

BEFORE THE BOARD OF MASSAGE THERAPY
OF THE STATE OF IOWA

IN THE MATTER OF)	CASE NO. 12-025
)	
BRUCE MORGAN)	NOTICE OF HEARING AND
License No. 03616)	STATEMENT OF CHARGES
RESPONDENT.)	
)	

COMES NOW the Iowa Board of Massage Therapy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) and Iowa Administrative Code rule 645—11.6. Respondent was issued Iowa license no. 03616 on May 7, 2004. Respondent's license is currently active and will next expire on May 15, 2014.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on September 3, 2013, before the Board. The hearing shall begin at 9:00 a.m. and shall be located in the Lucas State Office Building, Fifth Floor Board Conference Room No. 526, Des Moines, Iowa 50319.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by Iowa Administrative Code rule 645—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 Massage Therapy, 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 to make initial rulings on pre-hearing matters, and be present to assist and advise the board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found in Iowa Administrative Code chapter 645—11. At the hearing, you may

appear personally or be represented by 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 the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in Iowa Administrative Code rule 645—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 in Iowa Administrative Code rule 645—11.17.

Prosecution. The Office of 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:

Laura Cathelyn
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Cathelyn can also be reached by phone at (515) 281-6690 or by e-mail at laura.cathelyn@iowa.gov.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the 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, 152C, 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 under Iowa Administrative Code rule 645—11.21.

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 rule 645—11.21.

C. STATUTES AND RULES INVOLVED

Count I

Respondent is charged pursuant to Iowa Code section 147.55(9) with violating Iowa Administrative Code rule 645—134.2(21) for failing to meet the continuing education requirement for licensure within the time prescribed by law.

D. FACTUAL CIRCUMSTANCES

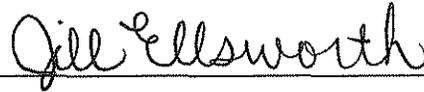
1. Respondent had prior disciplinary action from the Board for failing to meet continuing education requirements.
2. Respondent failed a continuing education audit for the 2012 renewal by failing to provide proof of continuing education hours within the time prescribed by Board rules.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code chapter 645—12. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Cathelyn at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 4th day of June, 2013, the Iowa Board of Massage Therapy found probable cause to file this Notice of Hearing and Statement of Charges.



Chairperson
Iowa Board of Massage Therapy

cc: Laura Cathelyn
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319