

BEFORE THE BEHAVIORAL SCIENCE BOARD OF THE STATE OF IOWA

<p>IN THE MATTER OF</p> <p>JOSEPH D. FOX 355 88th Street Apartment 2302 West Des Moines, IA 50266</p> <p>RESPONDENT</p>	<p>CASE NO.: 23-0079 & 23-0101</p> <p>NOTICE OF HEARING AND STATEMENT OF CHARGES</p>
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COMES NOW the Iowa Board of Behavioral Science (“Board”) and files this Notice of Hearing and Statement of Charges against Joseph D. Fox (“Respondent”), pursuant to Iowa Code §§ 17A.12(2), 17A.18(3), and 272C.3(1)(e), and 645 Iowa Administrative Code (IAC) 12.1.

A. TIME, PLACE AND NATURE OF HEARING

1. **Hearing.** A contested case hearing shall be held on August 27, 2024, before the Board. The hearing shall begin at 9:00 a.m. and shall be located in the conference room at the office of the Iowa Board of Behavioral Science, 6200 Park Avenue, Ste. 100, Des Moines, Iowa 50321.

2. **Prehearing Conference.** A prehearing conference to schedule pre-hearing deadlines shall be held by telephone on August 13, 2024 at 9:00 a.m. before Administrative Law Judge Kristine Dreckman from the Iowa Department of Inspections, Appeals and Licensing (ALJ) at the following conference line, 855-841-8570.

3. **Answer.** Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you may file an Answer. In that Answer, you should also state whether you will request a continuance of the date and time of the hearing.

4. **Filing of Pleadings.** Pleadings shall be filed with the Board at the following address: Iowa Board of Behavioral Science, 6200 Park Avenue, Ste. 100, Des Moines, Iowa 50321, by email to tony.alden@dia.iowa.gov, or electronically using the Administrative Electronic

Document Management System (adminhearings.iowa.gov/efile/).

5. **Presiding Officer.** The Board shall serve as presiding officer at the contested case hearing, but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections, Appeals and Licensing, the authority to make initial rulings on prehearing matters, and requests the administrative law judge be present to assist and advise the Board at hearing.

6. **Prehearing Conference.** Any party may request a prehearing conference to discuss evidentiary issues related to the hearing in accordance with 645 IAC 11.17.

7. **Hearing Procedures.** The procedural rules governing the conduct of the hearing are found at 645 IAC 11.19. At the 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 the discretion of the Respondent.

8. **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: Lindsey L. Browning, Assistant Attorney General, Office of the Iowa Attorney General, 1305 E. Walnut Street, 2nd Floor, Des Moines, Iowa 50319.

9. **Communications.** You may not contact Board members in any manner, including by phone, letter, facsimile, in person 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 and serve upon all parties in the case. You may contact Tony Alden, Executive Director, Iowa Board of Behavioral Science, at tony.alden@dia.iowa.gov or 515-281-4401, or Assistant Attorney General Lindsey L. Browning, lindsey.browning@dia.iowa.gov or 515-281-3441.

B. LEGAL AUTHORITY AND JURISDICTION

10. **Iowa License**. Respondent was issued Iowa mental health counselor license number 096207 on July 1, 2021. Respondent's Iowa mental health counselor license is active and will next expire on September 30, 2024.

11. **Jurisdiction**. The Board has jurisdiction in this matter pursuant to Iowa Code § 154D.

12. **Legal Authority**. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code § 272C and 645 IAC 13.1.

13. **Default**. The Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code § 17A.12(3) and 645 IAC 11.21.

C. STATEMENT OF CHARGES

COUNT I

14. Respondent is charged under 645 IAC 33.2(29)"b" with the unethical conduct of making an improper sexual advance to a client.

COUNT II

15. Respondent is charged under 645 IAC 33.2(29)"c" with the unethical conduct of betraying a professional confidence.

D. STATEMENT OF THE MATTERS ASSERTED

16. **Practice Setting**. Respondent is an Iowa licensed mental health counselor who practiced mental health counseling in West Des Moines, Iowa, during the period relevant to these

allegations. Respondent currently lives in the State of Iowa.

17. **Allegations.** A short and plain Statement of the Matters Asserted (Statement) was reviewed and approved by the Board at the time this Notice of Hearing and Statement of Charges was filed. The Statement shall be furnished to Respondent as an attachment to this Notice of Hearing and Statement of Charges. However, the Statement is not a public record pursuant to Iowa Code § 272C.6(4)(a).

E. SETTLEMENT

18. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC 12.1. If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified above.

F. PROBABLE CAUSE FINDING

19. On June 13, 2024, the Iowa Board of Behavioral Science found probable cause to file this Notice of Hearing and Statement of Charges.

/s/Amy Mooney
Vice-Chairperson
Iowa Board of Behavioral Science

Copy to:
Lindsey L. Browning
Assistant Attorney General
Office of the Iowa Attorney General
1305 E. Walnut Street
2nd Floor
Des Moines, IA 50319
Lindsey.browning@ag.iowa.gov

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-0233. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).