

BEFORE THE BOARD OF SOCIAL WORK
OF THE STATE OF IOWA

IN THE MATTER OF)	NO. 03-030
)	
BRUCE ENGER,)	NOTICE OF HEARING
)	AND STATEMENT OF CHARGES
RESPONDENT.)	

COMES NOW the Iowa Board of Social Work (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 03652 on June 9, 1998. Respondent's license to practice master level social work in Iowa expired on December 31, 2000.

Respondent's address as reported to the Board is 16479 Highway 151, Monticello IA 52310.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on August 8, 2011, before the Board of Social Work. The hearing shall begin at 9:00 a.m. and shall be located in the Lucas State Office Building, Fifth Floor Board 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: Iowa Board

of Social Work, Lucas State Office Building—5th Floor, 321 E. 12th St., 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: Sara Scott, 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, Chapter 154C, 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, 154C, and 272C and 645 IAC Chapter 283.

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

Pursuant to Iowa Administrative Code 645—283.2(20), Respondent is charged with failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

D. FACTUAL CIRCUMSTANCES

1. Respondent was licensed as a master level social worker on June 9, 1998. Respondent's license expired on December 31, 2000.

2. Respondent continued to provide social work services which require an active license, including the provision of psychosocial therapy, after his license had expired.

3. Respondent continued to represent himself as a licensed social worker after his license had expired.

4. Respondent offered to provide supervision to other social workers and mental health counselors which required that he hold an active license to practice, after his license had expired.

5. On November 14, 2005, the Board found probable cause to file a Statement of Charges.

6. On May 8, 2006, Respondent entered into a settlement agreement with the Board. Respondent agreed to immediately submit a renewal application and all required fees to renew his expired license. On June 6, 2006, Respondent filed an application for reactivation of an Iowa license along with \$180. Respondent failed to submit proof of the 27 hours of continuing education required for reactivation.

7. On December 19, 2007, the Board found probable cause to file a Statement of Charges based on Respondent's failure to comply with the agreement.

8. On January 25, 2010, Respondent entered into a settlement agreement with the Board. Respondent agreed that, within six (6) months from the date of the agreement, he would: submit a reactivation application on a form provided by the Board, pay all required fees to renew his expired license, provide verification of completion of 27 hours of continuing education obtained within the two (2) years prior to the submission of his reactivation application, and provide verification of taking and

passing the ASWB examination at the appropriate level.

9. Respondent has failed to apply for reactivation of his license.

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 Sara Scott, Assistant Attorney General, at 515/242-0104.

F. PROBABLE CAUSE FINDING

On May 9, 2011 the Iowa Board of Social Work found probable cause to file this Notice of Hearing and Statement of Charges.