

BEFORE THE BOARD OF EXAMINERS FOR MASSAGE THERAPY
OF THE STATE OF IOWA

IN THE MATTER OF)	NO. 07-005
)	
)	
Stephen T. Munn,)	NOTICE OF HEARING
)	AND STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Examiners for Massage Therapy and hereby files this Statement of Charges pursuant to Iowa Code section 17A.12(2). On February 27, 2004, the Board issued Respondent Iowa Massage Therapy License No. 03533. Respondent's license will expire on February 15, 2008.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on September 4, 2007, before the Iowa Board of Examiners for Massage Therapy. The hearing shall begin at 9:30 a.m. and shall be held in the conference room at the Lucas State Office Building, Fifth Floor Board Conference Room No. 526, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served with this Statement of Charges you are required by Iowa Administrative Code regulation 645-11.12 to file an Answer. In the Answer you should also state whether you request a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as the 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.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found in Iowa Administrative Code chapter 645-11. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in Iowa Administrative Code regulation 645-11.18. The hearing may be open to the public or closed to the public at your discretion.

5. Prosecution. 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. Palmer, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319

6. Communications. You may not contact board members by telephone, letter, facsimile, e-mail, or in person about this 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 pleading you file with the Board office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General Heather L. Palmer at 515-281-7262.

B. LEGAL AUTHORITY AND JURISDICTION

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 152C and 272C (2007).

8. 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, 152C and 272C and Iowa Administrative Code chapter 645.

9. 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 Iowa Administrative Code regulation 645-11.21.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. Respondent is charged under Iowa Code sections 147.55(8) and 272C.10(8) and Iowa Administrative Code regulation 134.2(18) with failure to cooperate with an investigation of the Board regarding reported previous felony or misdemeanor convictions as part of Respondent's license renewal.

D. FINDINGS OF FACT

11. Respondent is a massage therapist from Ames, Iowa.

12. On his license renewal application Respondent reported he had been convicted of a felony/misdemeanor.

13. The Board requested on five occasions that Respondent provide a signed letter of explanation and provide the details of concerning any felony/misdemeanor convictions, including supporting documents.

14. Respondent did not respond to the Board's request.

E. SETTLEMENT

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found in Iowa Administrative

Code regulation 645-12.1. If you are interested in pursuing settlement of this matter please contact Assistant Attorney General Heather L. Palmer at 515-281-7262.

F. PROBABLE CAUSE FINDING

16. On this 5th day of June, 2007, the Iowa Board of Examiners for Massage Therapy found probable cause to file this Statement of Charges.

This notice of hearing and statement of charges is approved by the board on June 5, 2007.