

Cindy McGill
115 Spring Hollow Lane
Bedford, Pennsylvania 15522

December 14, 2009

Albert Zachik, M.D., Chair
State Board for Certification of Residential Child Care Program Professionals
4201 Patterson Avenue
Baltimore, MD 21215

RE: Surrender of Residential Child Care Professional Certification
Certificate Number: A00060
Case Number: FY 2009-022

Dear Dr. Zachik and Members of the Board:

Please be advised that I have decided to surrender my certificate to practice as a Residential Child Care Program Administrator in the State of Maryland, Certificate Number A00060 (D.O.B. 09/02/63).

I understand that I may not practice as a Certified Residential Child Care Program Administrator in Maryland; that is I may not be the individual who is responsible for the day-to-day management and operation of a residential child care program in Maryland and for assuring the care, treatment, safety, and protection of the children in the residential child care program in Maryland, or otherwise perform the duties of a Residential Child Care Program Administrator as it is defined in the Maryland Certification of Residential Child Care Professional Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") § 20-101.

In addition, I will refrain from identifying myself as a Certified Residential Child Care Program Administrator or as a "CRCCPA." I will remove all signs or similar advertisements that indicate authority to perform the duties of a Certified Residential Child Care Program Administrator, and I will not use letterhead or business cards indicating authority to perform such duties. In other words, as of January 8, 2010, the effective date of this Letter of Surrender, I understand that the surrender of my certificate means that I am in the same position as an uncertified individual.

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

My decision to surrender my certificate to perform the duties of a Residential Child Care Program Administrator in Maryland has been prompted by an investigation of my certification by the State Board for Certification of Residential Child Care Professionals (the "Board"). The investigation was based on a November 18, 2008 complaint that was filed with the Board by the Allegany

Dr. Albert Zachik and Members of the Board

RE: Cindy McGill

Certificate Number: A00060; Case Number: FY2009-022

Page 2

County Girls Group Home ("ACGGH"), informing the Board that I had been suspended without pay on September 4, 2008 because of allegations that I had stolen funds from ACGGH and that I resigned on September 5, 2008.

The Board investigated the complaint and further discovered that I was criminally charged in the District Court of Maryland for Allegany County with theft of approximately \$207.63 from ACGGH. On January 22, 2009, I entered a plea of guilty to one count of theft of property with a value less than \$500, a misdemeanor. As a result of the plea, I was found guilty of theft and sentenced to six months incarceration, which was suspended, restitution of \$80, and 12 months unsupervised probation.

The Board's investigation resulted in charges under the Act, copy of which are attached and incorporated herein as Attachment A. Specifically, the Board charged me with the commission of prohibited acts under Md. Health Occ. Code Ann., § 20 -313. The pertinent provisions of the Act provide as follows:

(b) *Complaints; sanctions; prohibited acts.* – Subject to the hearing provisions of § 20-314 of this subtitle, the Board may deny a certificate to any applicant, reprimand any certified program administrator or certified residential child and youth care practitioner, place any certified program administrator or certified residential child and youth care practitioner on probation, or suspend or revoke a certificate if the applicant, certified program administrator, or certified residential child and youth care practitioner:

(4) 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;

(10) Commits an act of unprofessional conduct in performing the duties of a program administrator or residential care and youth care practitioner[.]

In addition, the Board charged me with violation of the following provision of the Code of Ethics, Code Md. Regs., tit. 10 § 57.04.02:

A. The primary concern of the residential child care program administrator shall be the welfare of residents or patients.

Dr. Albert Zachik and Members of the Board

RE: Cindy McGill

Certificate Number: A00060; Case Number: FY2009-022

Page 3

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- C. The residential child care program administrator shall carry out all duties with honesty, integrity, self-respect, and fairness.
- D. The Board may ...suspend or revoke a certification of a residential child care program administrator...upon evidence that the child care program administrator:

- (4) Has practiced fraud, deceit, or misrepresentation in the capacity as a residential child care program administrator[.]

Finally, the Board charged me with violation of Code of Md. Regs. tit.10, §

57.06G, which states as follows:

The following fees are established by the Board:

- G. Fine for failure to notify Board of change in either name or home address of the licensee, or change in name or address of the employer or business connection of the certificate holder within 30 days of the change - \$50[;].

I affirm that I was served with a copy of the charging document and have otherwise been advised of the Board's actions through communications with representatives of the Office of the Attorney General.

I have decided to surrender my certificate to perform the duties of a Certified Residential Child Care Program Administrator in Maryland to avoid further administrative prosecution of the aforementioned disciplinary charges and because I no longer reside in the State of Maryland. The basis for the charges against me includes the findings of the investigation described in the Board's Charges attached hereto as Attachment A. I agree that the Board has a sufficient basis for finding the allegations and violations as charged, and by virtue of this Letter of Surrender, I waive any right to contest those charges and findings. 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

Dr. Albert Zachik and Members of the Board

RE: Cindy McGill

Certificate Number: A00060; Case Number: FY2009-022

Page 4

substantive and procedural protections provided by law, including the right to appeal.

I hereby affirm that I have permanently terminated any employment as a Residential Child Care Program Administrator that I had in Maryland.

I acknowledge that on the effective date of this Letter of Surrender, I shall present to the Board my Maryland Child Care Program Professionals Certificate, including any renewal certificates, and wallet-sized renewal cards.

I understand that the Board will advise the National Practitioners Data Bank and the Health Care Integrity Data Bank, and any other required entities, of this Letter of Surrender, and in any response to inquiry about the status of my certificate, that I have surrendered my certificate in lieu of disciplinary action under the Act as resolution of the matters pending against me. I also understand that in the event I would apply for a certificate 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.*

I further recognize and agree that by submitting this Letter of Surrender, my certificate will remain surrendered forever, unless reinstated by the Board pursuant to my filing a petition for reinstatement. If I file a petition for reinstatement, I recognize that I must meet all requirements for reinstatement; and I understand that it is in the discretion of the Board whether to reinstate my certificate and to determine the conditions under which it will reinstate my certificate. I understand that the Board will review my petition as if my certificate had been revoked.

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 although I understand that I may consult with an attorney before signing this Letter of Surrender, I have knowingly and voluntarily elected not to do so. 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.

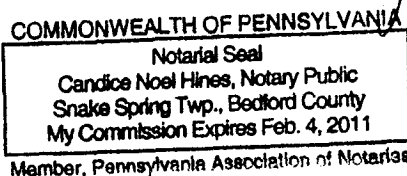
Sincerely,

Cindy McGill

Cindy McGill

1-4-10

State of Pennsylvania
County of Bedford
Done on the 4th day of Jan. 2010
Candice Noel Hines
Notary



Dr. Albert Zachik and Members of the Board

RE: Cindy McGill

Certificate Number: A00060; Case Number: FY2009-022

Page 5

NOTARY

STATE OF PENNSYLVANIA

CITY/COUNTY OF Bedford

I HEREBY CERTIFY that on this 4 day of Jan., ²⁰¹⁰~~2009~~,

before me, a Notary Public of the City/County aforesaid, personally appeared Cindy McGill, and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was her voluntary act and deed.

AS WITNESS my hand and Notarial seal.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Candice Noel Hines, Notary Public
Snake Spring Twp., Bedford County
My Commission Expires Feb. 4, 2011

Member, Pennsylvania Association of Notaries

My Commission expires: 2/4/11

Candice Noel Hines

Notary Public

ACCEPTANCE

ON BEHALF OF THE BOARD FOR CERTIFICATION OF RESIDENTIAL
CHILD CARE PROFESSIONALS on this 9th day of APRIL,

2010, I accept Cindy McGill's PUBLIC Letter of Surrender of her certification to practice as a Residential Child Care Program Administrator in the State of Maryland.

Albert Zachik

Albert Zachik, M.D., Chair
Board for Certification of Residential
Child Care Professionals