

**JAMES KILCHENSTEIN, D.C.
308 Marlinspike Drive
Severna Park, Maryland 21146**

Date: 5/30/2013

James Vallone, Executive Director
Maryland State Board of Chiropractic and Massage Therapy Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215

RE: Surrender of License to Practice Chiropractic
License Number: 02748
Case Number: 12-40C

Dear Mr. Vallone and Members of the Board:

Please be advised that I have decided to **SURRENDER** my license to practice chiropractic in the State of Maryland, License Number S01899.

I understand that I may not practice chiropractic, with or without supervision and/or compensation, as it is defined in the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 3-101 *et seq.* (2009 Repl. Vol. and 2012 Supp.).

In addition, I will refrain from identifying myself as a practitioner of chiropractic; I will remove all signs or similar advertisements that indicate authority to practice chiropractic; and I will not use letterhead or business cards indicating authority to practice chiropractic.

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 of Chiropractic and Massage Therapy Examiners' (the "Board") acceptance becomes a **FINAL ORDER** of the Board.

My decision to surrender my license to practice chiropractic in the State of Maryland has been prompted by an investigation of my licensure by the Board and the Office of the Attorney General and resulting Order for Summary Suspension of my license.

The Board's investigation was based on a complaint to the Board alleging that I was convicted of a misdemeanor. According to the investigation, on or about September 5, 2012, in the Circuit Court for Baltimore County, I pled guilty to assault, second degree and sex offense, fourth degree. I was sentenced to 10 years in prison on the assault conviction and one year in prison on the sex offense. My sentence was suspended on both counts, and I was placed on five years of probation. As a result of the investigation,

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on October 22, 2012, the Board issued an Order for Summary Suspension in Board Case Number 12-40C. See Attachment A.

I have decided to surrender my license to practice chiropractic in the State of Maryland to resolve this matter and to avoid prosecution of charges against me by the Board. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. I acknowledge that the Office of the Attorney General has legally sufficient evidence to prove by a preponderance of the evidence at an administrative hearing that I violated the Act by being convicted of a misdemeanor.

I understand that by executing this Letter of Surrender I am waiving any right to contest any charges that would issue from the Board's investigative findings and its vote to issue charges 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 acknowledge that on or before the effective date of this Letter of Surrender, I shall present to the Board my Maryland chiropractic license, including any renewal certificates and wallet-sized renewal cards.

I understand that the Board will advise the National Practitioner's Data Bank, and the Health Care Integrity Data Bank, and any other required entities of this Letter of Surrender, and in response to any inquiry, will advise that I have surrendered my license in lieu of disciplinary action under the Act as a resolution of the matters pending against me. I also understand that, in the event that I would apply for licensure in any form in any other state or jurisdiction, that 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 Gov't Code Ann. § 10-611 *et seq.* (2009 Repl. Vol. and 2012 Supp.). Finally, I understand 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 will remain surrendered for **two (2) years or until my criminal probation is terminated, whichever is longer.**

I understand that if I apply for reinstatement or a new Maryland license, I bear the burden of demonstrating to the Board that I am professionally and mentally competent to practice chiropractic under the Act and that I possess good moral character, as required under H.O. § 3-302(b). I understand that when applying for reinstatement or new licensure, I approach the Board in the same posture as one whose license has been revoked based on the facts contained herein and that my application may be accepted or denied by the Board in its sole discretion.

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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 an attorney 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 make this decision knowingly and voluntarily.

Sincerely,

James Kilchenstein, D.C.

Read and approved:

Janine M. Evans, Esq.
Attorney for James Kilchenstein

NOTARY SEAL

STATE OF Maryland

CITY/COUNTY: Anne Arundel

I HEREBY CERTIFY that on this 30th day of May, 2013, before me, a Notary Public of the State and City/County aforesaid personally appeared James Kilchenstein and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was his voluntary act and deed.

Notary Public

My Commission Expires
June 28, 2015

My Commission expires: _____



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ACCEPTANCE

On behalf of the Maryland Board of Chiropractic and Massage Therapy Examiners, on this 5th day of June, 2013, I accept James Kilchenstein's **PUBLIC SURRENDER** of his license to practice chiropractic in the State of Maryland.

Wallow for / By direction
Stephanie Chaney, D.C., President

J.J. VALLONE, J.D.
Executive Director