

**SCOTT M. COLVER
19713 SPRING CREEK ROAD
HAGERSTOWN, MARYLAND 21742**

Date: 05-05-2011

J. Brian Pabst, Chairman
Maryland State Board of Examiners of
Nursing Home administrators
4201 Patterson Avenue
Baltimore, Maryland 21215

RE: Surrender of License
License Number: R1506
Case Number: 2009-001

Dear Chairman Pabst and Members of the Board:

Please be advised that I have decided to **SURRENDER** my license to practice as a nursing home administrator in the State of Maryland, License Number R1506, effective immediately. I understand that upon surrender of my license, I may not engage in the practice of nursing home administration in the State of Maryland as it is defined in the Maryland Nursing Home Administrator Licensing Act (the "Act"), Md. Health Occ. ("H.O.") Code Ann. §§ 9-101 *et seq.*, (2009 Repl. Vol.) and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT** and on the Board's acceptance, becomes a **FINAL ORDER** of the Board.

My decision to surrender my license to practice nursing home administration in the State of Maryland has been prompted by an investigation of my license by the Maryland State Board of Examiners of Nursing Home Administrators (the "Board") under Board Case Number 2009-001. As a result of the investigation, the Board, on February 9, 2011, charged me with fraudulently or deceptively using a license, in violation of H.O. § 9-314(b)(2); otherwise failing to meet substantially the standard of practice adopted by the Board under § 9-205 of this title, in violation of H.O. § 9-314(b)(3); willfully making or filing a false report or record in the practice of nursing home administration, in violation of H.O. § 9-314(b)(8); committing an act of unprofessional conduct in the practice as a nursing home administrator, in violation of H.O. § 9-316(b)(11); having violated any of the provisions of the law pertaining to the licensing of nursing home administrators or the regulations of the Board pertaining to it, in violation of Code Md. Regs. ("COMAR") tit. 10 § 33.01.15A(1); and having practiced

fraud, deceit, or misrepresentation in the licensee's capacity as a nursing home administrator, in violation of COMAR 10.33.01.15A(4).

I have decided to surrender my license to practice nursing home administration in the State of Maryland to avoid prosecution of the disciplinary charges that are now pending before the Board. I acknowledge that the Board initiated an investigation of me based on allegations that I misappropriated funds from Berlin Nursing and Rehabilitation Center from 2004 to 2005 ("Berlin Nursing Home") where I served as a nursing home administrator. The Board's investigation determined that I misappropriated funds from the Berlin Nursing Home during 2004 and 2005. Specifically, the Board has evidence in the form of 16 cancelled checks, written from Berlin Nursing Home Account, signed by me, for payments to various vendors for merchandises and services totaling approximately \$82,000. Furthermore, the Board has evidence that these merchandises and services were in fact not provided to Berlin Nursing Home, but were instead, provided to me for my personal benefit.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid prosecution of the aforementioned charges under the Act in order to resolve this matter. I acknowledge that if the case were to proceed to an evidentiary hearing, the Board could prove, by a preponderance of the evidence, that I violated H.O. §§ 9-314(b)(2), (3), (8) and (11), and COMAR 10.33.01.15A(1) and (4). I acknowledge that for all purposes relevant to nursing home administration licensure, those investigative findings will be treated as if proven.

I understand that by executing this Letter of Surrender I am waiving any right to contest the investigative findings in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and all other substantive and procedural protections provided by law, including the right to appeal.

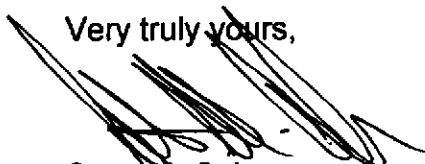
I affirm that within fifteen days of the date the Board accepts this Letter of Surrender, I shall present to the Board my original Maryland Nursing Home Administrator License Number R1506, in all forms.

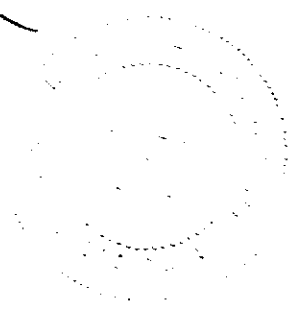
I understand that the Board will advise the National Practitioners' Data Bank, and any other entities to which they are required to report, of this Letter of Surrender and in any response to inquiry, that I have surrendered my license as if revoked under the Act. I also understand that in the event I apply for license in any form in any other state or jurisdiction, that this Letter of Surrender and the underlying investigative documents may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. State Gov't. Code Ann. § 10-611 *et seq.*, (2009 Repl. Vol.), and that this Letter of Surrender is considered a disciplinary action by the Board.

I further recognize and agree that by submitting this Letter of Surrender, my license in Maryland will remain surrendered for a minimum of two year and until such time as I apply for reinstatement and comply with any terms and conditions set forth in this letter and those determined by the Board subsequent to my application for reinstatement.

I also understand that if I apply for reinstatement in Maryland or for a new Maryland license that I bear the burden of demonstrating to the Board that I am professionally and mentally competent to practice nursing home administration under the Act and that I possess good moral character, as required under H.O. § 9-302(b). I also understand that, at minimum, I must demonstrate to the Board: my understanding of my prior misconduct; my subsequent conduct and reformation; my present character and my present qualifications and competence to practice nursing home administration. I understand that when applying for reinstatement, I approach the Board in the same posture as one whose license has been revoked based on the facts contained herein and that my petition may be accepted or denied by the Board in its sole discretion.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have consulted with counsel before signing this Letter of Surrender. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I voluntarily choose to surrender my Maryland license to practice nursing home administration pursuant to the terms and conditions set out herein. I make this decision voluntarily, knowingly and freely.

Very truly yours,

Scott M. Colver



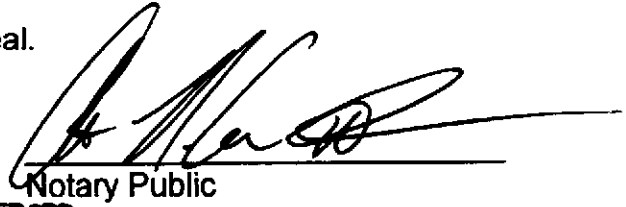
NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Harford

ARTHUR N. COSNER III
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 28, 2011

I HEREBY CERTIFY that on this 5 day of May,
before me, a Notary Public of the State and City/County aforesaid, personally appear
Scott M. Colver and declared and affirmed under the penalties of perjury that signing
the foregoing Letter of Surrender was his voluntary act and deed.

AS WITNESS my hand and Notarial seal.



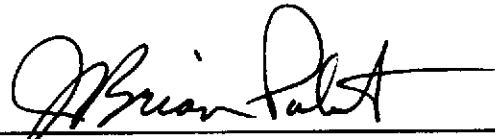
Notary Public

ARTHUR N. COSNER 3RD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 25, 2014

My Commission expires: _____

ACCEPTANCE

On this ~~8~~¹¹ day of May, 2011, I, J. Brian Pabst, N.H.A., on behalf of the Maryland State Board of Examiners of Nursing Home Administrators, accept Scott M. Colver's **PUBLIC SURRENDER** of his license to practice nursing home administration in the State of Maryland.



J. Brian Pabst, N.H.A.
Chairman
Maryland State Board of Examiners of
Nursing Home Administrators