

BEFORE THE IOWA BOARD OF SOCIAL WORK

IN THE MATTER OF:)	CASE NUMBER: 08-025
)	
JERRY A. FUTER,)	SETTLEMENT AGREEMENT
)	AND FINAL ORDER
Respondent.)	

COME NOW the Iowa Board of Social Work ("Board") and Jerry A. Futer ("Respondent"), and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Settlement Agreement and Final Order of the contested case currently on file against the Respondent:

1. The Board originally licensed Respondent to practice as a social worker in the state of Iowa on October 29, 1997, and Respondent holds license number 304 02570.
2. The Board filed a Notice of Hearing and Statement of Charges against the Respondent on May 28, 2009. A contested case hearing in this matter is scheduled for October 19, 2009.
3. The Board has jurisdiction over the parties and subject matter of the Notice of Hearing and Statement of Charges.
4. Execution of this Settlement Agreement and Final Order constitutes the resolution of this contested case. Respondent has a right to a hearing on the charges, but waives Respondent's right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Settlement Agreement and Final Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following contested case hearing.

5. Respondent is freely and voluntarily entering into this Settlement Agreement and Final Order. Respondent agrees that the State's counsel may present this agreement to the Board and may have ex parte communication with the Board while presenting it.

6. This agreement is subject to approval of the Board. If the Board approves this agreement, it becomes the final disposition of this matter. If the Board fails to approve this agreement, it shall be of no force or effect to either party.

7. This agreement shall be part of the Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

8. This Settlement Agreement and Final Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C. The Notice of Hearing and Statement of Charges is also a public record available for inspection and copying in accordance with the requirements of Iowa Code chapters 17A, 22 and 272C.

9. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED:

10. The Respondent agrees to voluntarily surrender Respondent's license to practice social work in the State of Iowa and understands that pursuant to 645 Iowa Administrative Code 12.1(5) a voluntary surrender, when accepted by the Board, shall have the same force and effect as an order of revocation. This agreement shall

constitute Respondent's written statement of intention to surrender Respondent's license pursuant to 12.1(5).

11. The Respondent shall surrender Respondent's social work license to the Board within 10 days of the execution date of this Agreement. The execution date is that date which accompanies the Board Chairperson's signature.

12. By voluntarily surrendering Respondent's license, the Respondent agrees not to use any words or titles which imply or represent that Respondent is a licensed social worker or to engage in the practice of social work for which a license is required in the state of Iowa.

13. The Respondent agrees that should Respondent ever seek reinstatement of Respondent's license to practice social work in the state of Iowa, such application shall be subject to the provisions of 645 Iowa Administrative Code Section 11.31. In any application for reinstatement, the Respondent shall be required to submit evidence that demonstrates to the Board's satisfaction that the basis for the surrender of Respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The Respondent shall bear the burden of proof establishing these facts.

This settlement agreement and final order is approved by the board on October 19, 2009.