



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, Statewide Bar Counsel

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Attorney Karyl Carrasquilla
Assistant Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

Attorney Mark Kostecki
63 Central Avenue
Waterbury, CT 06722

RE: Grievance Complaint 08-0066, Addona v. Kostecki

Dear Assistant Disciplinary Counsel and Respondent:

Pursuant to Practice Book Section 2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, have reviewed the *Proposed Disposition Pursuant to Connecticut Practice Book §2-82(b)* (hereinafter "*Proposed Disposition*") filed February 3, 2009 and submitted for approval in the above referenced matter. After careful consideration of the *Proposed Disposition*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(d) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on February 3, 2009, the undersigned hereby APPROVE the *Proposed Disposition*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the Assistant Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Proposed Disposition* is hereby made an order of this reviewing committee. The Respondent is reprimanded.

So ordered.

cc: Maria Addona
Attorney William St. John
Attorney Gail Kotowski

(8)
asc

DECISION DATE: 3/6/09

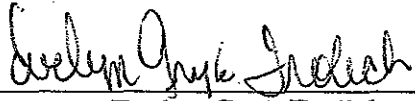
Grievance Complaint #08-0066

Decision

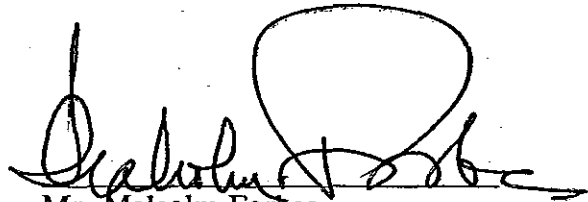
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Attorney Shari Bornstein

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Attorney Evelyn Gryk Frolich

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Mr. Malcolm Forbes

STATEWIDE GRIEVANCE COMMITTEE
No. 08-0066

MARIA ADDONA
Complainant

V.

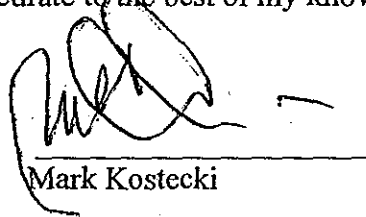
MARK KOSTECKI
Respondent

PROPOSED DISPOSITION PURSUANT TO CONNECTICUT
PRACTICE BOOK § 2-82(b)

Pursuant to Connecticut Practice Book § 2-82, the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

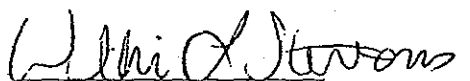
1. This matter was instituted by grievance complaint filed by Complainant on January 23, 2008.
2. On March 12, 2008 the Waterbury Judicial District Grievance Panel found probable cause that Respondent had violated Rule 8.4(3)- Misconduct; Rule 1.7 (1) (2)- Conflict of Interest and C.P.B. § 2-32(a)(1) Filing Complaints Against Attorneys; Action; Time Limitation; in that Respondent represented both the seller and purchaser of real estate encumbered by an Affordability Restriction. Respondent did not respond to the grievance. The Complainant in this matter is the purchaser who claims that she was not aware of the restriction.
3. On May 27, 2008 a Reviewing Committee found Additional Probable Cause of violations of Rule 1.1 Competence and Rule 1.3 Diligence; in that Respondent failed to competently and diligently represent the Complainant in connection with her purchase of property encumbered by an Affordability Restriction; Rule 1.4 Communication; in that Respondent failed to adequately communicate with Complainant regarding the transaction and; Rule 1.15 (b) Safekeeping of Property in that he failed to return funds to the Complainant when he discovered that the lien could not be released.
4. Respondent has tendered an admission of fact in accordance with the affidavit attached hereto, admitting that the material facts alleged in the Complaint, as they relate to his representation of both seller and purchaser are true, and that he violated Rule 1.7 in that representation .
5. Respondent has been admitted to practice in Connecticut since ¹⁹⁷⁷~~1979~~ and has no disciplinary history. *dk*

9. I agree to accept a Reprimand.
10. I agree to personally attend one (1) three hour CLE course in professional ethics within six months of the date of approval of this Agreement. I understand that on-line and "materials only" courses do not satisfy the conditions of this Agreement. I further agree to notify Disciplinary Counsel in writing within 15 days of completion of the required course.
11. I am remorseful over my actions/inactions in this matter.
12. I sincerely apologize to Ms. Addona.
13. I promise to fulfill the aforementioned conditions. I further understand that my failure to comply with these conditions will result in further disciplinary action.
14. The foregoing is true and accurate to the best of my knowledge and belief.



Mark Kostecki

Subscribed and sworn to before me
this 3rd day of February, 2009.



Notary public/ Commissioner of the Superior Court

AFFIDAVIT


State of Connecticut)

ss. Waterbury
County of New Haven

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book § 2-82, I make the following affidavit:

1. The Proposed Disposition Pursuant to Connecticut Practice Book § 2-82(b) attached hereto and made a part hereof is voluntarily submitted.
2. I hereby consent to the form of disposition set forth in the attached Proposed Disposition.
3. I am fully aware that I have a right to a full evidentiary hearing on this matter, and I waive that right by entering into this Agreement.
4. I have been subject to neither coercion nor duress, and I am fully aware of the implications of this Affidavit and Proposed Disposition.
5. I am represented by counsel, William J. St. John, Jr., in this matter and have discussed the implications of this Agreement with him.
6. I am fully aware of the current proceeding regarding my alleged violations of Rule 1.1, Rule 1.3, Rule 1.4 (a)(b), Rule 1.7 and Rule 8.4 of the Rules of Professional Conduct and violation of § 2-32 (a)(1) of the Connecticut Practice Book, arising from my representation of Complainant in regards to her purchase of real estate.
7. I admit that the material facts alleged in the complaint, as they relate to my representation of Complainant and the seller of the subject property, are true.
8. I agree that I violated Rule 1.7 in that I represented both the seller and the purchaser of property that is the subject of this complaint.

9. I agree to accept a Reprimand.
10. I agree to personally attend one (1) three hour CLE course in professional ethics within six months of the date of approval of this Agreement. I understand that on-line and "materials only" courses do not satisfy the conditions of this Agreement. I further agree to notify Disciplinary Counsel in writing within 15 days of completion of the required course.
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Mark Kostecki

Subscribed and sworn to before me
this 3rd day of February, 2009.



Notary public/ Commissioner of the Superior Court