BEFORE THE BOARD OF CHIROPRACTIC OF THE STATE OF IOWA

IN THE MATTER OF	)	NO. 08-014
	)	
Jeffrey Kopp,	)	**NOTICE OF HEARING AND STATEMENT OF CHARGES**
	)	
Respondent.	)	

COMES NOW the Iowa 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 06931 on November 15, 2006. Respondent's license is inactive as of June 30, 2008. Respondent's address as reported to the Board is #10054-029, FPC Duluth, Federal Prison Camp, P.O. Box 1000, Duluth, MN 55814.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 14, 2009 before the Board of Chiropractic. The hearing shall begin at 11:00 AM 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, 5th Floor, Lucas State Office Building, 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 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.

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: Julie Bussanmas, 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 in this matter pursuant to Iowa Code Chapters 147, 151, 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, 151, and 272C and 645 IAC chapter 45.

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

Respondent is charged with engaging in unethical conduct or in a practice that is harmful or detrimental to the public, in violation of Iowa Code sections 151.9(3), 147.55(3), and 272C.10(3) and the Board's administrative rules at 645 IAC 45.2(3).

Count II

Respondent is charged with obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority, in violation of 645 IAC 45.2(7)

Count III

Respondent is charged with conviction of a felony that would affect the licensee's ability to practice within the profession, in violation of Iowa Code sections 151.9(5), 147.55(5) and 272C.10(5) and 645 IAC 45.2(11) and 45.2(12).

D. FACTUAL CIRCUMSTANCES

1. April 8, 2008 the Chiropractic Board administratively opened a complaint against Jeffrey Kopp after receiving a copy of the Gazetteonline article dated March 10, 2008 reporting that Mr. Kopp was involved in a drug ring that conspired to smuggle marijuana into the United States from Canada for redistribution between 2005 and May 18, 2007. As reported by the Gazetteonline, the investigation began May 2007 when customs and border protection seized 600 pounds of marijuana. The marijuana was to be delivered to Mr. Kopp and an associate. Federal agents made controlled deliveries of the marijuana to them in Delaware County.

2. On or about June 20, 2007, Respondent was indicted on federal drug charges including possession with intent to deliver marijuana in violation of 21 U.S.C. 841(a)(1) and 841(b)(1)(B) and conspiracy to distribute marijuana in violation of 21 U.S.C. 846 and 841(b)(1)(A). A superseding indictment was filed on August 8, 2007, charging Respondent with an additional charge of money laundering, in violation of 18 U.S.C. 195(h).

3. On March 7, 2008, Respondent pled guilty to money laundering and conspiracy to distribute marijuana.

4. On July 23, 2008, Respondent was sentenced to 40 months on each count, to be served concurrently, five years supervised release following incarceration, and a $200 special assessment.

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 October, 2008, the Iowa Board of Chiropractic 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 December 8, 2008.