

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

MARK SAM KOLTA  
(CRD No. 5324620),

Respondent.

Disciplinary Proceeding  
No. 2018057297102

Hearing Officer–MJD

**ORDER FOLLOWING PRE-HEARING CONFERENCE  
REGARDING RESPONDENT’S MARCH 14, 2024 EMAIL  
COMMUNICATION CONCERNING JURY SUMMONS**

As the parties have already been notified, the hearing in this disciplinary proceeding is scheduled for April 8 through 12 and April 15 through 16, 2024. On March 14, Respondent Mark Sam Kolta emailed the Office of Hearing Officers (“OHO”) a copy of a jury summons issued by the Miami-Dade County Circuit Court purportedly notifying Kolta that he is on standby for jury duty for the week of April 8, 2024. A copy of Kolta’s email is attached hereto as Exhibit A.

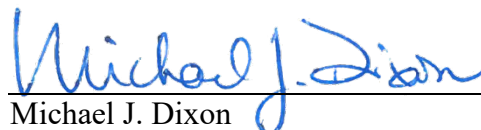
Today, I held a pre-hearing conference with the parties. During the conference, I informed Kolta that the summons for potential jury duty does not constitute good cause to continue the hearing. As the summons states, a person can request a postponement from serving on a jury. I therefore instruct Kolta to inform the Miami-Dade County Circuit Court of his FINRA disciplinary hearing, which begins on April 8, and request a postponement of his jury obligations on the grounds that, as the named respondent in a FINRA disciplinary proceeding, he is required to attend the FINRA hearing. The jury summons provides a telephone number to the clerk’s office (786-828-5879) to request a postponement. The website for the Clerk of the Court states that it grants one courtesy request for postponement of jury duty. It also provides a page to request a postponement online at: <https://www.miamidadeclerk.gov/clerk/postponement-excusal.page>. This page in turn provides a link to the “Clearview Juror Portal” to request a postponement.

If Kolta needs to demonstrate that the jury summons conflicts with his FINRA disciplinary hearing, he should provide the clerk with a copy of the Notice of Hearing issued earlier today. If the court wants to further confirm the FINRA hearing dates, Kolta should also

provide the clerk with OHO case administrator Tonya Howe's email address (tonya.howe@finra.org).

**I ORDER Kolta to inform OHO no later than March 20, 2024, that he has complied with this Order by formally requesting that the Clerk of the Court postpone his jury duty.**

**SO ORDERED.**



Michael J. Dixon  
Hearing Officer

Dated: March 15, 2024

Copies to:

Mark S. Kolta (via email)  
Payne L. Templeton, Esq. (via email)  
Savvas A. Foukas, Esq. (via email)  
Richard Cella, Esq. (via email)  
Jennifer L. Crawford, Esq. (via email)

This Order has been published by FINRA's Office of Hearing Officers and should be cited as OHO Order 24-07 (2018057297102).

## **EXHIBIT A**

**From:** Mark Kolta <[mark.kolta@gmail.com](mailto:mark.kolta@gmail.com)>

**Sent:** Thursday, March 14, 2024 11:29 AM

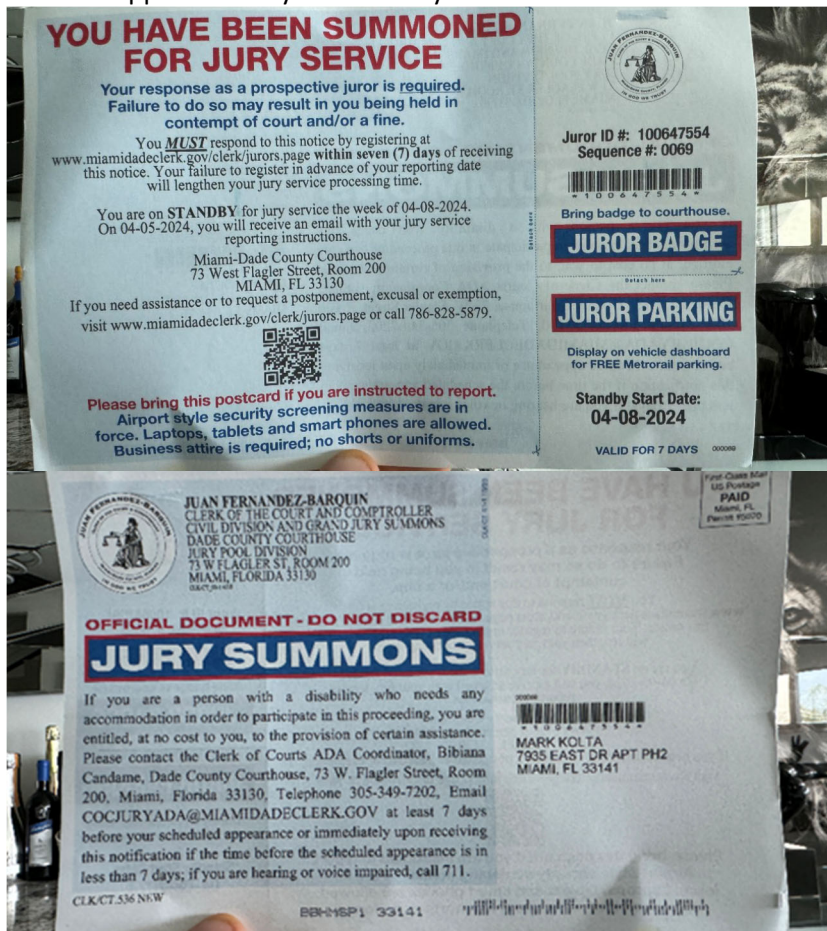
**To:** Templeton, Payne <[Payne.Templeton@finra.org](mailto:Payne.Templeton@finra.org)>; OHOCasFilings <[OHOCasFilings@finra.org](mailto:OHOCasFilings@finra.org)>

**Cc:** Howe, Tonya <[Tonya.Howe@finra.org](mailto:Tonya.Howe@finra.org)>; Foukas, Savvas <[Savvas.Foukas@finra.org](mailto:Savvas.Foukas@finra.org)>; Cella, Richard <[Richard.Cella@finra.org](mailto:Richard.Cella@finra.org)>; Crawford, Jennifer <[Jennifer.Crawford@finra.org](mailto:Jennifer.Crawford@finra.org)>; Martellucci, Janine <[Janine.Martellucci@finra.org](mailto:Janine.Martellucci@finra.org)>

**Subject:** Re: Dep't of Enforcement v. Kolta, Disciplinary No. 2018057297102: Order Setting Pre-Hearing Conference

**WARNING: External Sender!** Exercise caution with links, attachments and requests for login information.

I told you these dates are not gonna work, there's still conflicts. Including medical. See below next schedule issues. This is what happens when you randomly coerce dates without consideration to any other parties. They won't be honored.



Mark S. Kolta

**This Order has been published by FINRA's Office of Hearing Officers and should be cited as OHO Order 24-07 (2018057297102).**

On Mar 13, 2024, at 5:20 PM, Templeton, Payne <[Payne.Templeton@finra.org](mailto:Payne.Templeton@finra.org)> wrote:

Ms. Howe:

Enforcement confirms receipt of your email and the attached Order.

Payne L. Templeton  
Senior Litigation Counsel  
FINRA Enforcement  
300 South Grand Avenue, Suite 1600  
Los Angeles CA 90071

Telephone: 213-229-2311  
[payne.templeton@finra.org](mailto:payne.templeton@finra.org)

**FINRA.**

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**From:** Howe, Tonya <[Tonya.Howe@finra.org](mailto:Tonya.Howe@finra.org)>  
**Sent:** Wednesday, March 13, 2024 7:58 AM  
**To:** Mark Kolta <[mark.kolta@gmail.com](mailto:mark.kolta@gmail.com)>; Templeton, Payne <[Payne.Templeton@finra.org](mailto:Payne.Templeton@finra.org)>; Foukas, Savvas <[Savvas.Foukas@finra.org](mailto:Savvas.Foukas@finra.org)>; Cella, Richard <[Richard.Cella@finra.org](mailto:Richard.Cella@finra.org)>  
**Cc:** Crawford, Jennifer <[Jennifer.Crawford@finra.org](mailto:Jennifer.Crawford@finra.org)>; Martellucci, Janine <[Janine.Martellucci@finra.org](mailto:Janine.Martellucci@finra.org)>  
**Subject:** Dep't of Enforcement v. Kolta, Disciplinary No. 2018057297102: Order Setting Pre-Hearing Conference

Parties,

Attached is the Order Setting Pre-Hearing Conference. It is important to note that the pre-hearing conference has been scheduled for Friday, March 15, 2024. You can find the call-in details in the Order. Please reply to this email to confirm your receipt, and let me know if you have any questions about the Order.

-Tonya

Tonya Howe  
Senior Case Administrator  
FINRA - Office of Hearing Officers  
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Washington, DC 20006  
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[tonya.howe@finra.org](mailto:tonya.howe@finra.org) | [www.finra.org](http://www.finra.org)

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