

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2019- 66
CASE NO. 19-MC-22968

IN RE: ANDREW BENNETT SPARK
FLORIDA BAR # 899811

FILED BY CW D.C.

Sep 6, 2019

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIA

ORDER OF SUSPENSION

On July 15, 2019, the Supreme Court of Florida entered an Order of Suspension, suspending Andrew Bennett Spark from the practice of law. *See The Florida Bar v. Spark*, No. SC19-1163, 2019 WL 3186831 (Fla. July 15, 2019) (ECF No. 1). The suspension was predicated on a Notice of Determination or Judgment of Guilt, which disclosed that Spark entered a plea of guilty to introduction into or possession of contraband in a county detention facility, a third-degree felony, and soliciting for prostitution, a misdemeanor offence before the Sixth Judicial Circuit in and for Pinellas County, Florida, in which the court withheld adjudication. *See State of Florida v. Andrew Spark*, Case No. 17-15280-CF-D (Fla. 6th Cir. Ct. Feb. 8, 2019). Adjudication was also withheld by the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, following a plea of guilty made by Spark to introduction of contraband to a county facility, a third-degree felony. *See State of Florida v. Andrew B. Spark*, Case No. 17-CF-018394-A (Fla. 13th Cir. Ct. May 15, 2019).

Pursuant to Rule 7(a)(1) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, Local Rules of the United States District Court for the Southern District of Florida, the Clerk served attorney Spark by certified mail with an Order to Show Cause why this

Court should not impose the same discipline, accompanied by the Supreme Court of Florida's Order of Suspension. Spark responded, filing a Response to Order to Show Cause stating that he "does not contest the imposition of the identical interim suspension imposed by the Supreme Court of Florida" and maintains that he has "had no active cases in this Court since 2017." (ECF No. 3). Accompanying the Response is a copy of the entire state record excluding the order appointing the referee.

Rule 7(a) provides that "[u]pon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any court of the United States . . . of any serious crime . . . the Court shall enter an order immediately suspending that attorney." A "serious crime" has been defined by Rule 7(b) to "include any felony."

Given this background, pursuant to Rule 7(a) and (b), and the Court's inherent power to regulate membership in its bar for the protection of the public interest, *see Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) ("[A] federal court has the power to control admission to its bar and to discipline attorneys who appear before it."),

IT IS ORDERED that said attorney be suspended from practice in this Court, effective immediately. The attorney may not resume the practice of law before this Court until reinstated by order of this Court. *See* Rule 12(a). The Clerk of Court shall strike this attorney from the roll of attorneys eligible to practice in the United States District Court for the Southern District of Florida and shall also immediately revoke the attorney's CM/ECF password.

IT IS FURTHER ORDERED by this Court that said attorney advise the Clerk of Court of

all pending cases before this Court in which he is counsel or co-counsel of record.

IT IS FURTHER ORDERED by this Court that the Clerk of Court attempt to serve by certified mail a copy of this Order of Suspension upon the attorney at his court record and Florida Bar addresses.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 5th day of September, 2019.


K. MICHAEL MOORE
UNITED STATES CHIEF DISTRICT JUDGE

c: All South Florida Eleventh Circuit Court of Appeals Judges
All Southern District Judges
All Southern District Bankruptcy Judges
All Southern District Magistrate Judges
United States Attorney
Circuit Executive
Federal Public Defender
Clerks of Court – District, Bankruptcy and 11th Circuit
Florida Bar and National Lawyer Regulatory Data Bank
Library
Andrew Bennett Spark