

BEFORE THE BOARD OF SOCIAL WORK
OF THE STATE OF IOWA

IN THE MATTER OF)	NO. 09-010
)	
GILBERT A. ALBER,)	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 304 05516 on March 4, 1999. Respondent's license to practice independent level social work in Iowa is active and will next expire on December 31, 2010.

Respondent's address as reported to the Board is 519 N. Elm St., Cresco, IA 52136.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on May 10, 2010, before the Board of Social Work. The hearing shall begin at 10:00 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: Heather Adams, 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—282.2(12)a, Respondent is charged with making misrepresentations and making a materially false statement in a report or other document.

Count II

Pursuant to Iowa Administrative Code 645—283.2(3), Respondent is charged with knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of social work or engaging in unethical conduct or practice harmful or detrimental to the public.

Count III

Pursuant to Iowa Administrative Code 645—283.2(8), Respondent is charged with falsification of client records.

Count IV

Pursuant to Iowa Administrative Code 645—283.2(12), Respondent is charged with violation of a regulation, rule, or law of this state which relates to the practice of social work, including, but not limited to, the rules of conduct found in 645—282.

D. FACTUAL CIRCUMSTANCES

1. Respondent reported to a client's probation officer that the client had completed substance abuse treatment when the client had not completed treatment.
2. Respondent was aware that the client had not completed treatment and that participating in treatment was a condition of the client's probation.

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 Heather Adams, Assistant Attorney General, at 515/281-3441.

F. PROBABLE CAUSE FINDING

On November 9, 2009, the Iowa Board of Social Work found probable cause to file this Notice of Hearing and Statement of Charges. Signed this 8th day of February, 2010.

This notice of hearing and statement of charges is approved by the board on February 8, 2010.