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February 13, 2002

Certified RRR and Regular Mail

Michael A. Mark, Esq.
459 Lafayette Avenue
Hawthorne, New Jersey 07506

RE: In the Matter of Michael A. Mark
Docket No. DRB 01-425
ADMONITION BY CONSENT

Dear Mr. Mark:

The Disciplinary Review Board reviewed the motion for discipline by consent (admonition) filed by the Office of Attorney Ethics (OAE) in the above matter. Following a review of the record, the Board determined to grant the motion and to issue a letter of admonition. Specifically, the Passaic County Board of Social Services notified the OAE that a \$1,500 check from your trust account was returned for insufficient funds. A subsequent select audit of your books and records revealed that you had negligently misappropriated client trust funds between April 1997 and August 1999, as a result of your failure to follow proper recordkeeping procedures. The misappropriation occurred when you erroneously withdrew a legal fee in the amount of \$4,332.90, failed to reimburse the trust account for bank service charges in the amount of \$114.89, mistakenly advanced client costs in the amount of \$350 from the trust account, instead of the business account, and failed to reconcile the account on a quarterly basis. The audit also disclosed several recordkeeping violations.

In imposing only an admonition, the Board considered that you promptly replaced the trust funds required to be on deposit and hired a CPA to reconstruct your trust records, correct all recordkeeping deficiencies and ensure that all client funds were on deposit.

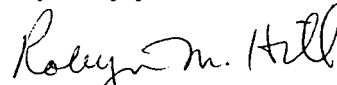
I/M/O Michael A. Mark
DRB 01-425

Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R.1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An affidavit of costs will be forwarded under separate cover.

Very truly yours,


Robyn M. Hill

RMH:ms

- c. Chief Justice Deborah T. Poritz
- Associate Justices
- Stephen W. Townsend, Clerk, Supreme Court of New Jersey
- Rocky L. Peterson, Chair, Disciplinary Review Board
- David E. Johnson, Jr., Director, Office of Attorney Ethics