BEFORE THE BOARD OF BEHAVIORAL SCIENCE
OF THE STATE OF IOWA

IN THE MATTER OF	)	CASE NO. 09-003
	)	
Lisa Vogel, MHC	)	**NOTICE OF HEARING AND**
License No. 00363	)	**STATEMENT OF CHARGES**
RESPONDENT.	)	

COMES NOW the Iowa Board of Behavioral Science (Board) and hereby files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 645 Iowa Administrative Code (IAC) 11.6. Respondent was issued Iowa license 00363 on October 23, 1998. Respondent's license is current and will next expire on September 30, 2010. Respondent's address as reported to the Board is 2511 N. 73rd Street, Omaha, Nebraska, 68134.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on **May 7, 2010**, before the Board of Behavioral Science. The hearing shall begin at **10:00 a.m.** and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room 526, Des Moines, Iowa.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 IAC 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Board of Behavioral Science, 5th Floor, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa, 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 641 IAC chapter 11. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 IAC 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 645 IAC 11.17.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: Kris Ensign, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 147, 154D, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 154D, and 272C and 645 IAC chapter 33.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 645 IAC 11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

1. Respondent is charged with violating a regulation, rule or law of this state, another state, or the United States, which relates to the practice of the profession, in violation of 645 Iowa Administrative Code 33.2(13).

COUNT II

2. Respondent is charged with failing to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred, in violation of 645 Iowa Administrative Code 33.2(16).

COUNT III

3. Respondent is charged with fraud in procuring a license by making a false representation of material fact when making application for license in this state, in violation of

645 Iowa Administrative Code 33.2(2).

D. FACTUAL CIRCUMSTANCES

4. On May 29, 1996, Respondent was convicted of Failure to Yield to Oncoming Traffic, a misdemeanor. She was originally charged with Operating While Intoxicated- First Offense.

5. On July 8, 1998, Respondent was convicted of careless driving, in violation of Iowa Code section 321.277A and two counts of faulty equipment, in violation of Iowa Code section 321.385, all misdemeanors. She was originally charged with Operating While Intoxicated - Second Offense.

6. On October 17, 2000, Respondent was convicted of Operating while Intoxicated - Second Offense, a misdemeanor, in violation of Iowa Code section 321J.2(b).

7. On September 23, 2003, Respondent was convicted of Operating while Intoxicated - First Offense, a misdemeanor, in violation of Iowa Code section 321J.2(A).

8. On January 9, 2007, Respondent was convicted of Operating while Intoxicated - Second Offense, a misdemeanor, in violation of Iowa Code section 321J.2(B).

9. Respondent failed to report any of the convictions to the Board within the required reporting time.

10. On August 3, 1998, Respondent applied for licensure. In response to the question, "Have you ever been convicted of a felony or misdemeanor?" Respondent answered no.

11. On July 1, 2006, Respondent applied for licensure renewal. In response to the question, "Since your last renewal have you been convicted, found guilty or entered a plea of guilty or no contest to a felony or misdemeanor crime?" Respondent answered no.

12. On November 14, 2008, Respondent entered into a settlement agreement with the

State of Nebraska to settle allegations of misrepresenting material facts on a renewal application, failure to report a conviction and alcohol abuse. The settlement agreement imposed a five year term of probation with conditions including random drug testing, practice monitor requirements, and quarterly reports.

E. SETTLEMENT AGREEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC chapter 12. If you are interested in pursuing settlement of this matter, please contact Kris Ensign, Assistant Attorney General, at (515) 281-6547.

F. PROBABLE CAUSE FINDING

On this 6th day of February, 2009, the Iowa Board of Behavioral Science found probable cause to file this Notice of Hearing and Statement of Charges.

This notice of hearing and statement of charges is approved by the board on March 17, 2010.