have it," in reference to the intern's butt, which he informed her "was looking wide for a while there." He later texted her, "Damn [you] for making me think about it again," with "it" being a reference to sexual activity, then asked "Why do you haunt my dreams?"

When told to stop, Bennett refused, stating he could do whatever he wanted: "Oh, I play poker with judges every Thursday and I'm so well connected."

The Department of Justice Inspector General (in case number 2019-009081) states that Bennett is guilty of "gross sexual imposition" and harassed at least four other women and attacked a server at a colleague's retirement party. The report details serial wrongdoing by Bennett, including "physically and verbally harassing" women for two decades, and purchased jewelry for married co-workers. Bennett also lied to investigators about utilizing a myriad of social media platforms to troll women on line – Bennett used Snapchat, Facebook messenger, Twitter, Skype messages and other means to solicit sex. Bennett falsely claimed he didn't log onto social media sites from his government computer, saying he "completely avoided those sites" because he feared his computer could be infected with "viruses." A forensic analysis of Bennett's computer showed he logged into Facebook and Twitter "more than 25 times" and made a number of false statements to investigators.

Copies of the Inspector General Report and the Disciplinary Counsel's complaint against Bennett are attached hereto for your reference as **Exhibit E**.

ADDITIONAL INFORMATION

Finally, the undersigned is honored to be represented by Yale Law School and Cleveland attorney Kim Corral, and both have cited instances where the United States Department of Justice has blamed Mark Bennett for false statements about evidence in my criminal proceedings, Viola v. U.S. Department of Justice, case # 15-cv-242, WD Pa and subsequent appeal.

Copies of additional supporting documents can be found in the FreeTonyViola.com Evidence Locker.

SUMMARY OF KEY ATTACHMENTS

- **EXHIBIT A** -- Bennett 2024 statement that he was aware of voice recordings made by Dawn Pasela
- **EXHIBIT B** – Documents from the Bennett disbarment proceedings confirming he did not voluntarily resign from the United States Attorney's Office.
- **EXHIBIT C** – Seeking Justice \$10,000 reward
- **EXHIBIT D** – Mr. Bennett's admission that all allegations against him are true.
- **EXHIBIT E** – The Inspector General's Report and Disciplinary Counsel report.

Thank you very much for reviewing this submission. Should you require any additional information, please do not hesitate to contact me anytime.

Best wishes for a happy new year!

Respectfully Submitted,



Tony Viola

Exhibit A

Law Offices
MICHAEL P. HARVEY CO., L.P.A.
311 Northcliff Drive
Rocky River, Ohio 44116-1344
(440) 356-9108

Cellular: (440) 570-2812

Email: MPHarveyCo@aol.com

February 24, 2024

Sent via Electronic Mail

Dana Poll
Lexi Kakis
Andrea Cipriano
The Justice Show – Seeking Justice for Dawn Pasela

Sent Via Email Only to seekingjusticeshow@gmail.com

***RE: Potential False and Defaming Statements About Mark Bennett to Be Made
in Seeking Justice YouTube Series on Dawn Pasela Starting February 28, 2024.***

Dear Ms. Poll, Ms. Kakis and Ms. Cipriano,

Instead, as part of the trial preparation, the FBI Agent assigned to the federal trial learned of the one recording from one of the agents working on the state prosecution case. Mr. Bennett immediately instructed the FBI agent to obtain a copy of the one

recording and listen to the recording to determine if it needed to be produced. The FBI Agent advised Mr. Bennett that the sound quality of the record was so poor it was not audible. Mr. Bennett advised the Agent to make copies of the one recording anyway and provide it to all defense counsel. Mr. Bennett never listened to the one recording to this day.

Regards,

MICHAEL P. HARVEY, CO., L.P.A.

/s/Michael P. Harvey

Michael P. Harvey, Esq.

MPH/map

Enclosures (Via Dropbox)

Exhibit B

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

Disciplinary Counsel,	:	
Relator,	:	Case No. 22-034
V.	:	
Mark Bennett, Esq.	:	
Attorney Reg. No. 0069823	:	
Respondent.	:	

AFFIDAVIT OF CHRISTOPHER R. LANDRIGAN, ESQ.

Now comes, Christopher R. Landrigan, Esq., of lawful age, who being first duly sworn, on his oath, deposes and says the following:

1. I, Christopher R. Landrigan, am an individual over the age of eighteen (18) years of age and am competent to testify to the matters herein.
2. I am an attorney licensed to practice law, in good standing, in the Commonwealth of Virginia since 2009 and the District of Columbia since 2010.
3. I am a principal of the law firm of Brownell Landrigan, PC located in Washington D.C.
4. My practice of law includes, but is not limited to, having represented hundreds of federal employees, including political appointees and members of the Senior Executive Service, in a wide variety of government investigations, disciplinary proceedings, and security clearance investigations and adjudications. I frequently litigate before the Merit Systems Protection Board (MSPB) and represent clients in appeals to the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Appeals for the Ninth Circuit.
5. In the course of my practice, I represented Mark Bennett, the Respondent in the above-captioned matter, as a client, who was the subject of an investigation conducted by the Department of Justice (DOJ) Office of the Inspector General (OIG) that included alleged employment misconduct engaged in from May 2017 through June 2019. At the time, Mr. Bennett was employed as an Assistant United States Attorney (AUSA) by the United States Attorney's Office (USAO) for the Northern District of Ohio (NDOH).

6. I understand that the alleged misconduct in paragraph no. 5 of this affidavit is the subject of Case No. 22-034, pending before the Board of Professional Conduct.
7. Mr. Bennett has authorized me, as his attorney, to provide this affidavit testifying as to the issue of whether his resignation in January 2021 from his employment as an AUSA was effectively a sanction resulting from the alleged misconduct, i.e., an acceptance by Mr. Bennett of his otherwise inevitable removal from his employment arising from the actions which were the subject of the investigation referred to in paragraph no. 5 of this affidavit. For the purposes of the clarity of the record, any waiver of the attorney-client privilege held by Mr. Bennett is limited to this issue alone for the purposes of providing this affidavit. Mr. Bennett has not and does not waive any right to attorney-client privilege beyond that very limited scope.
8. After the investigation was concluded, Mr. Bennett received notice from the USAO on November 18, 2020 stating that the USAO was proposing that he be removed from his position as an AUSA and from the federal service, no sooner than 30 days from the date of that notice, based on the results of the investigation that included the conduct referred to in paragraph no. 6 of this affidavit. It was clear to me that Mr. Bennett was ultimately going to be removed from his employment as an AUSA.
9. Accepting the position put forth by his employer, Mr. Bennett resigned from his employment as an AUSA.
10. Before receiving the November 18, 2020 letter proposing his removal, Mr. Bennett did not intend to resign from the OUSA and intended to stay at the USAO for his entire career.
11. By resigning, Mr. Bennett avoided the time, expense, and some of the difficult emotional experience that would have been involved in contesting the notice of removal which I told Mr. Bennett was, in all likelihood, inevitable.
12. By choosing to resign rather than eventually be removed, Mr. Bennett's personnel record (commonly known as an SF-50) would denote that Mr. Bennett "resigned after receiving written notice on November 18, 2020, of proposal to separate" rather than "removed," which would have been recorded had the entire removal process been carried out.
13. For the reasons stated above, it is my view and professional opinion that Mr. Bennett's resignation as an AUSA was in response to an almost certain removal by the USAO.

FURTHER AFFIANT SAYETH NAUGHT.

Christopher R Landrigan
CHRISTOPHER R. LANDRIGAN

STATE OF Florida)

Pasco) ss:
COUNTY)

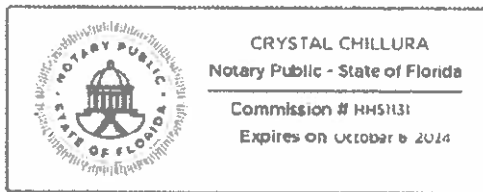
**AFFIDAVIT OF
CHRISTOPHER R. LANDRIGAN**

Subscribed and sworn to (or affirmed) before me on this 24th day of January, 2023, by Christopher R. Landrigan proved to me on the basis of satisfactory evidence to be the person who appeared before me. By means of Physical Presence, ☒ Online Notarization

ID Provided Virginia Driver's License

WITNESS my hand and official seal.

My commission expires: 10/06/2024



Crystal Chillura
NOTARY PUBLIC Crystal Chillura

Notarized online using audio-video communication

Exhibit C

SUSPICIOUS DEATH



Dawn Pasela

In 2009, Dawn was hired by Prosecutors Dan Kasaris and Mark Bennett to serve as the Office Manager of a multi-jurisdictional Mortgage Fraud Task Force.

She witnesses misconduct that cost her own life.

Watch Seeking Justice



Important People



Tony Viola
Exonerree & Case Advocate



Dan Kasaris
Person with Info



Mark Bennett
Person with Info



Marty Maurer
Ex / Person with Info

Investigative Red Flags

- Three cell phones are found in the unit (2 with unknown owners).
- Heat set to 80 degrees, despite beautiful weather. Window wide open.
- Dan Kasaris disposes of his laptop the same day Dawn's body is found.
- Dawn's laptop is missing.

Timeline of Events

2009 - 2011 — Dawn is concerned over files that go missing and that her forged signature is used to access evidence. At the same time, Dawn is ordered to illegally record post indictment conversations so prosecutors could gain information about Tony's trial preparation.



Dawn reaches out to Tony after he's convicted for mortgage fraud to inform him of the prosecutorial misconduct she witnessed. She also gives him exonerating evidence the prosecutors withheld before Tony's first trial.

June 2011 — Dawn leaves employment with the Prosecutors, and turns down their later request for rehire.

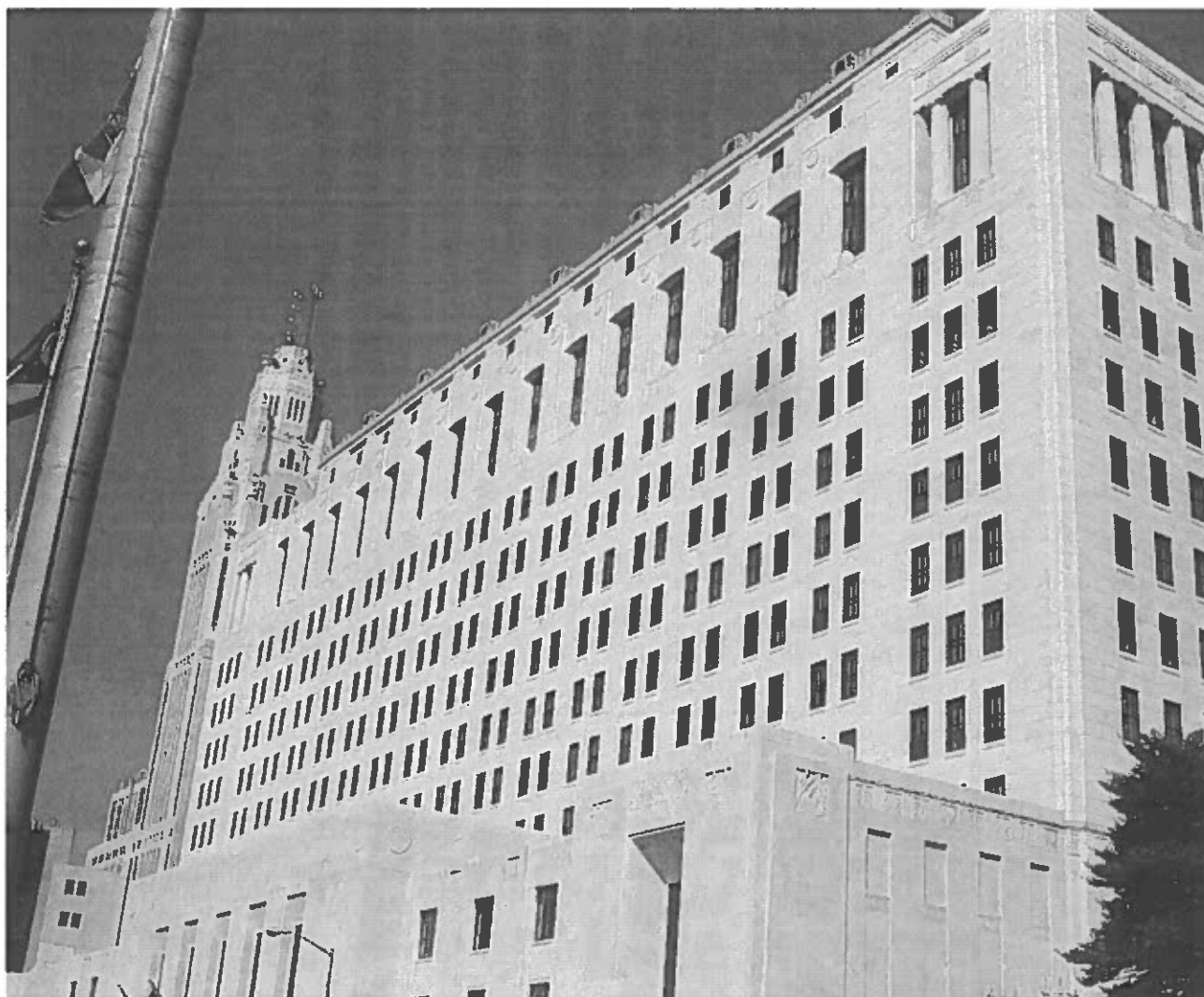
March 2012 — Dawn is subpoenaed for Tony's second trial. In response, Kasaris intimidates Dawn's parents at their home, looking for computers & hard drives.

April 23, 2012 — Dawn contacts Judge Gaul and says she's afraid to appear.

April 25, 2012 — A wellness check is called for Dawn, where she's found dead in her apartment at 6:15pm. Signs of lividity indicate she was deceased 18-24 hours. Her BAC is calculated at 0.595.



\$10,000 REWARD
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Ohio Supreme Court.

NEWS

Former Ohio Federal Prosecutor Sanctioned for Sexual Harassment

Ohio's Board of Professional Conduct of the Supreme Court found that attorney Mark Bennett's power was "not inconsequential" despite not being in a position to hire or fire an intern in his office.

January 03, 2024 at 05:51 PM

🕒 4 minute read



By Marianna Wharry

A former Ohio assistant U.S. attorney was suspended last month after he violated the U.S. Department of Justice's sexual harassment policy for his behavior with an intern, including inappropriate messages and unwelcomed physical behavior.

The majority for the Supreme Court of Ohio agreed to a stayed two-year suspension for Westlake attorney Mark Bennett, provided that he continue with his disciplinary provisions.

Bennett was an assistant U.S. attorney for the U.S. Attorney's Office for the Northern District of Ohio where he met an intern, named J.S. in court records, in 2017.

He and J.S. became acquainted and discussed their sex lives, including Bennett asking her for nude photos on Snapchat. Bennett also touched her breasts with the back of his hand while the two were alone together in the Ohio U.S. Attorney's Akron office and made sexually inappropriate comments about her, the opinion said.

The Board of Professional Conduct of the Supreme Court found that Bennett's power was "not inconsequential" despite not being in a position to hire or fire J.S. The board said Bennett was either "directly or indirectly in a position of influence" over J.S. and found that his actions or behaviors were directed at someone likely to be intimidated by his behavior, the opinion said.

After J.S. left the USAO in November 2017, Bennett attempted to reconnect with her after she reached out to him regarding work-related matters. His efforts included unwanted Facebook messages and texts

that she later told DOJ investigators she felt uncomfortable with the conversations, the opinion said.

Bennett maintained that he did not know his comments were inappropriate or not well received when the Office of the Inspector General for the DOJ investigated his misconduct. J.S. admitted to flirting with Bennett to the DOJ, but she said she did not believe she had misled him into wanting a sexual relationship with him, the opinion said.

Bennett resigned from the USAO after the OIG recommended termination for violating the department's sexual harassment policy. He reported his own misconduct to the Board of Professional Conduct of the Supreme Court after the DOJ investigation concluded.

Bennett objected to the board's recommendation he serve a six-month, actual suspension from the practice of law. The majority adopted the board's findings of misconduct and partially sustained Bennett's objection with its stayed two-year suspension. It opted for the conditionally stayed suspension because Bennett self-reported the discipline and sought mental health counseling voluntarily, the majority said.

Bennett's attorney, Richard S. Koblentz, of Koblentz, Penvose & Froning in Independence, Ohio, said the majority's decision to stay Bennett's decision is the "just and appropriate result" for Bennett's case and noted the court's actions focused on protecting the public rather than punitive action toward Bennett. Koblentz also said Bennett is gratified with the court's decision.

Bennett also objected to the disciplinary counsel citing disciplinary cases involving misconduct with clients rather than legal staff, as was his case. However, the majority disagreed and noted he admitted to other misconduct with colleagues during the OIG investigation as aggravating factors.

The majority's per curiam opinion said, "In our view, the inherent differences between sexual misconduct directed toward colleagues versus sexual misconduct directed toward clients should not disqualify a case from being considered in fashioning the appropriate sanction for Bennett's misconduct in this case."

In a partial concurring and partial dissenting opinion authored by Chief Justice Sharon L. Kennedy and signed by Justice Joseph T. Deters, the minority agreed to a suspension of one year with six months conditionally stayed as long as Bennett did not engage in more misconduct. Kennedy said she feared the majority's decision to fully stay the suspension could take the court "backward."

The minority's stipulation also required Bennett complete six hours of continuing legal education class on sexual harassment and provide proof of continued mental health counseling.

Kennedy wrote, "Bennett's actions tainted the public trust. His conduct toward J.S. undermined the credibility of and public faith in government, impeded the common good, and were not in the best interests of the American people, especially J.S. Not only was Bennett in a position of power over J.S. from a supervisory standpoint, but he was also a representative of the United States and possessed all the powers that comes with that position. His actions demeaned both the legal profession and his government office. It is hard to justify a fully stayed suspension if these higher standards were not enough to deter Bennett's misconduct. Rather, an actual suspension is necessary to protect the public."

Attorneys Joseph M. Caligiuri and Matthew A. Kanai represented the disciplinary counsel.

Attorneys Koblentz, Bryan L. Penvose and Nicholas E. Froning, of Koblentz Penvose, represented Bennett.



CASES

Former U.S. Attorney Sanctioned for Sexually Harassing Intern

By Dan Trevas | December 29, 2023

A former assistant U.S. attorney received a two-year, fully stayed suspension from the Supreme Court of Ohio today for sexually harassing a former intern for the northern Ohio district office.

In a 4-2 decision, the Supreme Court suspended Mark S. Bennett of Westlake from the practice of law. The suspension was stayed with conditions, which include that he continues to receive mental health counseling and not commit further professional misconduct. Bennett resigned from the U.S. Attorney's Office in 2020 after an investigation found he violated the Department of Justice's sexual harassment policy.

In a per curiam opinion, the Court found that Bennett engaged in conduct that adversely reflected on his fitness to practice law.

Justices Patrick F. Fischer, R. Patrick DeWine, Michael P. Donnelly, and Melody Stewart joined the per curiam opinion.

In a separate opinion, Chief Justice Sharon L. Kennedy stated that she would impose a one-year suspension with six months stayed on conditions similar to those set by the majority. She also suggested that Bennett complete six hours of continuing legal education on sexual harassment. As a representative of the U.S. government, Bennett demeaned both the legal profession and his government office by his actions, the chief justice wrote.

Justice Joseph T. Deters joined the chief justice's opinion. Justice Jennifer Brunner did not participate in the case.

Attorney Investigated for Harassing Intern

In May 2017, a woman identified in court records as "J.S." was 24 years old. She had finished her first year of law school and began an internship with the U.S. Attorney's Office for the Northern District of Ohio. J.S. spent time working in the U.S. attorney's three district offices in Cleveland, Akron, and Youngstown.

Bennett had worked for the U.S. attorney for 10 years when he met J.S. In 2017, J.S. believed that on various occasions, Bennett was attempting to look up her skirt, and she also heard from a male intern that Bennett made sexually inappropriate comments about her. Bennett then began to ask J.S. about her sex life and asked her to send him nude photos of herself through a social media platform. At one point, when the two were in the Akron office library, J.S. stated that Bennett reached across her to obtain a book and intentionally touched her breasts while doing so.

Bennett began communicating with J.S. via Snapchat, Facebook, and text messaging until J.S. blocked his attempts.

J.S. left the office in the fall of 2017 and returned as an intern in August 2018. She asked to be assigned primarily to the Youngstown office to avoid Bennett, who worked mostly in Cleveland and Akron. When working in the Akron office, she attempted to work in areas where Bennett would not see her. In January 2019, Bennett began texting J.S. again, discussing her relationship with her boyfriend.

Despite her attempts to avoid Bennett, J.S. asked Bennett if he would provide a letter of recommendation in support of her application for a clerkship following her graduation from law school. Bennett responded to her request by asking what he would receive in exchange for the recommendation. J.S. abandoned her request and obtained recommendations from other attorneys.

Later, in 2019, Bennett continued to send unwelcomed messages to J.S. The intern then informed a colleague in the office about the interactions with Bennett. The Justice Department's inspector general's office launched an investigation.

J.S. told the inspector general she did not report Bennett's conduct because it could hurt her career. She admitted she had a flirtatious personality and had joked with Bennett in their early interactions about being his

RELATED COVERAGE

[Attorney Who Sexually Harassed Intern Argues for Stay of Recommended Sanction](#)

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mistress. Still, she did not believe she misled him into believing she was interested in a sexual relationship or that she was receptive to his sexual comments.

Bennett told the inspector general that he was unaware that J.S. was uncomfortable with his conduct. The inspector general concluded that Bennett violated the department's sexual harassment policy and recommended he be fired. Bennett resigned instead.

The Office of the Disciplinary Counsel filed an ethics complaint against Bennett in August 2022 based on the incident. The Board of Professional Conduct found Bennett committed misconduct and recommended that the Supreme Court suspend him for six months with no stay.

Bennett objected to the sanctions, which triggered an oral argument before the Supreme Court.

Supreme Court Examined Past Cases to Establish Sanction

Bennett objected to the proposed actual suspension from practicing law. He argued that the board recommended the sanction based on cases where disciplined attorneys committed similar misconduct but with their clients. Bennett argued that attorneys charged with sexual misconduct with their own staffs and colleagues did not receive actual suspensions.

The Court noted there are differences between an attorney's inappropriate sexual communication and conduct involving workplace colleagues and similar improper conduct involving clients. While there is a specific professional conduct rule prohibiting solicitation of a sexual relationship with a client, the Court noted there is no particular rule barring attorneys from soliciting a sexual relationship with colleagues in the workplace.

However, the opinion stated it is appropriate for the Court to consider sanctions for attorneys found to have acted sexually inappropriate with clients when fashioning a sanction for Bennett.

The Court found few cases comparable to Bennett's that involved incidents of both verbal harassment and inappropriate physical contact. The opinion also noted that based on the board hearing and the inspector general's investigation, Bennett may have acted sexually inappropriate with another colleague in the U.S. Attorney's Office. Those acts were not part of the disciplinary counsel's complaint against Bennett.

The Court credited Bennett for reporting his misconduct to the disciplinary counsel after the inspector general's report was complete. He also sought mental health counseling to understand his behavior and learn to conduct himself appropriately, the opinion noted. The Court imposed the two-year stayed sentence with the conditions that he does not commit further misconduct and continues his current mental health counseling. If he completes counseling before fully serving his suspension, Bennett must contract with the Ohio Lawyers Assistance Program and comply with any recommendations made by the program. If he fails to comply with the conditions, the stay will be lifted, and he will be required to serve the full two-year suspension.

The Court majority stated that this "sanction will provide a strong incentive for Bennett to comply with his treatment program and to conform his conduct to the requirements of the profession." Bennett must also pay the costs of the disciplinary proceedings.

Actual Suspension Warranted, Concurring and Dissenting Opinion Stated

In her opinion concurring in part and dissenting in part, Chief Justice Kennedy wrote that Bennett exhibited "continual selfish conduct over the course of two years" and acted "without consideration of the harm he was causing J.S., his employer, or the profession."

"The extent of the vulnerability and resulting harm to J.S. also cannot be overstated. As a female intern and aspiring professional, J.S. was at risk of being taken advantage of, and that is what Bennett did," the chief justice stated.

The concurring and dissenting opinion maintained that Bennett should receive an actual suspension from the practice of law. The opinion highlighted the vulnerability of student interns and the fear of consequences they might face for reporting sexual misconduct by those overseeing their work.

Chief Justice Kennedy also wrote that Bennett violated his oath as an Ohio attorney to conduct himself with dignity and civility and to treat others with respect. She noted that, as a federal prosecutor, he was invested with the public trust and that his decisions had to be in the best interests of the American people.

"Bennett's actions tainted the public trust," she wrote. "His conduct toward J.S. undermined the credibility of and public faith in government, impeded the common good, and were not in the best interests of the American people, especially J.S."

2023-0471. Disciplinary Counsel v. Bennett, Slip Opinion No. 2023-Ohio-4752.

 [View oral argument video of this case.](#)

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Court News Ohio (.gov)

<https://www.courtnewsorio.gov/cases/SCO>

Former U.S. Attorney Sanctioned for Sexually Harassing ...

Dec 29, 2023 — A former assistant US attorney received a two-year, fully stayed suspension from the Supreme Court of Ohio today for sexually harassing a former intern.



Ohio Supreme Court (.gov)

<https://www.supremecourt.ohio.gov/docs/pdf>

Disciplinary Counsel v. Bennett

Dec 29, 2023 — ¶ 55) Accordingly, **Mark Stewart Bennett** is hereby suspended from the practice of law in Ohio for two years, with the entire suspension stayed ...



Ohio Supreme Court (.gov)

<https://www.supremecourt.ohio.gov/bpccm/Case>

Case

Disciplinary Counsel v. Bennett, Mark Stewart. Filed, 8/18/2022. Status, Closed. Disposition, Closed - Fully Stayed Suspension. Supreme Court Case No. 2023-0471.



Law.com

<https://www.law.com/2024/01/03/former-ohio-feder...>

Former Ohio Federal Prosecutor Sanctioned for Sexual ...

Jan 3, 2024 — The majority for the Supreme Court of Ohio agreed to a stayed two-year suspension for Westlake attorney **Mark Bennett**, provided that he continue ...



The Ohio Channel

<https://ohiochannel.org/video/supreme-court-of-ohi...>

Case No. 2023-0471 Disciplinary Counsel v. Bennett

Jun 28, 2023 — A former federal prosecutor in northern Ohio faces a six-month suspension from the practice of law because he sexually harassed a law student intern over 16 ...



Cleveland.com

<https://www.cleveland.com/news/2023/04/six-mont...>

Six-month suspension recommended for former federal ...

Apr 10, 2023 — Former Assistant U.S. Attorney **Mark Bennett** faces a six-month suspension of his law license for sexually harassing an intern.



Reuters

<https://www.reuters.com/legal/legalindustry/ohio-s...>

Ohio Supreme Court sanctions ex-US prosecutor in sexual ...

Dec 29, 2023 — The Ohio Supreme Court on Friday rebuked a former U.S. prosecutor who admitted to sexual misconduct but said the attorney can continue ...



Above the Law

<https://abovethelaw.com/2024/01/former-federal-pro...>

Former Federal Prosecutor Sanctioned For Sexually ...

Exhibit D

State of Ohio,
CUYAHOGA County, ss:

Affidavit of Mark Bennett

I, Mark Bennett, swear or affirm that:

1. I admit that I committed the misconduct listed in the Agreement for Consent to Discipline, that grounds exist for imposition of a sanction against me for the misconduct, and that the agreement sets forth all grounds for discipline currently pending before the Board of Professional Conduct.
2. I admit to the truth of the material facts relevant to the misconduct listed in the agreement.
3. I agree to the sanction recommended in the agreement to the board.
4. My admissions and agreement are freely and voluntarily given, without coercion or duress, and I am fully aware of the implications of the admissions and agreement on my ability to practice law in Ohio.
5. I understand that the Supreme Court of Ohio has the final authority to determine the appropriate sanction for the misconduct admitted by me.


Mark Bennett, Esq.

Sworn to or affirmed before me and subscribed in my presence this ^{1st} day December 2022.



KELLY M. ZACHARIAS
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.


Signature of Notary Public

Exhibit E

REPORT OF INVESTIGATION

SUBJECT Mark S. Bennett (***-**-██████) Assistant United States Attorney Northern District of Ohio Cleveland, Ohio		CASE NUMBER 2019-009081
OFFICE CONDUCTING INVESTIGATION Detroit Area Office		DOJ COMPONENT Executive Office for United States Attorneys
DISTRIBUTION <input checked="" type="checkbox"/> Field Office CFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component EOUSA <input type="checkbox"/> USA <input type="checkbox"/> Other	STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report:	

SYNOPSIS

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Executive Office for United States Attorneys (EOUSA) alleging that from May 2017 through June 2019, United States Attorney's Office (USAO) for the Northern District of Ohio (NDOH) Assistant United States Attorney (AUSA) Mark Bennett may have physically and verbally sexually harassed, to include deliberately running his arm across the breast of, then USAO-NDOH, ██████████ Intern ██████████ ██████████

During the course of the investigation, the OIG found indications that Bennett may also have made sexually suggestive comments to USAO-NDOH AUSA ██████████ sent sexual comments over social media to Federal Bureau of Investigation (FBI), ██████████, Forensic Analyst ██████████; and made sexual comments to U.S. Postal Inspection Service, ██████████, Postal Inspector ██████████. In addition, the OIG found indications that Bennett may have lacked candor during an OIG interview when questioned about using his government laptop computer to access social media sites.

The OIG investigation substantiated the allegations that Bennett engaged in sexually harassing conduct by making sexually inappropriate comments to ██████████, ██████████, and ██████████ all in violation of federal regulations regarding sexual harassment and employee conduct, as well as in violation of DOJ Policy prohibiting sexual harassment in the workplace. The OIG also concluded that Bennett's unwelcome touching of ██████████ breast violated Ohio Penal Code § 2907.06, Sexual Imposition, a misdemeanor. The OIG further found that Bennett lacked candor in his OIG interview, in violation of DOJ policy.

DATE November 5, 2020	SIGNATURE ██████████
PREPARED BY SPECIAL AGENT ██████████	
DATE November 5, 2020	SIGNATURE <i>William J. Hannah</i> <small>Digitally signed by WILLIAM HANNAH Date: 2020.11.05 17:02:38 -05'00'</small>
APPROVED BY SPECIAL AGENT IN CHARGE William J. Hannah	

The USAO-NDOH was recused from the investigation. The USAO for the Eastern District of Michigan and the Akron City Prosecutor's Office declined criminal prosecution of Bennett.

The OIG has completed its investigation and is providing this report to the EOUSA and DOJ's Office of Professional Responsibility for appropriate action.

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same standard when reviewing a federal agency's decision to take adverse action against an employee based on such misconduct. See 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii).



DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Executive Office for United States Attorneys (EOUSA) alleging that from May 2017 through June 2019, United States Attorney's Office (USAO) for the Northern District of Ohio (NDOH) Assistant United States Attorney (AUSA) Mark Bennett may have physically and verbally sexually harassed, to include deliberately running his arm across the breast of, then USAO-NDOH, [REDACTED] Office Intern [REDACTED].

During the course of the investigation, the OIG found indications that Bennett may also have made sexually suggestive comments to USAO-NDOH AUSA [REDACTED]; sent sexual comments over social media to Federal Bureau of Investigation (FBI), [REDACTED], Forensic Analyst [REDACTED]; and uttered sexual comments to U.S. Postal Inspection Service, [REDACTED], Postal Inspector [REDACTED]. In addition, the OIG found indications that Bennett may have lacked candor during an OIG interview when questioned about using his government laptop computer to access social media sites [REDACTED].

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following USAO-NDOH personnel:

- Mark Bennett, AUSA

[REDACTED]

AUSA

[REDACTED]

U.S.

(former) Intern

[REDACTED]

Interviews of the following FBI [REDACTED] personnel:

[REDACTED]
[REDACTED] Financial Investigative Analyst

Interviews of the following personnel:

[REDACTED]
[REDACTED], U.S. Postal Inspection Service, Postal Inspector
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Review of the following:

- Cyber Investigations Office (CIO) forensic analysis of Bennett's government laptop computer.
- Justice Security Operation Center (JSOC), Internet History Logs for Bennett's government laptop computer.
- Verizon Wireless records for Bennett's personal cell phone.
- Training information from the Offices of the United States Attorneys, National Advocacy Center.
- Training records from the USAO-NDOH [REDACTED]
- Facebook Messenger and Instagram Messages the OIG received from [REDACTED]
- Emails, text messages, Skype messages, Facebook Messenger messages the OIG received from [REDACTED].

Background and Authority

Ohio Penal Code § 2907.07, Sexual Imposition (misdemeanor), prohibits engaging in sexual contact with another, either knowing or recklessly disregarding that the contact is offensive to the other person. The Penal Code defines sexual contact to include touching of another's breast.

29 C.F.R. § 1604.11, "Sexual Harassment," states in pertinent part the following:

(a) Harassment on the basis of sex is a violation of section 703 of title VII. 1 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

...

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

...

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

5 C.F.R. § 735.203, "Employee Responsibilities and Conduct" states in pertinent part the following: "an employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government."

The DOJ, Office of the Attorney General, Prevention of Harassment in the Workplace, Policy Memorandum 2015-04, states in part:

The Department of Justice will maintain a zero tolerance work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliations, or any other impermissible factor. . . . Harassing conduct is defined as any unwelcome verbal or physical conduct that is based on any of the above-referenced characteristics when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment.

The DOJ Memorandum for Heads of Department Components Regarding Sexual Harassment and Sexual Misconduct, dated April 30, 2018, sets forth policies and procedures to ensure that: (1) substantiated allegations of sexual harassment or misconduct result in serious and consistent disciplinary action, (2) components report allegations of sexual harassment or misconduct to the Office of Inspector General and the components' security divisions when appropriate, (3) components appropriately consider allegations of or disciplinary actions for sexual harassment or misconduct in making decisions about awards, public recognition, or favorable personnel actions, and (4) components can be held accountable for their handling of allegations of sexual harassment and misconduct.

Bennett's Sexual Harassment and Unwelcome Sexual Touching of J.S. [REDACTED]

The information provided to the OIG alleged that from May 2017 through June 2019, Bennett may have physically and verbally sexually harassed J.S. [REDACTED].

[REDACTED] told the OIG that from May 2017 through June 2019, Bennett made several inappropriate sexual comments to her, and on one occasion, touched her breast. J.S. [REDACTED] explained that their communication with each other started out as jovial, back-and-forth banter. However, J.S. [REDACTED] told the OIG that, as time went on, Bennett's sexual comments increased, made her feel uncomfortable, and often interfered with J.S. [REDACTED] ability to complete her work. J.S. [REDACTED] said that Bennett talked about his sexual relationship with his wife, [REDACTED].

[REDACTED] stated that Bennett made comments about J.S. [REDACTED] physique, and on one occasion, he sent J.S. [REDACTED] a social media message to ask her why she haunted his dreams. [REDACTED] stated that Bennett sent pictures to her, via either text message or through a social media platform, of himself [REDACTED].

J.S. [REDACTED] said that during another occasion in the [REDACTED] library, Bennett brushed his arm against J.S. [REDACTED] breast while reaching for a law book and stared at her the entire time. [REDACTED] said that Bennett's behavior made her uncomfortable and caused her to move from her assigned workstation to other employees' work areas to avoid him.

[REDACTED] told the OIG that [REDACTED] told him that [REDACTED] felt uncomfortable around Bennett, and that [REDACTED] tried to avoid Bennett while in the [REDACTED] Office. [REDACTED] said that he noticed [REDACTED] frequented the [REDACTED] Office's front desk instead of getting her work done. [REDACTED]

[REDACTED] said that Bennett told him in a later conversation that he had screwed up by sending [REDACTED] text messages in which he indicated his willingness to engage in a sexual relationship with her. However, [REDACTED] stated that Bennett denied, in an unsolicited comment, that he groped [REDACTED].

[REDACTED] told the OIG that J.S. [REDACTED] told her that Bennett had touched her breast while they [REDACTED].

worked in the [REDACTED] library. [REDACTED] said that she read Facebook Messenger messages [REDACTED] received from Bennett, and although [REDACTED] could not remember the specific content of the messages, she believed they were inappropriate and flirtatious. [REDACTED] said that [REDACTED] told her Bennett's behavior made her uncomfortable. [REDACTED] described one occasion when J.S. [REDACTED] came into [REDACTED] office and closed the door soon after Bennett arrived at the [REDACTED] Office in order to avoid him. [REDACTED] thought Bennett's behavior towards [REDACTED] interfered with [REDACTED] ability to get her work done as an intern.

[REDACTED] told the OIG that J.S. [REDACTED] told her that Bennett sent J.S. [REDACTED] sexual messages on various social media platforms and tried to pursue her. [REDACTED] said that J.S. [REDACTED] told her that she did not want to report Bennett's behavior because she was concerned it may have a negative effect on her ability to obtain future employment at the USAO. [REDACTED] believed Bennett made [REDACTED] uncomfortable, and that his behavior towards [REDACTED] created a situation where J.S. [REDACTED] could not work at her own station because she wanted to avoid Bennett. [REDACTED] said that J.S. [REDACTED] began sitting with [REDACTED] at her desk location to hide from Bennett.

[REDACTED] said that J.S. [REDACTED] also described an incident in which Bennett brushed up against her breast while in the [REDACTED] library. [REDACTED] recalled [REDACTED] receiving several messages from Bennett that were sexual in nature, either via text or Facebook Messenger. [REDACTED] stated that, in one of the messages, Bennett implied [REDACTED] should provide him with a sexual favor in exchange for a letter of recommendation, and in another message Bennett commented on [REDACTED] physique and told her how good she looked. [REDACTED] vaguely recalled [REDACTED] telling him about a social message she received from Bennett in which Bennett asked [REDACTED] why she haunted his dreams. [REDACTED] told the OIG that he advised [REDACTED] to report Bennett's inappropriate behavior.

[REDACTED] Bennett made references to buttocks, including comments about their size and that Bennett could not wait to "have them."

In a voluntary interview, Bennett told the OIG that he worked with J.S. [REDACTED] from 2017 through 2018. [REDACTED] Bennett stated that he and J.S. [REDACTED] discussed her romantic relationships, but he said that was not inappropriate because J.S. [REDACTED] initiated the conversations. Bennett stated that he had written a letter of recommendation for J.S. [REDACTED] and may have asked her what he would get out of it, but he said he was referring to possibly lunch or drinks with her, not sex. Bennett said that he probably sent messages to J.S. [REDACTED] that referenced her physique, and reasoned he tried to help her low self-esteem. Bennett acknowledged [REDACTED] that he talked to J.S. [REDACTED] about his sexual relationship with his wife. Bennett admitted he should not have engaged in this type of communication with [REDACTED] and explained he has a character flaw when women flirt with him. Bennett stated that he did not believe his actions rose to the level of sexual harassment, and he denied touching [REDACTED] breast.

The USAO-NDOH was recused from the investigation. The USAO for the Eastern District of Michigan and the Akron City Prosecutor's Office declined criminal prosecution of Bennett.

OIG's Conclusion

The OIG investigation concluded that Bennett sexually harassed J.S. both physically and verbally by conveying sexually charged communications to her and physically touching J.S. breast. The OIG found account of her interactions with Bennett, including that he touched her breast without her consent, to be more credible than Bennett's account, particularly in light of the corroboration provided by the OIG's interviews of other witnesses. The OIG further credited account that Bennett's conduct caused her to be uncomfortable and interfered with her ability to conduct her work at the USAO. The OIG finds by a preponderance of the evidence that Bennett's conduct violated Ohio Penal Code § 2907.06, Sexual Imposition. The OIG further finds that Bennett's conduct violated federal regulations regarding sexual harassment and employee conduct, as well as DOJ policy prohibiting sexual harassment in the workplace.

Bennett's Sexual Harassment of

During the course of the investigation, the OIG found indications that Bennett may have made comments to FBI Financial Investigative Analyst which were sexual in nature and made her feel uncomfortable.

further stated that Bennett had made statements to her over several years, which described as comments he probably should not have made which had distracted from her work at the FBI. said that some of Bennett's comments were flirtatious or contained sexual connotations, stated that the comments made uncomfortable



OIG's Conclusion

The OIG investigation concluded Bennett sent [REDACTED] messages of a sexual nature which interfered with work environment. [REDACTED]

[REDACTED] The OIG therefore found that Bennett's actions constituted administrative misconduct in violation of federal regulations regarding sexual harassment and employee conduct as well as DOJ policy prohibiting sexual harassment in the workplace.

Bennett's Sexual Harassment of [REDACTED]

During the course of the OIG's investigation, the OIG found indications that Bennett may have also made inappropriate comments to AUSA [REDACTED]

[REDACTED] described Bennett's comments as unprofessional and inappropriate, [REDACTED]



OIG's Conclusion

The OIG investigation concluded Bennett made comments to [REDACTED] and [REDACTED], which made [REDACTED] feel uncomfortable and caused an offensive work environment. The OIG credited [REDACTED] account over Bennett's [REDACTED]

The OIG further credited [REDACTED] statement that Bennett's conduct made her feel uncomfortable. The OIG found that Bennett's conduct violated federal regulations regarding sexual harassment and employee conduct, as well as DOJ policy prohibiting sexual harassment in the workplace.

Bennett's Sexual Harassment of [REDACTED]

During the course of the OIG's investigation, the OIG found indications that Bennett may have also made inappropriate comments to U.S. Postal Inspector [REDACTED]

[REDACTED] recalled that Bennett's comments were sexual in nature [REDACTED] said that he knew the comments made [REDACTED] feel uncomfortable, and he believed they had affected her work. [REDACTED]

[REDACTED] told the OIG that sometime in 2010, he had contacted [REDACTED] regarding his concerns about the inappropriate comments Bennett made to [REDACTED] recalled that the comments were sexual in nature [REDACTED]



he met with

Bennett and told him he was aware of Bennett's inappropriate comments to

OIG's Conclusion

The OIG investigation concluded Bennett made comments to [REDACTED] to feel uncomfortable and interfered with her work environment. The OIG credited [REDACTED] account of Bennett's comments, which was corroborated in large part by [REDACTED] the OIG further credited [REDACTED] statement that Bennett's comment made her feel uncomfortable [REDACTED]. The OIG found that Bennett's conduct violated federal regulations regarding sexual harassment and employee conduct, as well as DOJ policy prohibiting sexual harassment in the workplace.

Bennett's Lack of Candor

During the course of the investigation, the OIG found indications that Bennett lacked candor in his voluntary interview with the OIG regarding his access to social media sites on his government laptop.

Justice Manual Section 1-4.200 states in pertinent part:

All Department employees have an obligation to cooperate with OPR and OIG misconduct investigations (28 C.F.R. § 45.13) and must respond truthfully to questions posed during the course of an investigation upon being informed that their statements will not be used to incriminate them in a criminal proceeding. Employees who refuse to cooperate with OPR or OIG misconduct investigations after having been informed that their statements will not be used to incriminate them in a criminal proceeding may be subject to formal discipline, including removal. Employees are obligated to cooperate and respond truthfully even if their statements can be used against them in connection with employment matters.

As noted above, the OIG learned during this investigation about inappropriate messages that Bennett sent to certain individuals via social media sites. In light of this information, the OIG asked Bennett whether he had used his government laptop computer to access those social media sites. Bennett told the OIG that he had not signed into Facebook and Twitter on his government laptop computer and advised he completely avoided those sites on his government laptop computer. Bennett reasoned that they (USAO) have always told personnel that accessing those sites increased the likelihood of viruses on your computer.

The OIG reviewed the JSOC Internet history logs pertaining to Bennett's government laptop computer, identified

as Internet protocol (IP) [REDACTED]. The logs showed between March 2019 and June 2019, Bennett accessed several social media sites, more than 25 times, to include Facebook and Twitter with his government laptop computer. [REDACTED] advised the OIG that between March 2019 and June 2019, [REDACTED] had been assigned exclusively to Bennett's government laptop.

The USAO-NDOH was recused from the investigation. The USAO for the Eastern District of Michigan declined criminal prosecution of Bennett.

OIG's Conclusion

The OIG investigation concluded that Bennett lacked candor in his interview with the OIG when questioned by the OIG about accessing social media sites on his government laptop computer, in violation of DOJ policy. The information was relevant to the OIG investigation in an effort to determine if Bennett used his government laptop during work hours for any inappropriate communications with others he worked with.

**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. mayyybeceeee

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
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