

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Supreme Court Case
No. SC-

IN RE:
THE PETITION FOR
DISCIPLINARY REVOCATION OF
SHAWN MICHAEL BERRY

The Florida Bar File
No. 2024-30,013 (09B) CDR

Petitioner.

_____ /

PETITION FOR DISCIPLINARY REVOCATION
WITH LEAVE TO APPLY FOR READMISSION

COMES NOW Petitioner, Shawn Michael Berry, and submits this
Petition for Disciplinary Revocation pursuant to Rule Regulating Fla. Bar 3-
7.12 and states:

1. Petitioner knowingly and voluntarily submits this petition with
leave to reapply for readmission after 5 years with full knowledge of its
effect.

2. Petitioner is 39 years old and has been a member of The
Florida Bar since September 29, 2009, and is subject to the jurisdiction of
the Supreme Court of Florida and the Rules Regulating The Florida Bar.

3. Petitioner has the following discipline history:

A. In SC22-1130, by Court order dated November 1, 2022,
The Florida Bar's Petition for Contempt and Order to Show Cause was

granted, and petitioner was held in contempt of this Court after he failed to respond in writing to an official bar inquiry in The Florida Bar File No. 2022-30,545 (9B) and failed to respond to the Court's Order to Show Cause. As a sanction, respondent was suspended from the practice of law effective thirty days from the date of the Court's order until he fully responded in writing to the official bar inquiry, and until further order of the Court. Thereafter, petitioner responded to the official bar inquiry and the suspension was lifted by Court order on May 15, 2023.

4. The following disciplinary charges are currently pending against the petitioner:

B. In The Florida Bar File No. 2021-30,055 (9B), the bar is investigating a complaint received from a bank representative. Complainant alleges that petitioner was hired by the bank to provide loan closing services for numerous home equity lines of credit and that petitioner failed to timely record the security instruments associated with the home equity lines of credit. Complainant further alleges that petitioner failed to pay off the debts of a bank customer as part of the closing process, causing a financial loss to the bank.

C. In The Florida Bar File No. 2022-30,545 (9B), the bar is investigating a complaint from the seller in a real estate transaction.

Complainant alleges that petitioner, as owner and escrow officer for Title Professionals of Central Florida, LLC (TPCF), handled complainant's real estate closing. Due to complainant's status as a foreigner engaged in a real estate transaction as a seller in Florida, a percentage of the funds were required to be withheld by TPCF at closing. Complainant alleges that these funds were not remitted to the Internal Revenue Service, nor returned to complainant. The bar's auditor examined bank records from the escrow account where the funds were originally located and identified shortages in the escrow account. The bar's investigation also revealed instances in which petitioner used escrow funds for petitioner's own benefit.

D. In The Florida Bar File No. 2023-30,742 (9B), the bar opened an investigation after becoming aware that petitioner was arrested on or about May 10, 2023, in Orange County, Florida for Battery (Domestic Violence), a first-degree misdemeanor, and Possession of Methamphetamine, a third-degree felony. On or about October 10, 2023, the Office of the State Attorney charged petitioner by Information with Possession of Methamphetamine, a third-degree felony, and took no action as to the misdemeanor offense of Battery. The criminal case against petitioner is currently pending. The bar also became aware that on or about August 6, 2023, petitioner was arrested for Aggravated Battery with a

Weapon (Domestic Violence), a second-degree felony. On or about October 19, 2023, the Office of the State Attorney filed a No Information Notice as to that charge and the case was closed.

E. In The Florida Bar File No. 2023-30,687 (9B), the bar opened an investigation after petitioner submitted a petition for removal of CLER delinquency to the bar and indicated that during his delinquency he had engaged in the delivery of legal services within the State of Florida or had given advice or rendered services on matters or issues involving or determined by Florida procedural or substantive law, either for a fee or *pro bono*.

5. Petitioner contends that granting this Petition will not adversely affect the public interest, the integrity of the courts, or the confidence of the public in the legal profession. Further, petitioner contends that granting this Petition will not hinder the administration of justice.

6. Petitioner agrees to reimburse the Client Security Fund (CSF) for any and all funds CSF has paid or may pay out for claims resulting from petitioner's misconduct.

7. Petitioner agrees to reimburse The Florida Bar for the costs incurred in his disciplinary cases in the amount of \$5,094.84.

8. Petitioner agrees to submit to a complete audit of any trust account(s) and any other account(s) in which petitioner has placed client funds, if requested to do so by The Florida Bar.

9. Petitioner further agrees to submit a sworn financial affidavit to The Florida Bar attesting to petitioner's current personal and professional financial circumstances on a form to be provided by The Florida Bar within thirty (30) days, if requested.

10. Petitioner further agrees to maintain a current mailing address with The Florida Bar for a period of five (5) years after the disciplinary revocation becomes final. Further, petitioner shall keep the bar advised as to the physical address of petitioner's home and/or business in the event petitioner should utilize a post office box or other type of mail drop service during the five (5) year period after the disciplinary revocation becomes final.

11. Petitioner agrees to eliminate all indicia of petitioner's status as an attorney on email, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia of petitioner's status as an attorney, whatsoever.

12. Petitioner understands that the granting of this petition by the Supreme Court of Florida shall serve to dismiss all pending disciplinary cases.

WHEREFORE, Petitioner respectfully requests that this Court grant this Petition and order that petitioner's membership in The Florida Bar be revoked with leave to seek readmission.

Respectfully submitted,



Shawn Michael Berry
Petitioner
218 S. Summerlin Avenue
Orlando, FL 32801-2936
(689) 808-0584
Florida Bar ID No.: 68228
smberry0584@gmail.com

Dated this 31 day of October, 2023.

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 Joshua E. Doyle, Executive Director, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300 at Jdoyle@floridabar.org; to Shawn Michael Berry, Petitioner, 218 S. Summerlin Avenue, Orlando, FL 32801-2936, via email at smberry0584@gmail.com, and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, via email at

psavitz@floridabar.org, on this 1st day of November, 2023.

Ashley Morrison

Ashley Taylor Morrison
Bar Counsel
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, FL 32801-1050
(407) 425-5424
Florida Bar ID No. 106205
amorrison@floridabar.org
orlandooffice@floridabar.org