

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

ROBERT PHILIP TUERK,

Respondent.

Supreme Court Case
No.

The Florida Bar File
No. 2017-90,037(OSC)

**THE FLORIDA BAR'S PETITION FOR CONTEMPT AND ORDER TO
SHOW CAUSE**

Petitioner, The Florida Bar, files this, its Petition for Contempt and Order to Show Cause and requests disbarment against respondent, Robert Philip Tuerk, and says:

1. In Florida Supreme Court Case No. SC16-983 [TFB File No. 2016-90,087(OSC)], by order dated August 31, 2016, respondent was suspended for three years, effective immediately.
2. In the order of suspension, respondent was ordered to comply with Rule 3-5.1(h), Rules Regulating The Florida Bar, by notifying his clients, opposing counsel and tribunals of his suspension and providing The Florida Bar within 30 days of his suspension a sworn affidavit listing the names and addresses of all persons and entities that were furnished a copy of his suspension order.

3. The Florida Bar notified respondent of the conditions associated with his suspension by letter dated September 9, 2016, to his record bar address, specifically the requirement that he submit the sworn affidavit pursuant to Rule 3-5.1(h), Rules Regulating The Florida Bar. See, September 9, 2016, letter from The Florida Bar to respondent attached hereto as “Exhibit A.”

4. On October 6, 2016, The Florida Bar notified respondent of his noncompliance with the conditions of his suspension to his record bar address and email, specifically his failure to submit the sworn affidavit pursuant to Rule 3-5.1(h). See, October 6, 2016, letter and email from The Florida Bar to respondent attached hereto as “Composite Exhibit B.”

5. Respondent has not submitted the required affidavit containing a list of persons/entities to which he gave notice of his suspension and provided a copy of his order of suspension.

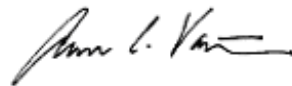
6. Consequently, The Florida Bar is unaware whether respondent notified any clients, opposing counsel and tribunals of his suspension pursuant to Rule 3-5.1(h).

7. Due to respondent’s non-compliance with this Court’s order dated August 31, 2016, The Florida Bar was obligated to file this Petition for Contempt for noncompliance.

8. The other members of The Florida Bar should not have to pay for respondent's noncompliance with this Court's order and the instant proceeding. Therefore, the Bar is requesting administrative costs of \$1,250.00 against respondent.

WHEREFORE, petitioner, The Florida Bar, respectfully requests this Court enter its order directing respondent, Robert Philip Tuerk, to show cause why he should not be held in contempt and be disbarred, comply with the terms of the Court's order in SC16-983 prior to applying for readmission, and assess costs in the amount of \$1,250.00 to The Florida Bar.

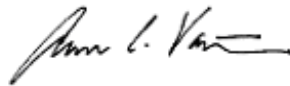
Respectfully submitted,



Arne Carl Vanstrum, Bar Counsel
The Florida Bar
Headquarters
651 East Jefferson Street
Tallahassee, Florida 32399-2300
(850) 561-5839
Florida Bar No. 865771
avanstru@flabar.org

CERTIFICATE OF SERVICE

I certify that this document has been Efiled with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the Efiling Portal; with a copy furnished by United States Mail via certified mail no. 7016 0750 0000 3623 5948, return receipt requested, to Respondent, Robert Philip Tuerk, at his record bar address of PO Box 42711, Philadelphia, PA 19101-2711, and by email to attorneytuerk@comcast.net; and copy to Adria E. Quintela, Staff Counsel, at her designated email address of aquintel@flabar.org, on this 17th day of January, 2017.



Arne Carl Vanstrum, Bar Counsel

NOTICE OF DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that bar counsel in this matter is Arne Carl Vanstrum, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Headquarters, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, (850) 561-5839 and avanstru@flabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than bar counsel and to Staff Counsel, The Florida Bar, Lakeshore Plaza II, Suite 130, 1300 Concord Terrace, Sunrise, Florida 33323, aquintel@flabar.org.



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

John F. Harkness, Jr.
Executive Director

850/561-5600
www.FLORIDABAR.org

September 9, 2016

Mr. Robert Philip Tuerk
PO Box 42711
Philadelphia, PA 19101-2711

Re: The Florida Bar v. Robert Philip Tuerk; Supreme Court Case No.: SC16-983
The Florida Bar File No.: 2016-90,087(OSC)

Dear Mr. Tuerk:

Pursuant to the order of the Supreme Court of Florida dated August 31, 2016, you were suspended from the practice of law for a period of three years, effective immediately. You were further directed to comply with the terms of the Court's order in SC15-2253 prior to petitioning for reinstatement. The filing of a motion for rehearing does not alter the effective date of the suspension. Because the suspension is for a period of time greater than 90 days, you must petition for reinstatement after the suspension has ended, if you wish to resume the practice of law in Florida. Rule 3-7.10 outlines the procedure and considerations for reinstatement. The court's order also assessed costs in the amount of \$1,250.00. Your costs are due in this office no later than October 17, 2016. A Failure to Pay Notice providing important information relating to cost assessments is enclosed. If you are interested in being on a payment plan, and you qualify under the Delinquent Costs paragraph in the attached Failure to Pay Notice, please contact our office immediately.

You must follow the provisions of Rule 3-5.1(h). A copy of the order must be provided to clients, opposing counsel, and certain courts, and you must provide an affidavit to us verifying that this has been done. A form affidavit is enclosed. Please note, providing a copy of the order to the clerk's office does not satisfy this rule. You must provide a copy of the order to the presiding judge. The executed affidavit must be provided to this office within 30 days of the court order **to wit:** September 30, 2016. If you had no clients or pending matters at the time the order was served in this case, the affidavit should so state. Should you accept employment with a Florida lawyer or law firm, additional requirements apply. Please see Rule 3-6.1 in this respect. In order to avoid the appearance of being a lawyer in good standing, you must eliminate all indicia of attorney status (telephone listings, stationery, checks, business cards, office signs, etc.).

Exhibit A

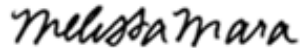
Robert Philip Tuerk

September 9, 2016

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I will be your contact person at The Florida Bar for issues relating to compliance with the court's order and may be contacted at (850) 561-5776 should there be any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Melissa Mara". The signature is written in a cursive, slightly slanted style.

Melissa M. Mara, CP, FRP
Certified Paralegal
Lawyer Regulation Headquarters

/mmm

Enclosures—Failure to Pay Notice, 3-5.1(h) affidavit

FAILURE TO PAY NOTICE

The Supreme Court of Florida has entered an order assessing costs, fees, imposing fee arbitration and/or restitution obligations. The requirements of this order create certain obligations of which you should be aware.

Making Payment

Please send checks or money orders made payable to "The Florida Bar" to the attention of Lisa F. Chason, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300. Please place The Florida Bar file number on the check so we may extend proper credit for the payment.

Credit card payments are also accepted by submission of the enclosed credit card form. The entire balance must be paid; no partial payment will be accepted.

Delinquent Costs

Costs are deemed delinquent unless they are paid within 30 days after the recommendation becomes final. The time for payment may be extended by The Board of Governors (hereafter the Board) for good cause shown. In order for the Board to approve an extension of time a payment plan must be requested and certain financial information disclosed. Ordinarily payment plans are not approved unless extreme financial hardship is proven through financial affidavits that include a statement of assets and liabilities.

Delinquent Fee Arbitration Award(s)

Fee arbitration awards are deemed delinquent unless paid within 30 days after the award becomes final.

Delinquent Restitution

Restitution is deemed delinquent unless it is made within the time frame and in the manner provided by the recommendation or the agreement imposing the obligation.

Effect of Delinquency

If costs, restitution or fee arbitration awards become delinquent, you will be deemed a delinquent member of The Florida Bar and as such will not be entitled to practice law in Florida until such time as the delinquency is cured. Cure of the delinquency will include making payment of all required obligations, providing proof of payment, filing a petition for removal of delinquency status and payment of a \$150.00 reinstatement fee. Thereafter the petition will be reviewed and, if appropriate, the delinquency will be removed.

Lapse of Membership Status

Any member who remains delinquent for a period of five years or longer will lose bar membership. A member whose membership has lapsed may return to the practice of law in Florida only through application to the Florida Board of Bar Examiners, which will include taking and passing the bar examination and successful completion of the character and fitness evaluation.

Maintaining Contact

There may be important information that we need to communicate after the recommendation becomes final. For this reason, it is important to maintain an accurate mailing address, telephone number and other contact information. In fact, The Rules Regulating The Florida Bar mandate that all members of The Florida Bar keep current contact information on file.

If you have any questions about these issues please feel free to contact Lisa F. Chason by telephone at (800) 342-8060, ext. 3186.

STATE OF _____
COUNTY OF _____

AFFIDAVIT

I, Robert Philip Tuerk, after being duly sworn, say:

This affidavit is submitted pursuant to Rule 3-5.1(h) of the Rules of Discipline in conjunction with the decision in The Florida Bar v. Robert Philip Tuerk, SC16-983; The Florida Bar File No. 2016-90,087(OSC).

1. _____ I had no clients(s) or matter(s) pending at the time of the order directing me to cease the practice of law.

OR

2a. _____ I have furnished a copy of the court order to all my clients with matters pending when the court order was served on me; and

2b. _____ To all opposing counsel and co-counsel in the matters listed in 2a. above; and

2c. _____ To all courts, tribunals, or adjudicative agencies before which I am counsel of record.

AND

3. _____ I have notified all state (other than The Florida Bar), federal and local bars of which I am a member.

4. _____ The names and addresses of all persons and entities that have been furnished with such notification are indicated on the attached list (Exhibit A), and such is a complete listing of all persons and entities notified pursuant to this rule.

FURTHER AFFIANT SAYETH NOT.

Robert Philip Tuerk

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20__.

Notary Public

Print/type/stamp commission name of notary

Personally known to me or produced the following identification: _____

Return to:
Melissa M. Mara, CP, FRP
Certified Paralegal
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

John F. Harkness, Jr.
Executive Director

850/561-5600
www.FLORIDABAR.org

October 6, 2016

Sent via email to attorneytuerk@comcast.net and regular U.S. mail

Mr. Robert Philip Tuerk
PO Box 42711
Philadelphia, PA 19101-2711

Re: The Florida Bar v. Robert Philip Tuerk; Supreme Court Case No.: SC16-983
The Florida Bar File No. 2016-90,087(OSC)

Dear Mr. Tuerk:

The Florida Bar has not received your affidavit in compliance with Rule 3-5.1(h) as ordered by The Florida Supreme Court. Therefore, you are not in compliance with the terms and conditions of the above-referenced court order.

You were previously notified of this rule by our Lawyer Regulation - Headquarters office on September 9, 2016. A second form affidavit is enclosed for your convenience in fulfilling the requirements of this rule that should be sent directly to my attention at the above address within ten (10) days from the date of this letter. *If you fail to comply with this request, The Florida Bar will file a Petition for Contempt and Order to Show Cause.*

YOUR PROMPT ATTENTION IS REQUIRED.

Sincerely,

Arne Carl Vanstrum, Associate Director
Lawyer Regulation Headquarters

ACV/mmm

Enclosure - 3-5.1(h) Affidavit

Composite Exhibit B

STATE OF _____
COUNTY OF _____

AFFIDAVIT

I, Robert Philip Tuerk, after being duly sworn, say:

This affidavit is submitted pursuant to Rule 3-5.1(h) of the Rules of Discipline in conjunction with the decision in The Florida Bar v. Robert Philip Tuerk, SC16-983; The Florida Bar File No. 2016-90,087(OSC).

1. _____ I had no client(s) or matter(s) pending at the time of the order directing me to cease the practice of law.

OR

2a. _____ I have furnished a copy of the court order to all my clients with matters pending when the court order was served on me; and

2b. _____ To all opposing counsel and co-counsel in the matters listed in 2a. above; and

2c. _____ To all courts, tribunals, or adjudicative agencies before which I am counsel of record.

AND

3. _____ I have notified all state (other than The Florida Bar), federal and local bars of which I am a member.

4. _____ The names and addresses of all persons and entities that have been furnished with such notification are indicated on the attached list (Exhibit A), and such is a complete listing of all persons and entities notified pursuant to this rule.

FURTHER AFFIANT SAYETH NOT.

Robert Philip Tuerk

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20__.

Notary Public

Print/type/stamp commission name of notary

Personally known to me or produced the following identification: _____

Return to:
Melissa M. Mara, CP, FRP
Certified Paralegal
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

Received Thu 10/06/2016 6:43AM
From Mara, Melissa M
Subject TFB File No. 2016-90,087(OSC)/SC16-983
To attorneytuerk@comcast.net
cc
bcc

Tuerk 10-6-16.pdf

Dear Mr. Tuerk:

Attached is a letter regarding your noncompliance with the court's order in the above referenced matter. Your prompt attention is required.

Sincerely,

Melissa M. Mara, CP, FRP
Certified Paralegal
Lawyer Regulation
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399
Tel: (850) 561-5776
Fax: (850) 561-9403
mmara@floridabar.org