

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

MARK ROBERT MOON,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File Nos.
2021-10,517 (13B)
2022-10,131 (13B)
2022-10,213 (13B)

_____ /

COMPLAINT

The Florida Bar, complainant, files this Complaint against Mark Robert Moon, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar admitted on December 14, 2007, and is subject to the jurisdiction of the Supreme Court of Florida.

The Thirteenth Judicial Circuit Grievance Committee B found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

RECEIVED, 05/11/2022 01:27:21 PM, Clerk, Supreme Court

COUNT I-TFB File No. 2021-10,517 (13B)
(Complaint of Kelly Kaina)

3. Paragraphs 1 and 2 are realleged and incorporated herein by reference.

4. Beginning in 2013, respondent represented Kelly Kaina in a family law matter, Hillsborough County Case No. 2013-DR-6245.

5. Respondent and Ms. Kaina communicated only a few times in 2020, and their last phone conference was on October 1, 2020.

6. After their October 2020 phone conference, respondent failed to adequately respond to Ms. Kaina, despite Ms. Kaina's repeated attempts to contact respondent by phone, email, certified mail, and scheduling phone conferences through respondent's assistant.

7. On January 6, 2021, Ms. Kaina emailed respondent's assistant and received an automatic reply stating, "[p]lease be advised that this e-mail address is no longer being monitored. All correspondence should be forwarded to Mr. Moon at Mmoon@moonlawgroup.com."

8. On the same day, January 6, 2021, respondent emailed Ms. Kaina stating he would call her but that there was no change in her case since the last time they spoke.

9. The January 6, 2021, email was the last communication from respondent to Mr. Kaina.

10. On January 20, 2021, Ms. Kaina requested a refund of the \$3,971.25 credit that was listed on the last billing statement Ms. Kaina received from respondent, which was dated October 5, 2020.

11. Respondent failed to respond to Ms. Kaina's request for her \$3,971.25, and respondent failed to return any unused portion of the retainer funds held on Ms. Kaina's behalf.

12. Ms. Kaina's family law matter concerned her claim for outstanding child support arrearages and time-sharing, among other issues.

13. Throughout 2020 into early 2021, respondent failed to expedite litigation and diligently pursue Ms. Kaina's claims.

14. As a result of respondent's failure to communicate and diligently pursue her case, Ms. Kaina retained new counsel.

15. On February 2, 2021, Ms. Kaina's new counsel informed her he had not received her case file or a signed stipulation for substitution of counsel from respondent.

16. Furthermore, respondent has failed to respond to the bar's inquiries concerning this matter, and the Supreme Court has indefinitely suspended respondent until he fully responds to The Florida Bar's inquiries by order dated November 9, 2021, in Supreme Court Case No. SC21-1286.

17. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.2** (Objectives and Scope of Representation).

18. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.3** (Diligence).

19. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.4** (Communication).

20. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.15** (Safekeeping Property).

21. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.16(d)** (Declining or Terminating Representation).

23. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-3.2** (Expediting Litigation).

24. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-8.4(g)** (Failure to respond to an official bar inquiry).

25. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 5-1.1** (Trust Accounts).

COUNT II-TFB File No. 2022-10,131 (13B)
(Complaint of Andrew Nowell)

26. Paragraphs 1 and 2 are realleged and incorporated herein by reference.

27. Andrew Nowell retained respondent in October 2020 to represent him in a dissolution of marriage action.

28. Mr. Nowell signed a retainer agreement and paid respondent \$3,500.00 as a retainer, plus \$420.00 for a filing fee.

29. On December 4, 2020, respondent had a conversation with Mr. Nowell regarding the status of his case, but Mr. Nowell has not heard from respondent since.

30. Between February and April 2021, Mr. Nowell sent respondent numerous emails and phone messages requesting information on his case.

31. Between February and April 2021, respondent failed to respond to any of Mr. Nowell's requests for information.

32. Further, respondent failed to complete any work on Mr. Nowell's behalf.

33. On April 21, 2021, Mr. Nowell emailed respondent terminating his representation and requesting a refund of his remaining retainer balance.

34. Respondent failed to respond to Mr. Nowell's request for a refund and failed to return any unused portion of the retainer.

35. Respondent retained an excessive fee by failing to complete any work on Mr. Nowell's behalf and by failing to return any unused portion of the retainer.

36. On September 1, 2021, Mr. Nowell filed a grievance against respondent with The Florida Bar.

37. Respondent was sent letters dated September 15, 2021, and October 21, 2021, requiring a response to Mr. Nowell's grievance, but respondent has failed to respond to any of The Florida Bar's inquiries concerning this matter.

38. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.3** (Diligence).

39. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.4** (Communication).

40. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.5** (Fees and Costs for Legal Services).

41. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.15** (Safekeeping Property).

42. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-8.4(d)** (Conduct prejudicial to the administration of justice).

43. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-8.4(g)** (Failure to respond to an official bar inquiry).

44. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 5-1.1** (Trust Accounts).

COUNT III-TFB File No. 2022-10,213 (13B)
(Complaint of The Florida Bar)

45. Paragraphs 1 through 3 are realleged and incorporated herein by reference.

46. Respondent represented Tammy Cerniglia in a family law matter in Hillsborough County Case No. 2018-DR-12922.

47. On August 17, 2018, respondent filed a petition for dissolution of marriage on Ms. Cerniglia's behalf.

48. The parties entered into an agreed parenting plan and marital settlement agreement, which was filed with the court on October 18, 2019.

49. By order dated May 12, 2021, the trial judge set the matter for a case management conference and/or dismissal hearing for July 29, 2021.

50. Respondent failed to appear at the July 29, 2021, case management conference.

51. By order dated August 5, 2021, the trial judge set the matter for a case management conference on October 20, 2021.

52. Respondent failed to appear at the October 20, 2021, case management conference.

53. In advance of the October 20, 2021, case management conference, on October 8, 2021, Ms. Cerniglia filed a pleading with the court stating she had been unable to reach respondent.

54. Ms. Cerniglia's pleading stated, in part, she had, "...attempted all phone numbers, social media, his paralegal and driven to the office, (which now no longer exists). At this point, I am assuming Mark Moon is no longer representing me."

55. Respondent failed to diligently represent Ms. Cerniglia and failed to adequately communicate with her.

56. Respondent disobeyed an obligation under the rules of the tribunal by failing to appear at the two court-ordered case management conferences.

57. Respondent's actions delayed the proceedings and were prejudicial to the administration of justice.

58. Furthermore, respondent was sent a letter from The Florida Bar, dated October 22, 2021, requiring a response, but respondent failed to respond to the bar's inquiry.

59. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.3** (Diligence).

60. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-1.4** (Communication).

61. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-3.4(c)** (Fairness to Opposing Party and Counsel – knowingly disobey an obligation under the rules of a tribunal).

62. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-8.4(d)** (Conduct prejudicial to the administration of justice).

63. By reason of the foregoing, respondent has violated the following Rule Regulating The Florida Bar: **Rule 4-8.4(g)** (Failure to respond to an official bar inquiry).

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



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CERTIFICATE OF SERVICE

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Mark Robert Moon, at markrmoon@gmail.com; and that a copy has been furnished by United States Mail via certified mail No. 7017 1450 0000 7821 0537, return receipt requested to Mark Robert Moon, whose record bar address is Moon Law Group, 9156 Cherry Terrace, Seminole, FL 33777-1149 and via email to Nicholas Robert Cavallaro, Bar Counsel, ncavallaro@floridabar.org, on this 11th day of May, 2022.



Patricia Ann Toro Savitz
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND
DESIGNATION OF PRIMARY EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Nicholas Robert Cavallaro, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tampa Branch Office, 2002 N. Lois Ave., Suite 300 Tampa, Florida 33607-2386, (813) 421-8663 and ncavallaro@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.