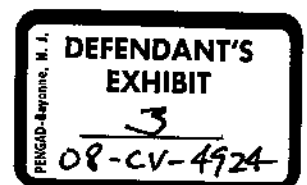


<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>IMPAIRED PROFESSIONAL DIVERSION PROGRAM, d/b/a COLORADO NURSE HEALTH PROGRAM,</p> <p>Plaintiff,</p> <p>v.</p> <p>COLORADO DEPARTMENT OF REGULATORY AGENCIES,</p> <p>Defendant.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>JOHN W. SUTHERS, Attorney General LINDA S. COMER, Senior Litigation Counsel * 1525 Sherman Street, 7th Floor Denver, CO 80203 303-866-5513 Registration Number: 11267 *Counsel of Record</p>	<p>Case No.: 08-CV-4924</p> <p style="text-align: center;">Ctrm.: 2</p>
<p>AFFIDAVIT</p>	

I, Mark Merrill, the Affiant, state and depose that I am over 18 years of age and a resident of the State of Colorado.

I further state and depose that, as Program Director for the State Board of Nursing, I have knowledge of how CNHP was paid for the services it provided to the impaired nurses program.

1. As a condition of licensure, new nurses pay into the impaired nurses program.
2. Each spring, CNHP would submit an annual budget for approval by the State Board of Nursing ("the Board").
3. If the Board approved the budget, it would authorize the National Council of State Boards of Nursing (the administering entity) to release the budgeted funds in quarterly installments to CNHP.
4. CNHP submitted its annual budget for FY 07-08 on April 25, 2007. The budgeted amount was \$699,881.00.



5. The State Board of Nursing approved the budget on April 25, 2007.

6. CNHP has been paid the full amount of the budget it submitted for FY 07-08. There are no funds due and owing to CNHP for FY 07-08.

I declare under penalty of perjury that the foregoing is true and correct.
Further this affiant sayeth not.

Mark Merrill

Mark Merrill, Program Director
Colorado Department of Regulatory Agencies
Division of Registrations, Board of Nursing

Subscribed and sworn to before me in the County of Denver, State of Colorado, this 25th day
of July 2008.

Jacqueline Argelm
NOTARY PUBLIC

My Commission expires:

2-17-2010

