

BENJAMIN FRANKLIN KNOTTS, III
1912 Ventura Avenue
Wheaton, Maryland 20902

Date: April 21 2016

Jonathan Nou, D.C., Board President
Maryland Board of Chiropractic & Massage Therapy Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215

RE: Surrender of License to Practice Massage Therapy
License Number: M03727
MBP Case Number: 14-41M

Dear Dr. Nou and Members of the Board:

I have decided to **PERMANENTLY SURRENDER** my license to practice massage therapy in the State of Maryland, License Number M03727. I understand that the surrender of my license means that I may not practice massage therapy, as it is defined in the Maryland Chiropractic Act (the "Act"), codified at Md. Code Ann., Health Occupations ("Health Occ.") §§ 3-101, *et seq.*, (2014 Repl. Vol.). In other words, I understand that 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 Chiropractic and Massage Therapy Examiners (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 permanently surrender my license to practice massage therapy in the State of Maryland has been prompted by a complaint against me that was made to the Board. The Board received information that I was convicted of a second degree assault, a misdemeanor. I have decided to surrender my license to practice massage therapy in the State of Maryland to avoid further disciplinary action before the Board.

I acknowledge that on or about June 3, 2014, the Board received a complaint alleging that I inappropriately touched a client during a massage. On or about September 29, 2014, I entered a guilty plea to the charge of second degree assault.¹ I was sentenced to 36 months in prison, with 35 months and 20

¹ A second charge (sex offense fourth degree) was placed on the STET docket, for appeal purposes only..

days suspended. I was also placed on supervised probation for 30 months and fined \$2,500, of which the fine was suspended.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution under the Act and to resolve this matter. I understand that if the case had proceeded through the disciplinary process I may have been charged under the following provisions of the Act, H.O. § 3-5A-10:

(a) *Denial of license or registration.* - Subject to the hearing provisions of 3-315 of this title, the Board may deny a license or registration to any applicant, reprimand, any licensee or registration holder, place any licensee or registration holder on probation, or suspend or revoke the license of a license or the registration of a registration holder if the applicant, licensee or registration holder:

(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;

(20) Engages in conduct that violates the professional code of ethics; to wit:

COMAR 10.43.18.05 Professional Boundaries. B. A license holder or registration holder may not: (2) Engage in a sexually intimate act with a client; or (3) Engage in sexual misconduct that includes, but is not limited to: (a) Therapeutic deception; (b) Non bona fide treatment; or (c) A sexually exploitative relationship; [and]

(21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations.

I acknowledge that if the case proceeded, the Board would proceed with disciplinary action against my license. Further, if the case proceeded to an evidentiary hearing, the Board would submit evidence to support the allegations made in this case. I acknowledge that for all purposes relevant to 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 charges that would have been issued by the Board 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 appropriate reporting entities of this Letter of Surrender, and in response to any inquiry, will advise that I have surrendered my license in lieu of further 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 State Govt. § 10-611 *et seq.* (2014 Repl. Vol.). Finally, I understand that this Letter of Surrender is considered a disciplinary action by the Board.

I affirm that as of the date of this Letter of Surrender, I will present to the Board my original Maryland massage therapy license number M03727, and my most recent wallet-sized renewal card.

I recognize and agree that by submitting this Letter of Surrender, my license will remain permanently surrendered. I acknowledge that I will not apply for reinstatement of my Maryland license to practice as a licensed massage therapist.

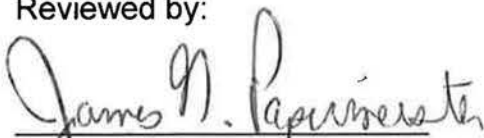
I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have consulted with an attorney before signing this Letter of Surrender. I understand both the nature of the Board's actions and this Letter of Surrender 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,



Benjamin Franklin Knotts, III

Reviewed by:



James N. Papirmeister, Esq.
Attorney for Mr. Knotts

NOTARY SEAL

STATE OF MARYLAND
CITY/COUNTY:

I HEREBY CERTIFY that on this 21 day of April, 2016, before me, a Notary Public of the State and City/County aforesaid personally appeared Benjamin Franklin Knotts, III and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was his voluntary act and deed.

Karen E. Seiberlich
KAREN E. SEIBERLICH
Notary Public-Maryland
Montgomery County
My Commission Expires
December 04, 2016

Karen E. Seiberlich
Notary Public



ACCEPTANCE

On behalf of the Maryland Board of Physical Therapy Examiners, on this _____ day of _____, 2016, I accept Benjamin Franklin Knotts, III **PUBLIC SURRENDER** of his license to practice as a physical therapy assistant in the State of Maryland.

4/9/16
Date

[Signature]
Jonathan Nou, D.C.
Maryland Board of Chiropractic and
Massage Therapy Examiners