BEFORE THE BOARD OF CHIROPRACTIC OF THE STATE OF IOWA

IN THE MATTER OF) NO. 08-056
Douglas Dvorak,)) NOTICE OF HEARING AND) STATEMENT OF CHARGES
Respondent.)

COMES NOW the lowa Board of Chiropractic (Board) and 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 AO5380 on August 29, 1988. Respondent's license is active and will next expire on June 30, 2010.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 13, 2010 before the Board of Chiropractic. The hearing shall begin at 9:00 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 Chiropractic, 5 Floor, Lucas State Office Building, Des Moines, Iowa, 50319.

<u>Presiding Officer</u>. 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 chapter11. 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.

<u>Pre-hearing Conference</u>. 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.

<u>Prosecution</u>. 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:

Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2

Floor, Hoover State Office Building, Des Moines, Iowa 50319.

<u>Communications</u>. 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

<u>Jurisdiction</u>. The Board has jurisdiction in this matter pursuant to lowa Code Chapters 147, 151, and 272C.

<u>Legal Authority</u>. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under lowa Code Chapters 17A, 147, 151, and 272C and 645 IAC chapter 45.

<u>Default</u>. 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

Respondent is charged with conviction of a felony related to the profession or occupation of the licensee or conviction of any felony that would affect the licensee's ability to practice within the profession in violation of 45.2(11).

D. FACTUAL CIRCUMSTANCES

- 1. On October 28, 2008 the Chiropractic Board administratively opened a complaint against Douglas Dvorak.
- 2. On September 24, 2008, Respondent was charged with twenty-two counts of mail fraud, in violation of 18 U.S.C. § 1341, eleven counts of aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1), and six counts of money laundering, in violation of 18 U.S.C. 1956(a)(1)(B)(i).

3. On April 10, 2009, Respondent was found guilty on all charges. Sentencing has been set for October 6, 2009.

E. SETTLEMENT

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 Julie Bussanmas, Assistant Attorney General, at 515.281.7175.

F. PROBABLE CAUSE FINDING

On this 8th day of July, 2009, the Iowa Board of Chiropractic found probable cause to file this Notice of Hearing and Statement of Charges.