IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

DREW MARK LEVITT,

Respondent.

_____/

Supreme Court Case No. SC2025-0451

The Florida Bar File Nos. 2023-50,626(17J) 2023-50,668(17J)

AMENDED CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

The undersigned respondent, Drew Mark Levitt, files this Amended Conditional Guilty Plea for Consent Judgment under R. Regulating Fla. Bar 3-7.9.

1. Respondent is, and at all times relevant to this matter was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida and the Rules Regulating The Florida Bar.

2. Respondent is acting freely and voluntarily in this matter and tenders this plea without fear or threat of coercion. Respondent is represented in this matter.

3. On May 16, 2025, a consent judgement was submitted to the Court. On October 29, 2025, the Court disapproved the consent judgment

indicating that it would accept a 3-year consent judgment. The parties are hereby providing an Amended Consent Judgment to the referee for review and approval.

4. As to Florida Bar File No. 2023-50,626(17J), respondent waives the right to a probable cause hearing before a grievance committee and stipulates to a finding of probable cause in reference to this matter.

5. As to Florida Bar File No. 2023-50,668(17J), respondent waives the right to a probable cause hearing before a grievance committee and stipulates to a finding of probable cause in reference to this matter.

6. The disciplinary measures to be imposed on respondent are:

Suspension from the practice of law for three (3) years, effective 30 days from the date of the Supreme Court of Florida's order approving the consent judgment so that the respondent can close out respondent's practice and protect the interests of existing clients.

A. On entry of the Court's order, respondent must immediately:

1) accept no new clients from the date of the order;

2) initiate no litigation on behalf of clients from the date of the order;

3) provide a copy of the suspension order to all courts, tribunals, or adjudicative agencies before which the respondent is counsel of record; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; and all opposing counsel, as required by Rule 3-5.1(h);

4) provide a copy of the suspension order to all banks and financial institutions where respondent maintains any account holding funds of clients or third parties in respondent's possession in connection with representation; and

5) comply with, and provide all documents and testimony responsive to, a subpoena from the bar for trust account records and any related documents necessary for the bar to conduct a trust account audit.

B. Within 30 days from the date of the Court's order, respondent must:

1) cease all practice of law in Florida;

2) cease holding respondent out as a Florida Bar member or lawyer and eliminate all indicia of the respondent's status as a Florida Bar member or lawyer on websites, social media, telephone listings, stationery, checks, business cards, office signs, email address, and any other indicia of respondent's status as a Florida Bar member or lawyer;

3) withdraw from representation of all clients;

4) wind down all pending matters;

5) cease withdrawing or disbursing any money from any trust account or other financial institution account holding funds of clients or third parties in

respondent's possession in connection with legal representation;

6) not transfer any ownership of any real or personal property purchased in whole or in part with funds of clients or third parties in connection with legal representation;

7) provide the bar's headquarters office in Tallahassee with an affidavit listing all of the following that respondent notified of the suspension order: all courts, tribunals, or adjudicative agencies of which respondent is a member; all state, federal, or administrative bars of which respondent is a member; all clients; all co-counsel; all opposing counsel; and each bank or financial institution in which respondent maintains any account holding funds of clients or third parties in respondent's possession in connection with representation; and

8) provide the bar's headquarters office in Tallahassee with a listing of the receipt and location of any fees or other sums received in connection with the practice of law received by the respondent after issuance of the suspension order.

C. Respondent must fully comply with Rule Regulating The Florida Bar 3-5.1(h).

D. Respondent also must fully comply with Rule Regulating The Florida Bar 3-6.1, if applicable.

7. The following allegations and rules provide the basis for respondent’s guilty plea and for the discipline to be imposed in these reciprocal discipline cases:

The Florida Bar File No. 2023-50,626(17J)

A. Respondent and co-counsel Lee D. Sarkin represented David Poschmann as a plaintiff in an Americans with Disabilities Act lawsuit captioned *Poschmann v. Oceanside 99 Condo. Ass'n, Inc.*, Case No. 6:21-cv1579-RBD-LHP in the United States District Court in the Middle District of Florida (the "Oceanside Case").

B. Poschmann was a "tester" in hundreds of ADA cases and had been represented by respondent in many lawsuits.

C. On November 12, 2021, while settlement negotiations were ongoing in the Oceanside case, Poschmann passed away.

D. Five days later, the parties' counsel filed a joint notice of settlement.

E. The next day, unable to reach Poschmann, respondent and Sarkin signed Poschmann's name to the settlement agreement with an ink signature.

F. The settlement proceeds were paid into respondent's trust account, per the settlement agreement.

G. Respondent and Sarkin learned of Poschmann's death on

or about December 16, 2021.

H. Approximately a year and a half later, the defendant learned that respondent and Sarkin settled the case after the plaintiff was deceased. Defendant then filed a motion to set aside the dismissal and vacate the settlement, alleging fraud on the court.

I. The court found that because the settlement was reached after Poschmann's death, respondent and Sarkin no longer had authority to act on Poschmann's behalf, thus the settlement was unauthorized, and that their conduct constituted a fraud on the court." This conforms to Judge Dalton's order. The settlement was vacated, and respondent and Sarkin stipulated a fee award of $11,287.40 in favor of the defendant.

J. The matter was referred to the Grievance Committee for the United States District Court for the Middle District of Florida.

K. On October 6, 2023, the Grievance Committee for the USDC for the Middle District of Florida issued its Report and Recommendations, finding probable cause that respondent and Sarkin violated Rules 4-1.3, 4-3.3(a)(1), 4-3.4(a), and 4-8.4(c).

L. By an order dated November 1, 2023, the federal court approved the Report and Recommendations and suspended respondent and Sarkin from practice in the United States District Court for the Middle District of Florida for a period of nine months, in addition to other sanctions.

The Florida Bar File No. 2023-50,668(17J)

A. Respondent and Sarkin represented Poschmann in a case captioned *Poschmann v. Linda Young Reffitt Revocable Trust, LLC, et al.*, Case No. 8:21-cv-01922- CEH-AEP in the United States District Court for the Middle District of Florida (the "Reffitt Case").

B. In the fall of 2021, settlement discussions were underway in the Reffitt Case. Despite Poschmann's death on November 12, 2021, respondent and Sarkin reached a settlement agreement with the defendants on or about December 7, 2021.

C. On December 15, 2021, Sarkin circulated a settlement agreement that included a handwritten signature for Poschmann, dated December 9, 2021. The defendants paid the agreed settlement amount and the case was dismissed.

D. On or about May 3, 2023, defendants' counsel learned

the date of Poschmann's death, and the proceedings related to the Oceanside Case, referenced *supra*.

E. On or about May 8, 2023, respondent and Sarkin returned the settlement proceeds without need for any intervention of the court.

F. By reason of the foregoing, respondent has violated the following Rules Regulating the Florida Bar: 4-1.3 Diligence, 4-3.3(a)(1) Candor Toward the Tribunal, 4-3.4(a) Fairness to Opposing Party and Counsel, and 4-8.4(c) Misconduct.

8. In mitigation, respondent asserts the following:

A. Respondent has been a member of The Florida Bar since December 22, 1988, and has no prior discipline [3.3(b)(1) Florida's Standards for Imposing Lawyer Sanctions.];

B. Respondent has made full and free disclosure to the bar and has and a cooperative attitude toward the proceedings [3.3(b)(5) Florida's Standards for Imposing Lawyer Sanctions];

C. Other penalties or sanctions have been imposed upon respondent, specifically the sanctions from the Middle District's grievance committee [3.3(b)(11) Florida's Standards

for Imposing Lawyer Sanctions]; and

D. Respondent is remorseful for his conduct in this matter [3.3(b)(12) Florida's Standards for Imposing Lawyer Sanctions].

9. In aggravation, respondent agrees with the following:

A. Respondent engaged in multiple offenses [Florida Standards for Imposing Lawyer Sanctions 3-2(b)(4)]; and

B. Respondent has substantial experience in the practice of law [Florida Standards for Imposing Lawyer Sanctions 3-2(b)(9)].

10. The Florida Bar has approved this proposed plea as required by R. Regulating Fla. Bar 3-7.9.

11. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it has no effect and may not be used by the parties in any way.

12. If this plea is approved, respondent agrees to pay all reasonable costs associated with this case under Rule 3-7.6(q) in the amount of $1,250.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of

this court's order becoming final, respondent will pay interest on any unpaid costs at the statutory rate. Respondent further agrees these disciplinary costs are not dischargeable in any future proceedings, including, but not limited to, a petition for bankruptcy. Respondent will be delinquent and ineligible to practice law if the respondent does not satisfy the cost judgment within 30 days of this order, unless The Florida Bar Board of Governors defers payment under R. Regulating Fla. Bar 1-3.6.

13. Respondent acknowledges the obligation to pay the costs of this proceeding, and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is evidence of good faith and fiscal responsibility.

14. This Amended Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 24th day of November, 2025.

/s/
Drew Mark Levitt, Respondent
31 Sabal Island Drive
Ocean Ridge, FL 33435-3321
Florida Bar No. 782246
drewmlevitt@gmail.com

Dated this 24th day of November, 2025.

/s/
D. Culver Smith, III,
Counsel for Respondent
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Dated this 24th day of November, 2025.

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Filed with the Supreme Court of Florida via the Florida Courts E-Filing Portal with copies served via the Portal to:

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