

**IN THE SUPREME COURT OF FLORIDA
(Before a Referee)**

THE FLORIDA BAR,

CASE NO. SC09-1022

Complainant,

TFB NO. 2008-10,926 (13B)

v.

MARC EDWARD YONKER,

Respondent.

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as Referee to conduct these proceedings according to the Rules Regulating the Florida Bar on June 23, 2009, the parties entered into a Stipulation regarding the dismissal of this case without prejudice. The pleadings, which are forwarded to the Supreme Court of Florida with this Report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar – Henry Lee Paul
For the Respondent – Donald A. Smith

II. Findings of Fact: After considering the pleadings before me, pertinent portions of which are commented on below, I find:

a) The Florida Bar commenced this action following a Complaint seeking to discipline Respondent for violation of the Rules Regulating The Florida Bar on or about August 1, 2008.

b) Respondent, Mark Edward Yonker, and Complainant, The Florida Bar, submitted a Stipulation For Dismissal Without Prejudice.

III. Recommendation: Based upon the Stipulation entered into between the parties, I recommend that the Stipulation be accepted by this Court and that this matter be dismissed without prejudice.

Dated this 4th day of November, 2009.

The Honorable Donald E. Horrox, Referee
14250 49th Street North, Chamber 23
Clearwater, Florida 33762

Original to:

The Honorable Donald E. Horrox, Referee, 14250 49th Street North, Chamber 23,
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