

IN THE SUPREME COURT OF FLORIDA  
(Before a Grievance Committee)

THE FLORIDA BAR,  
  
Complainant,

The Florida Bar File  
No. 2024-70,110 (11C)

v.

MARK AARON SOBOCIENSKI,  
  
Respondent.

\_\_\_\_\_/

**GRIEVANCE COMMITTEE FINDING OF NON-COMPLIANCE,**  
**FAILURE TO COMPLY WITH A SUBPOENA DUCES TECUM AND**  
**FAILURE TO RESPOND TO OFFICIAL BAR INQUIRY AND**  
**CONTEMPT**

On December 11, 2023, pursuant to Rule 3-7.11(f), Rules Regulating The Florida Bar, the Eleventh Judicial Circuit Grievance Committee "C" considered whether to issue a Finding of Non-Compliance, Failure to Comply with a Subpoena Duces Tecum and Failure to Respond to Official Bar Inquiry and Finding of Contempt and made the following findings:

1. On August 28, 2023, The Florida Bar sent Respondent a letter via email advising of a complaint in this case and was requested to respond by September 12, 2023. A copy of the letter is attached hereto as "Exhibit A".
2. Respondent failed to respond to The Florida Bar as requested in the letter of August 28, 2023.

EXHIBIT  
1

3. On September 26, 2023, Respondent was served with a subpoena duces tecum and requested to provide the documents by the fifteenth (15th) day following service of the subpoena. A copy of the subpoena duces tecum is attached hereto as "Exhibit B".

4. Respondent failed to provide the documents requested in the subpoena.

5. On September 28, 2023, Respondent was sent another letter, via email, advising of a complaint in this case and was requested to respond by October 9, 2023. A copy of the letter is attached hereto as "Exhibit C".

6. Respondent failed to respond to The Florida Bar as requested in the letter of September 28, 2023.

7. Respondent was given notice that on December 11, 2023, the Eleventh Judicial Circuit Grievance Committee "C" would hold a hearing on the Request for Issuance of Notice of Non-Compliance and Finding of Contempt. Respondent was provided the opportunity to provide a written statement to the grievance committee by no later than December 8, 2023. A copy of the letter sent to Respondent dated November 27, 2023 and the Renewed Request for Issuance of Notice of Non-Compliance and Finding of Contempt, without exhibits, are attached as "Exhibit D".

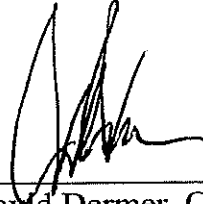
8. Respondent made no response to the Request for Issuance of Notice of Non-Compliance and Finding of Contempt.

9. The Grievance Committee found that Respondent failed to show good cause for failing to respond to the official Bar inquiries and subpoena duces tecum and that the non-compliance was willful.

10. The Grievance Committee found Respondent to be in contempt and requested The Florida Bar to file a Petition for Contempt and Order to Show Cause with the Supreme Court.

Dated this 15<sup>th</sup> day of December, 2023.

Eleventh Judicial Circuit Grievance  
Committee "C"



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David Dermer, Chair

### **CERTIFICATE OF SERVICE**

I certify that this document has been furnished to Mark Aaron Sobocienski, Respondent, via e-mail to [mark@sobolawfirm.com](mailto:mark@sobolawfirm.com), and to Sabrina Vora-Puglisi, Designated Reviewer, via email at [puglisilawfirm@gmail.com](mailto:puglisilawfirm@gmail.com), and to Patricia Ann Toro Savitz, Staff Counsel, via e-mail at [psavitz@floridabar.org](mailto:psavitz@floridabar.org), this 14th day of December, 2023.



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William W. Chung, Bar Counsel



## The Florida Bar

Miami Branch Office  
444 Brickell Avenue  
Rivergate Plaza, Suite M-100  
Miami, Florida 33131-2404  
(305) 377-4445

Joshua E. Doyle  
Executive Director

850/561-5600  
www.FLORIDABAR.org

August 28, 2023

Via Email to [mark@sobolawfirm.com](mailto:mark@sobolawfirm.com)

Mark Aaron Sobocienski, Esq.  
170 SE 14th Street, Penthouse 7  
Miami, FL 33131-3352

**Re: Complaint of Michelle Olivera against Mark Aaron Sobocienski  
The Florida Bar File No. 2024-70,110 (11C)**

Dear Mr. Sobocienski:

The attached inquiry/complaint and supporting documents, if any, submitted by the above-referenced complainant require your response pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Your response is due in our office by **September 12, 2023**. Also, please furnish the complainant with a complete copy of your written response and any documents submitted. Please review the enclosed Notice of Grievance Procedures regarding submitting your response.

Pursuant to Rule 3-7.1(f), you are required to complete and return the enclosed Certificate of Disclosure form.

Please note that the filing of this complaint does not preclude communication between the attorney and the complainant.

Sincerely,

William W. Chung  
Bar Counsel

WWC:nb

Enclosures (Certificate of Disclosure, Notice of Grievance Procedures, Copy of Complaint)  
cc: Michelle Olivera, Complainant – via email to [michiolivera@me.com](mailto:michiolivera@me.com)

EXHIBIT  
**A**

Pursuant to Rule 3-7.1(f) of the Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

#### **CERTIFICATE OF DISCLOSURE**

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a true copy of the foregoing disclosure was furnished to \_\_\_\_\_, a member of my present law firm of \_\_\_\_\_, and/or to \_\_\_\_\_, a member of the law firm of \_\_\_\_\_, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2024-70,110 (11C).

\_\_\_\_\_  
Mark Aaron Sobocienski

#### **CERTIFICATE OF DISCLOSURE** (Corporate/Government Employment)

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a true copy of the foregoing disclosure was furnished to \_\_\_\_\_, my supervisor at \_\_\_\_\_ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2024-70,110 (11C).

\_\_\_\_\_  
Mark Aaron Sobocienski

#### **CERTIFICATE OF NON-LAW FIRM AFFILIATION** (Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2024-70,110 (11C).

\_\_\_\_\_  
Mark Aaron Sobocienski

## **NOTICE OF GRIEVANCE PROCEDURES**

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).
2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.
4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.
5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.



## The Florida Bar

Miami Branch Office  
444 Brickell Avenue  
Rivergate Plaza, Suite M-100  
Miami, Florida 33131-2404  
(305) 377-4445

Joshua E. Doyle  
Executive Director

850/561-5600  
[www.FLORIDABAR.org](http://www.FLORIDABAR.org)

August 28, 2023

**Via Email to [michiolivera@me.com](mailto:michiolivera@me.com)**

Michelle Olivera  
1714 Victoria Pointe Circle  
Weston, FL 33327

**Re: Complaint by Michelle Olivera against Mark Aaron Sobocienski  
The Florida Bar File No. 2024-70,110 (11C)**

Dear Ms. Olivera:

Enclosed is a copy of our letter to Mr. Sobocienski which requires a response to your complaint.

Once you receive Mr. Sobocienski's response, you have 10 days to file a rebuttal if you so desire. **If you decide to file a rebuttal, you must send a copy to Mr. Sobocienski.** Please address all correspondence to me and send a copy to Mr. Sobocienski.

**It is important that you keep The Florida Bar informed of any changes to your contact information.**

Please be advised that, as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys and, where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter.

Sincerely,

William W. Chung  
Bar Counsel

WWC:nb

Enclosures (Copy of Letter to Mr. Sobocienski with Notice of Grievance Procedures)

cc: Mark Aaron Sobocienski, Respondent - via email to [mark@sobolawfirm.com](mailto:mark@sobolawfirm.com)

**IN THE SUPREME COURT OF FLORIDA  
(Before a Grievance Committee)**

**THE FLORIDA BAR,**

**Subpoena Duces Tecum  
(APPEARANCE NOT REQUIRED)**

**IN RE: CONFIDENTIAL PROCEEDING BY  
THE FLORIDA BAR UNDER THE RULES OF  
DISCIPLINE.**

**The Florida Bar File  
No. 2024-70,110(11C)**

\_\_\_\_\_/

TO: Mark Aaron Sobocienski  
170 SE 14th Street, Penthouse 7  
Miami, FL 33131-3352  
[mark@sobolawfirm.com](mailto:mark@sobolawfirm.com)

**YOU ARE HEREBY COMMANDED** to produce by regular U.S. Mail to Carl Totaro, Branch Auditor, at The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, or by email to [ctotaro@floridabar.org](mailto:ctotaro@floridabar.org), by the **fifteenth (15<sup>th</sup>) day following service of this subpoena**, the following unredacted documents:

1. For any trust account in which you have a signatory capacity and any other bank account in which the funds pertaining to clients were placed **for the period beginning February 1, 2023 through August 31, 2023**, you are compelled to produce the unredacted documents itemized below for those account(s). Please note: That if any entrusted monies that belonged in trust, have been deposited in any non-trust account (such as operating or personal) during this period of time, you are also compelled to produce the unredacted documents itemized below for that account(s) as well.
  - a. Unredacted copies of bank statements,
  - b. Canceled checks (front and back),
  - c. Detailed wire transfers (incoming & outgoing) in addition to basic wire information captured on bank statements,
  - d. Detailed electronic fund transfers (incoming & outgoing),
  - e. Cashier's checks issued with supporting documentation,
  - f. Bank deposit slips,

EXHIBIT

**B**



- g. Cash receipts and disbursements journal, **Note:** A separate cash receipts and disbursements journal, including columns for receipts, disbursements, transfers, and the account balance and containing at least: (A) the identification of the client or matter for which funds were received, disbursed, or transferred; (B) the date on which all trust funds were received, disbursed, or transferred; (C) the check number for all disbursements; and (D) the reason for which all trust funds were received, disbursed, or transferred. A cash receipts and disbursements journal is a chronological record of all activity going into and out of the trust bank account for all matters.
- h. All client ledgers (active and closed with activity or a balance), **Note:** Client ledger cards reflecting the transaction details (date, amount and reason) of all funds received/deposited, all funds disbursed and/or transferred to the client, all funds disbursed to third-parties, all funds disbursed or transferred for attorney fees/costs, and the unexpended balance in trust regarding each Client matter. A client ledger reflects transactions for a specific client or matter, and shows the balance for a specific client or matter.
- i. Monthly bank reconciliations, **Note:** Reconciliations of all trust bank or savings and loan association accounts, disclosing the balance per bank, deposits in transit, outstanding checks identified by date and check number, and any other items necessary to reconcile the balance per bank with the balance per the checkbook and the cash receipts and disbursements journal.
- j. Monthly comparisons, **Note:** It is a comparison between the total of the reconciled balances of all trust accounts and the total of the trust ledger cards or pages, together with specific descriptions of any differences between the 2 totals and reasons for these differences.
- k. All executed HUD-1 statements with settlement statement balance sheets for all real estate transactions,
- l. All closing statements from any type of case,
- m. All retainer and/or fee agreements,
- n. All documentary evidence supporting all trust disbursements, transfers and receipts.
- o. A copy of the law firm written plan in place for supervision and compliance for each of the firm's trust account(s).

In addition, provide copies of the following:

2. A written response to the complaint by Michelle Olivera and any additional documents that support your written response.

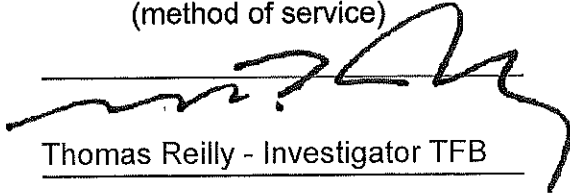
If you have any questions regarding this matter, please contact Carl Totaro at The Florida Bar (954) 835-0233, extension 4138.

Dated this 21<sup>st</sup> day of September, 2023.

**RETURN OF SERVICE**

I CERTIFY that the foregoing  
subpoena was served this 26th  
day of September, 2023, by  
Via email to: mark@sobolawfirm.com

(method of service)



Thomas Reilly - Investigator TFB

(Signature and Title of Person  
Making Service)

**THE FLORIDA BAR**

**Grievance Committee 11"C"**



DAVID DERMER, CHAIR

Rule 3-7.4(h) Rights and Responsibilities of the Respondent. The respondent may be required to testify and to produce evidence as any other witness unless the respondent claims a privilege or right properly available to the respondent under applicable federal or state law. The respondent may be accompanied by counsel. At a reasonable time before any finding of probable cause or minor misconduct is made, the respondent shall be advised of the conduct which is being investigated and the rules that may have been violated. The respondent shall be provided with all materials considered by the committee and shall be given an opportunity to make a written statement, sworn or unsworn, explaining, refuting, or admitting the alleged misconduct.

Rule 3-7.4(i) Right of the Complaining Witness. The complaining witness is not a party to the disciplinary proceeding. Unless found to be impractical by the chair of the grievance committee due to unreasonable delay or other good cause, the complainant shall be granted the right to be present at any grievance committee hearing when the respondent is present before the committee. Neither unwillingness nor neglect of the complaining witness to cooperate, nor settlement, compromise, or restitution will excuse the completion of an investigation. The complaining witness shall have no right to appeal.

Rule 3-7.11(d)(7) Contempt. Any persons who without adequate excuse fail to obey such a subpoena served upon them may be cited for contempt of this court in the manner provided by this rule.

[IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH DISABILITIES NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT WILLIAM W. CHUNG, BAR COUNSEL AT 305-377-4445 NOT LATER THAN 7 DAYS PRIOR TO THE PROCEEDING].



## The Florida Bar

Miami Branch Office  
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Joshua E. Doyle  
Executive Director

850/561-5600  
www.FLORIDABAR.org

September 28, 2023

VIA E-Mail to [mark@sobolawfirm.com](mailto:mark@sobolawfirm.com)

Mr. Mark Aaron Sobocienski  
170 SE 14th Street, Ph 7  
Miami, FL 33131-3352

Re: Complaint of Michelle Olivera against Mark Aaron Sobocienski  
The Florida Bar File No. 2024-70,110(11C)

Dear Mr. Sobocienski:

Enclosed you will find correspondence dated August 28, 2023, requiring a response. Please be advised that a written response is required pursuant to Rule 4-8.4(g) of the Rules Regulating The Florida Bar, and a response has not been received.

If a response is not received by **October 9, 2023**, this matter will be forwarded to the grievance committee for further investigation.

Sincerely,

William W. Chung  
Bar Counsel

WWC:nb  
Enclosure  
cc: Michelle Olivera, Complainant

EXHIBIT  
C



## The Florida Bar

Miami Branch Office  
444 Brickell Avenue  
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Joshua E. Doyle  
Executive Director

850/561-5600  
www.FLORIDABAR.org

November 27, 2023

VIA E-Mail to [mark@sobolawfirm.com](mailto:mark@sobolawfirm.com)

Mr. Mark Aaron Sobocienski  
170 SE 14th Street, Ph 7  
Miami, FL 33131-3352

Re: Complaint by Michelle Olivera against Mark Aaron Sobocienski  
The Florida Bar File No. 2024-70,110 (11C)

Dear Mr. Sobocienski:

This letter is to advise you that the Eleventh Judicial Circuit Grievance Committee "C" will consider the above-referenced case, pursuant to Rule 3-7.4 and 3-7.11 of the Rules Regulating The Florida Bar and Rule 5-1.2(i) of the Rules Regulating Trust Accounts. The matter to be heard is the **Renewed Request For Issuance of Notice of Non-Compliance and Finding of Contempt**.

You have the opportunity to make a written statement, sworn or unsworn, explaining, refuting or admitting the alleged misconduct. This statement must be received by me no later than **December 8, 2023**. Pursuant to Rules Regulating The Florida Bar 3-7.4(a), Rules of Discipline, below is a list of the members of Grievance Committee 11"C". There will be no appearances by any party or witnesses in this case.

Sincerely,

William W. Chung  
Bar Counsel

WWC:nf

cc: David Dermer, Chair  
Sabrina Vora-Puglisi, Designated Reviewer

EXHIBIT  
D

## **THE FLORIDA BAR**

Pursuant to the requirements of Rule 3-7.4(a), the following is a list of the members of Grievance Committee 11"C"

David Dermer, Chair  
Joseph P. Matthews, Vice-Chair  
Harry S. Rose (NL)  
Frandlely DeFilie (NL)  
Joey Wendell Brutus (NL)  
Claudia Carrazana-Lavastida, Esq.  
Elizabeth Hughes, Esq.  
Jude M. Faccidomo, Esq.  
Pedro Torres (NL)

IN THE SUPREME COURT OF FLORIDA  
(Before a Grievance Committee)

THE FLORIDA BAR,  
  
Complainant,

The Florida Bar File  
No. 2024-70,110 (11C)

v.

MARK AARON SOBOCIENSKI,  
  
Respondent.

\_\_\_\_\_ /

**RENEWED REQUEST FOR ISSUANCE OF NOTICE OF  
NON- COMPLIANCE AND FINDING OF CONTEMPT**

Pursuant to Rules 3-7.4 and 3-7.11(f)(2), Rules Regulating The Florida Bar and Rule 5-1.2(i) of the Rules Regulating Trust Accounts, the undersigned Bar Counsel requests that on December 11, 2023, the Eleventh Judicial Circuit Grievance Committee "C", hear the issue of whether respondent shall be found in contempt for failure to comply with a subpoena duces tecum, as well as failure to respond to an official Bar inquiry without good cause shown. The undersigned Bar Counsel states the following in support:

1. On August 28, 2023, respondent was sent a letter via email advising of a complaint in this case and was requested to respond by September 12, 2023. A copy of the letter is attached hereto as "Exhibit A".
2. Respondent failed to respond to The Florida Bar as requested in the

letter of August 28, 2023.

3. On September 26, 2023, respondent was served with a subpoena duces tecum and requested to provide the documents by the fifteenth (15th) day following service of the subpoena. A copy of the subpoena duces tecum is attached hereto as "Exhibit B".

4. Respondent failed to provide the documents requested in the subpoena.

5. On September 28, 2023, respondent was sent another letter, via email, advising of a complaint in this case and was requested to respond in ten days to the letter. A copy of the letter is attached hereto as "Exhibit C".

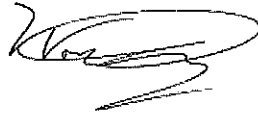
6. Respondent failed to respond to The Florida Bar as requested in the letter of September 28, 2023.

7. As of the date of this Renewed Request for Issuance of Notice of Non-Compliance and Finding of Contempt, the respondent has willfully failed to comply with the subpoena served on him on September 26, 2023, as well as having failed to respond to an official Bar inquiry without good cause.

WHEREFORE, the undersigned Bar Counsel respectfully requests that this Grievance Committee issue its findings as to whether respondent should be found in contempt for failure to comply with a subpoena duces tecum, as well as failure to respond to an official Bar inquiry without good cause shown.



Respectfully submitted,



William Wonil Chung, Bar Counsel  
The Florida Bar  
Miami Branch Office  
444 Brickell Avenue  
Rivergate Plaza, Suite M-100  
Miami, Florida 33131-2404  
(305) 377-4445  
Florida Bar No. 1010397  
[wchung@floridabar.org](mailto:wchung@floridabar.org)

**CERTIFICATE OF SERVICE**

I certify this document has been furnished via email to respondent, Mark Aaron Sobocienski, at [mark@sobolawfirm.com](mailto:mark@sobolawfirm.com); and via email to David Dermer, Chair at [daviddermer1@gmail.com](mailto:daviddermer1@gmail.com); Sabrina Vora-Puglisi, Designated Reviewer, at [puglisilawfirm@gmail.com](mailto:puglisilawfirm@gmail.com) and to Patria Ann Toro Savitz, Staff Counsel, at [psavitz@floridabar.org](mailto:psavitz@floridabar.org), dated this 27th day of November, 2023.



William Wonil Chung  
Bar Counsel