

Report 3
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IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

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THE FLORIDA BAR,
Complainant,
v.
MARK S. LEVINE,
Respondent.

CONFIDENTIAL
Case No. 68,459
(TFB No. 02-86N34)

REPORT OF THE REFEREE

I. Summary of Proceedings

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to The Florida Bar Integration Rule, article XI, the following occurred:

On March 12, 1986, Respondent submitted a Conditional Guilty Plea for Consent Judgment. On March 13, 1986, the parties submitted a Joint Recommendation as to Discipline. The aforementioned pleadings and this report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. Findings of Fact as to Each Item of Misconduct of Which Respondent is Charged

I find that:

1. Respondent pled guilty to the misdemeanor of personal use of cocaine on September 30, 1985.

2. On November 7, 1985, the court adjudicated Respondent guilty of the misdemeanor of personal use of cocaine and sentenced him to two years probation, fined him \$5,000 and required him to perform 100 hours of legal services for the poor.

3. By reason of the foregoing, Respondent has violated Disciplinary Rule 1-102(A)(6) (a lawyer shall not engage in conduct that adversely reflects on his fitness to practice law).

III. Recommendations as to Whether Respondent Should Be Found Guilty

I recommend that Respondent be found guilty of violating Disciplinary Rule 1-102(A)(6) (a lawyer shall not engage in conduct that adversely reflects on his fitness to practice law).

IV. Recommendation as to Disciplinary Measures to be Applied

I recommend that Respondent be disciplined by:

A) A public reprimand to be administered by the Supreme Court of Florida with an appearance before the Board of Governors.

B) Payment of costs in these proceedings totaling \$150.00.

V. Personal History and Past Disciplinary Record

Prior to recommending discipline pursuant to article XI, Rule 11.06(9)(a)(4), I considered the following personal history of Respondent, to wit:

Age: 34 years old

Date admitted to the Bar: September 11, 1978

Prior Discipline: None

VI. Statement of Costs and Manner in Which Costs Should be Taxed

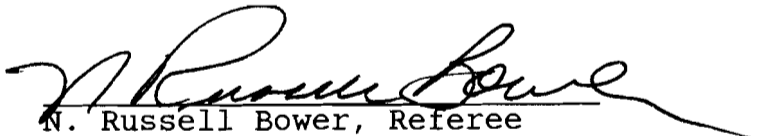
I find the following costs were reasonably incurred by The Florida Bar:

A) Grievance Committee Level

1. Administrative Costs	<u>\$150.00</u>
Total	\$150.00

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this 22 day of July, 1986.


N. Russell Bower, Referee

Copies to: James N. Watson, Jr., Staff Counsel of The Florida Bar
Mark S. Levine, Respondent

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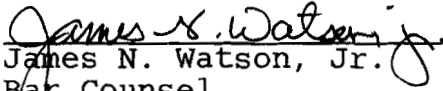
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STIPULATION

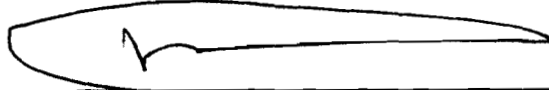
COMES NOW, The Florida Bar, Complainant, together with MARK S. LEVINE, Respondent, by and through undersigned counsel and says:

1. The parties agree that a hearing before the Referee is unnecessary in that a Conditional Guilty Plea for Consent Judgment and Joint Recommendation as to Discipline were submitted by the parties which set forth the facts in the controversy.
2. Under these circumstances there are no facts in dispute which require a hearing before the Referee. All that remains for determination in the matter is the Referee's recommendation to the Board of Governors on his findings in the above-styled matter.

WHEREFORE, Respondent and Complainant hereby jointly submit this stipulation to the Court for its consideration and approval.



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