

**Michael Ball, Sr.
8011 Hollow Reed Ct.
Frederick, MD 21701**

Date: 3/16/11

Michael N. Souranis, President
Maryland Board of Pharmacy
4201 Patterson Avenue
Baltimore, Maryland 21215

RE: Surrender of License to Practice Pharmacy
License Number: 09572
Case Number 2010-115

Dear Mr. Souranis and Members of the Board:

Please be advised that I have decided to **SURRENDER** my license to practice pharmacy in the State of Maryland, License Number 09572 (D.O.B. 05/18/1958).

I understand that the surrender of my license means that I may not practice pharmacy, as it is defined in the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 12-101 *et seq.* (2009 Repl. Vol. and 2010 Supp.). In other words, I understand that as of the effective date of this Letter of Surrender, the surrender of my license means that I am in the same position as an unlicensed individual.

This Letter of Surrender shall become effective immediately upon the date of acceptance by the Maryland Board of Pharmacy (the "Board"). 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 pharmacy 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 charges under the following provisions of the Act, H.O. 12-313(b):

Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(2) Fraudulently or deceptively uses a license;

(7) Willfully makes or files a false report or record as part of practicing pharmacy;

(12) Is professionally, physically, or mentally incompetent; and

(25) Violates any rule or regulation adopted by the Board, to wit:

COMAR 10.34.10.01(B) A pharmacist may not: (3)
Engage in unprofessional conduct.

My disciplinary history with the Board dates back to 2008, when my license to practice pharmacy in the State of Maryland was summarily suspended for violations of H.O. §§ 12-313(b)(5) and (21). The Board's Order for Summary Suspension is attached and incorporated hereto as **Attachment A**. Following a show cause hearing, I entered into a Consent Order Terminating Summary Suspension ("2009 Consent Order"), dated January 30, 2009, with the Board. The 2009 Consent Order is attached and incorporated hereto as **Attachment B**. Pursuant to the Consent Order, my license to practice pharmacy was suspended for a period of at least two years and I was placed on probation for at least five years. One of the conditions of my probation was to submit to random urinalysis and breathalyzer tests.

I violated the 2009 Consent Order when I failed to submit to urine and breathalyzer screenings on June 24, 2009. Then, on August 26, 2009 and October 21, 2009, I tested positive for opiates. As a result, the Board issued a Notice of Intent to Revoke Pharmacy License on November 18, 2009. I requested a hearing, which was held on March 17, 2010. During the hearing, I testified under oath that I had not worked as a pharmacist in Maryland or Virginia since June 2008. In a Final Decision and Order, dated July 21, 2010, the Board found that I violated the Act by failing to submit to urine and breathalyzer screenings and by testing positive for opiates on two occasions. The 2010 Final Decision and Order is attached and incorporated hereto as **Attachment C**. The Board continued the suspension of my license to practice pharmacy through December 2012, and placed me on five years of probation.

Thereafter, it came to the Board's attention that I worked as a pharmacist during the time that my license was suspended. The Board alleges that I worked approximately 183 shifts between January 2009 and February 2010. My license was suspended at that time. Further, the Board alleges that I made material misrepresentations to the Board while under oath when I testified on March 17, 2010, that I had "not worked under any license since [June 2008]. . . in Maryland or Virginia."

As a result of these most recent allegations, on September 15, 2010, the Board issued a "Notice of Intent to Permanently Revoke Pharmacy License," in Board Case Number 2010-115, which is attached and incorporated hereto as **Attachment D**.

I have decided to surrender my license to practice pharmacy in the State of Maryland to resolve this matter and to avoid prosecution of the 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 as detailed herein.

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 understand that the Board will advise 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 2010 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 **PERMANENTLY SURRENDERED** and I may not, at any time in the future, reapply for licensure.

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 chose not to consult 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.

I acknowledge that this Letter of Surrender becomes effective immediately upon acceptance by the Board.

Sincerely,

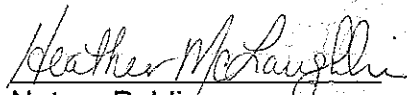


Michael Ball, Sr.

NOTARY SEAL

STATE OF MARYLAND
CITY/COUNTY:

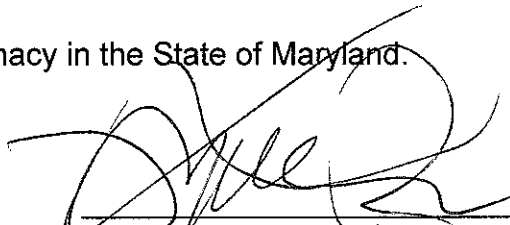
I HEREBY CERTIFY that on this 16th day of March, 2011, before me, a Notary Public of the State and City/County aforesaid personally appeared Michael Ball, Sr. and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was his voluntary act and deed.



Notary Public
my Commission expires 12/20/2012

ACCEPTANCE

On behalf of the Maryland Board of Pharmacy, on this 16TH day of MARCH, 2011, I accept Michael Ball, Sr's **PUBLIC SURRENDER** of his license to practice pharmacy in the State of Maryland.



Michael N. Souranis, President
Maryland Board of Pharmacy