

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

DANIEL MARKOVICH,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2022-70,419(11D)(MFC)

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NOTICE OF DETERMINATION OR JUDGMENT OF GUILT

COMES NOW, The Florida Bar, and files this Notice of Determination or Judgment of Guilt, pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar and says:

1. Respondent is a member of The Florida Bar, admitted on November 1, 2017.
2. On January 19, 2021, an Indictment was returned against respondent charging felonious conduct including: Conspiracy to Commit Health Care and Wire Fraud in violation of 18 USC §1349; five (5) counts of Health Care Fraud in violation of 18 USC §1347; Conspiracy to Pay and Receive Kickbacks in violation of 18 USC §371; and two (2) counts of Payment and Offer Kickbacks in Exchange for Services in violation of 18 USC §220(A)(2)(B).

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3. The matter was assigned Case Number 0:21-CR-60020-WPD(3), and proceeded to trial in the United States District Court for the Southern District of Florida on September 13, 2021. Following the twenty-two day trial, Daniel Markovich was convicted of multiple felonies including: Conspiracy to Commit Health Care and Wire Fraud (Count One of the Indictment), two (2) counts of Health Care Fraud (Counts Five and Six of the Indictment), Conspiracy to Pay and Receive Kickbacks (Count Ten of the Indictment) and two (2) counts of Payment and Offer Kickbacks in Exchange for Use of Services (Counts Twelve and Sixteen of the Indictment).

4. The court entered a directed verdict of acquittal on three (3) counts of Health Care Fraud (Counts Two, Three, and Four of the Indictment) on October 26, 2021.

5. On January 21, 2022, the court denied respondent's Motion to Vacate Judgment or For a New Trial. (A true and correct copy of the Order dated January 21, 2022 is attached hereto and incorporated herein as Ex. 1).

6. Judgment was imposed in this matter on March 18, 2022. The court sentenced respondent to a term of ninety-seven (97) months as to counts 1, 5, 6, 12, and 16; and a term of sixty (60) months as to count 10;

with all terms to run concurrently. Upon release from incarceration, respondent shall be on supervised release for a term of three (3) years as to all counts. The supervised release terms shall also run concurrently. Respondent was further ordered to pay restitution, jointly and severally, in the amount of \$1,850,000.00. (A true and correct copy of the Judgment in Case Number 0:21-CR-60020-WPD(3) is attached hereto and incorporated herein as Ex. 2).

WHEREFORE, The Florida Bar respectfully requests that this Court enter an order:

A. Finding Respondent guilty of violating Rules 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and 4-8.4(c)(A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation), of the Rules Regulating The Florida Bar;

B. Suspending Respondent pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar;

C. Ordering Respondent to furnish a copy of the suspension order to all clients, opposing counsel and courts before which he is counsel of record as required by Rule 3-5.1(h) of the Rules of Discipline of The Florida Bar and to furnish staff counsel with the requisite affidavit listing all clients,

counsel and courts so informed within 30 days after receipt of the court's order; and

D. Appointing or directing the appointment of a referee to conduct a hearing on sanctions pursuant to Rule 3-7.2(h), Rules of Discipline of The Florida Bar.

Respectfully submitted,



Jennifer R. Falcone, Bar Counsel
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CERTIFICATE OF SERVICE

I certify that this document has been Efiled with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided to Daniel Markovich, Respondent, via email using the Efiling Portal at dmarkovi@hotmail.com; and via U.S. Regular and Certified Mail, return receipt request no. 7014 2120 0003 5156 9668, at his record bar address of 1151 Poinciana Drive, Pembroke Pines, FL 33025-4561; and via email to Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, via email at psavitz@floridabar.org, on this 27th day of April, 2022.



Jennifer R. Falcone, Bar Counsel

NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY EMAIL ADDRESS

PLEASE TAKE NOTICE that the trial counsel in this matter is Jennifer R. Falcone, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Miami Branch Office, 444 Brickell Avenue, Rivergate Plaza, Suite M-100, Miami, Florida 33131-2404, (305) 377-4445 and jfalcone@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, FL 32399-2300, psavitz@floridabar.org.