

**BEFORE THE BEHAVIORAL HEALTH PROFESSIONALS BOARD
OF THE STATE OF IOWA**

IN THE MATTER OF Dakota Funk RESPONDENT	CASE NO.: 23-0187, 24-0205, 24-0206, 24-0207 NOTICE OF HEARING AND STATEMENT OF CHARGES
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COMES NOW the Iowa Board of Behavioral Health Professionals (“Board”) and files this Notice of Hearing and Statement of Charges against Dakota Funk (“Respondent”), pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)(e), and 481-506.5.

A. TIME, PLACE AND NATURE OF HEARING

1. **Hearing.** A contested case hearing shall be held on **April 28, 2025**, 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 Health Professionals, 6200 Park Avenue, Des Moines, Iowa 50321.
2. **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.
3. **Filing of Pleadings.** Pleadings shall be filed with the Board at the following address: Board of Behavioral Health Professionals, 6200 Park Avenue, Ste. 100, Des Moines, Iowa 50321, by email to Tony Alden at tony.alden@dia.iowa.gov, or electronically using the Administrative Electronic Document Management System (adminhearings.iowa.gov/efile/).
4. **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.

5. **Prehearing Conference.** Any party may request a prehearing conference to discuss evidentiary issues related to the hearing in accordance with Iowa Administrative Code rule 401-506.17.

6. **Hearing Procedures.** The procedural rules governing the conduct of the hearing are found at Iowa Administrative Code rule 481-506.19. 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 Iowa Administrative Code Rule 481-506.18. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

7. **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: David Merchan at David.Merchan@ag.iowa.gov.

8. **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, Board Executive, Iowa Board of Behavioral Health Professionals, at 515-281-4401 or tony.alden@dia.iowa.gov, or Assistant Attorney General, David Merchan, at 515-281-5164 or David.merchan@ag.iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

9. **Iowa License.** Respondent was issued Iowa social work license number 086630 on May 6, 2020. Respondent's Iowa social work license is active and will next expire on December 31, 2026.
10. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code Chapter 154C.
11. **Legal Authority.** If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapter 154C and Iowa Administrative Code rule 481-504.2.
12. **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 Section 17A.12(3) and Iowa Administrative Code rule 481-506.21.

C. STATEMENT OF CHARGES

COUNT I

1. Respondent is charged under Iowa Administrative Code rule 481-897.2(13) with practicing in a professional relationship while intoxicated under the influence of alcohol.

COUNT II

2. Respondent is charged under Iowa Administrative Code rule 481-897.2(5)a-b with failing to maintain sufficient, timely, and accurate documentation in client records including subjective and objective data, assessment or diagnosis, a treatment plan, and any revisions to the assessment, diagnosis, or plan made during the course of treatment.

COUNT III

3. Respondent is charged under Iowa Administrative Code rule 897.2(17) with physically or verbally abusing a client or colleague.

COUNT IV

4. Respondent is charged under Iowa Administrative Code rule 481-504.2(9) with being convicted of an offense that directly relates to the duties and responsibilities of the profession.

D. STATEMENT OF THE MATTERS ASSERTED

5. **Practice Setting.** Respondent is an Iowa licensed social worker who practiced social work in Ankeny, Iowa, during the time period relevant to these allegations. Respondent currently lives in Independence, Iowa.

6. **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 section 272C.6(4)(a).

E. SETTLEMENT

7. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code rule 481-506.33. If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified above.

F. PROBABLE CAUSE FINDING

8. On March 13, 2025, the Iowa Board of Behavioral Health Professionals found probable cause to file this Notice of Hearing and Statement of Charges.

Dated this 13th day of March, 2025.

Aaron L. Culley, L.P.S.W.
Aaron Culley, Chairperson
Iowa Board of Behavioral Health Professionals

Copy to:
David Merchan
Assistant Attorney General
Iowa Attorney General's Office
1305 E. Walnut Street
Des Moines, Iowa 50319
Ph: 515-281-6662
David.merchan@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).