

BEFORE THE BOARD OF BEHAVIORAL SCIENCE EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE)	NO. 05 - 016
STATEMENT OF CHARGES)	
AGAINST)	
)	
EARL T. ANDERSON,)	NOTICE OF HEARING
)	
RESPONDENT.)	

COMES NOW the Iowa Board of Behavioral Science Examiners and files this Notice of Hearing pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa license no. 00816 on March 26, 2003. That license is active and will next expire on September 30, 2006.

A. TIME, PLACE AND NATURE OF HEARING

A disciplinary contested case hearing shall be held on May 12, 2006, before the Board of Behavioral Science Examiners. The hearing shall begin at 11:00 a.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room # 526, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Within twenty (20) days of the date you are served this Notice of Hearing you are required by 645 Iowa Administrative Code 11.12 to file an Answer. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against

you. The procedural rules governing the conduct of the hearing are found at 641 Iowa Administrative Code Chapter 11.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Heather L. Adams, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

B. LEGAL AUTHORITY AND JURISDICTION

The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 154D, and 272C (2005). 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 (2005) and 645 Iowa Administrative Code Chapter 33. 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 Iowa Administrative Code 11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

Respondent is charged with violation of Iowa Code section 272C.10(1) (2005) and 645 IAC 33.2(2) with fraud in procuring a license.

Count II

Respondent is charged with violation of Iowa Code section 272C.10(3) (2005) and 645 IAC 33.2(4) with knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the profession or engaging in unethical conduct.

Count III

Respondent is charged with violation of 645 IAC 33.2(14) with revocation, suspension, or other disciplinary action taken by a licensing authority of this state, another state, territory, or country; or failure by the licensee to report in writing to the board revocation, suspension, or other disciplinary action taken by a licensing authority within 30 days of the final action.

D. STATEMENT OF MATTERS ASSERTED

A short and plain Statement of the Matters Asserted was reviewed and approved by the Board at the time this Notice of Hearing was filed. A Statement of the Matters Asserted shall be furnished to Respondent as an attachment to this Notice. However, this short and plain statement of the matters asserted is not a public record.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 Iowa Administrative Code chapter 12. If you are interested in pursuing settlement of this matter, please contact Heather Adams, Assistant Attorney General, at 515.281.3441.

F. PROBABLE CAUSE FINDING

On this 10th day of February, 2006, the Iowa Board of Behavioral Science Examiners found probable cause to file this Notice of Hearing.

This notice of hearing is approved by the Board on February 10, 2006.