

Donny Wendell Smith, LCSW-C  
[REDACTED]  
[REDACTED]

RECEIVED

JUL 11 2006

BOARD OF SOCIAL  
WORK EXAMINERS

Board of Social Work Examiners  
4201 Patterson Avenue  
Baltimore, Maryland 21215

Dear Maryland State Board of Social Work Examiners:

Please be advised that I have decided to surrender my license to practice social work in the State of Maryland, under license number 926. I understand that I may not engage in the practice of social work, as defined in the Maryland Social Workers Act, Md. Health Occ. Code Ann. § 19-101 *et seq.* (2005 Repl. Vol.). I also understand that the surrender of my license to practice social work means that I am in the same position as an unlicensed individual effective June 1, 2006, the effective date of this Letter of Surrender.

I understand that this Letter of Surrender is a **PUBLIC** document.

My decision to surrender my license to practice social work in Maryland has been prompted by an investigation by the Maryland Board of Social Work Examiners ("the Board"). The Board's investigation revealed that on June 29, 2005, I pled guilty in the Circuit Court for Fredrick County, Maryland, to one count of Felony Medicaid Fraud, in violation of Md. Crim. L. Ann. § 8-509. I was ordered to pay restitution, in the amount of \$92,000.00. to the Maryland Department of Health and Mental Hygiene. On or about June 29, 2005, I was sentenced to five (5) years in prison, with all but nine (9) months suspended.

The Board's investigation resulted in charges being filed against me on December 22, 2005 for the commission of prohibited conduct under Md. Health Occ. Code Ann. § 19-311 (2005 Repl. Vol.). The Board charged me with violating the following:

**H.O. § 19-311. Denials, reprimands, suspensions, and revocations-Grounds.**

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, fine a licensee, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

- (8) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

I have decided to surrender my license to practice social work to avoid further prosecution of the aforementioned charge. The bases for the charge against me include the facts as alleged in the charging document that was filed against me by the Board. (See

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Charging Document and the exhibits that are attached thereto). By virtue of this Letter of Surrender, I waive any right to contest charges under the Maryland Social Workers Act, and/or the findings of the Board's investigation. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. I understand that by executing this Letter of Surrender, I am waiving any right to contest these 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 to all other substantive and procedural protections provided by law, including the right to appeal.

I acknowledge that on or before **June 1, 2006**, I shall provide the Board my Maryland Social Work license, including any wall or display license, renewal certificate and wallet size renewal cards.

I understand that the Board will disclose this Letter of Surrender to any national reporting bank, and in response to any request on inquiry, that I have surrendered my license lieu of disciplinary action as resolution of the matters pending against me.

I also understand that, in the event I would apply for licensure, in any other state or jurisdiction, this Letter of Surrender, and all underlying 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 Govt. Code. Ann. § 10-611, *et seq.*, (2004 Repl. Vol.).

I further recognize and agree that, by agreeing to this Letter of Surrender, my license will remain surrendered until I apply for reinstatement. I understand that I may not petition the Board for reinstatement of my license to practice social work in the State of Maryland before **June 1, 2009**.

In the event that I apply for reinstatement of my Maryland license or for the issuance of a new Maryland Social Work license I must:

- (1) Provide proof to the Board that I have maintained my continuing education units and meet the continuing education requirements that are set forth in Code Md. Regs. tit. 10, § 42.06;
- (2) Take and pass a Board-pre-approved one-on-one ethics tutorial of 10 to 12 weeks duration, which I will not count towards my continuing education requirements; and

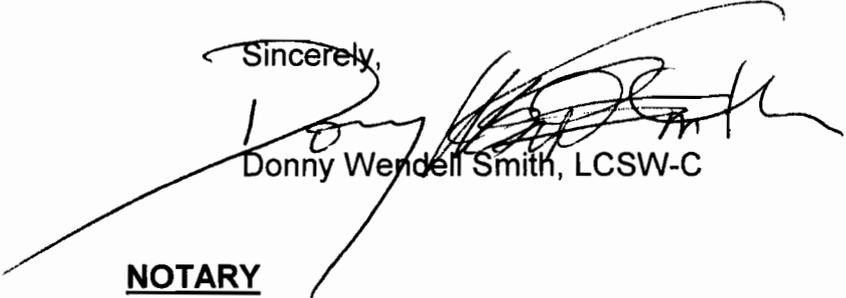
I further understand that the Board may set any additional terms and conditions that will apply to my receiving a reinstated social work license, which may include probation and supervision.

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I also understand that, if I apply for reinstatement, I bear the burden of demonstrating to the Board that I am competent to practice social work and possess good moral character, as specified in Md. Health Occ. Code Ann. §§ 19-311 (2005 Repl. Vol.).

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. 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 make this decision knowingly and voluntarily.

Sincerely,

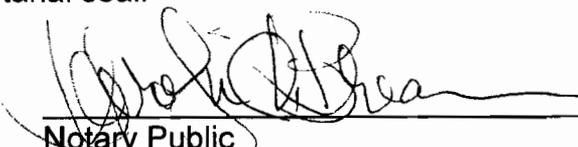
  
Donny Wendell Smith, LCSW-C

NOTARY

STATE OF Maryland  
CITY/COUNTY OF FREDERICK

I HEREBY CERTIFY that on this 23 day of MAY, 2006,  
before me, Carolyn C. Bream, a Notary Public of the State and City/Country  
(Print Name)  
aforesaid, personally appeared Donny Wendell Smith, LCSW-C, License Number:  
08197, 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

My Commission expires: 12-1-2007

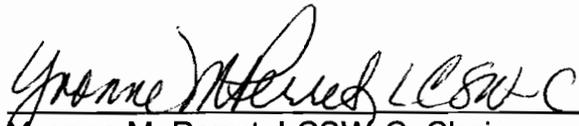


**CAROLYN C. BREAM**  
Notary Public, State of Maryland  
County of Frederick  
My Commission Expires 12/01/2007

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**ACCEPTANCE**

**ON BEHALF OF THE MARYLAND STATE BOARD OF SOCIAL WORK  
EXAMINERS**, on this 30<sup>th</sup> day of June, 2006, I accept Donny Wendell  
Smith's public Letter of Surrender of his license to practice social work.

  
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Yvonne M. Perret, LCSW-C, Chair  
Board of Social Work Examiners