

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

712 S. Kansas Ave., Topeka, KS 66603-3817
785-296-3240

IN THE MATTER OF THE LICENSE OF)
)
BRENDA ALEXANDER)
)
LSCSW NO. 680)
)

CASE NO. 00-0005

PETITION

COMES NOW petitioner, Behavioral Sciences Regulatory Board, by and through counsel, Carla Stovall, Attorney General of Kansas, and Michelle Davis, Assistant Attorney General, and initiates this administrative proceeding in discipline against respondent, Brenda Alexander. In support of and for its cause of action, petitioner states as follows:

JURISDICTION

1. The Behavioral Sciences Regulatory Board, hereinafter petitioner or board, is duly constituted under the laws of the State of Kansas, specifically K.S.A. 74-7501, et seq.
2. Respondent is a Licensed Specialist Clinical Social Worker (LSCSW) pursuant to the Kansas Social Work Practice Act, 65-6301, et seq., license number 680, with an expiration date of November 30, 2002.
3. Kansas Statutes Annotated (K.S.A.) 65-6311 and Kansas Administrative Regulation (K.A.R.)102-2-7 provide the grounds for which the board may suspend, limit, revoke, or refuse to renew the license of a Specialist Clinical Social Worker.
4. The board found probable cause to believe that respondent had committed an act of unprofessional conduct under K.S.A. 65-6311 and K.A.R. 102-2-7.

5. The board requested that the Attorney General commence this administrative action. Carla Stovall is the duly elected, qualified and acting Attorney General of Kansas. Michelle Davis is a duly appointed Assistant Attorney General. The Office of the Attorney General is created by Article 1, Section 1 of the Kansas Constitution.

6. Respondent's last known address is [REDACTED]

FACTS

From February of 2001 through January of 2002, board investigator, Roger Scurlock, attempted to contact respondent, who was licensed by the board, to investigate two reports against respondent of alleged violations of K.S.A. 65-6311. Mr. Scurlock sent letters dated June 14, 2001, and August 8, 2001, to respondent at her last known address of [REDACTED]. The letters requested information relevant to the investigation and a response from respondent. The letters were not returned and the board received no response from respondent. Once in October and once in November of 2001, Mr. Scurlock stopped at respondent's address, knocked on the front door, and received no answer; Mr. Scurlock observed that the house appeared to be occupied and the letters "Alexander" were readable on the mailbox.

Mr. Scurlock sent a letter dated January 8, 2002, to respondent that requested a response within 30 days and notified respondent that a failure to respond may be considered a violation of K.A.R. 102-2-7, unprofessional conduct in failing or refusing to cooperate with a board investigation of an alleged violation. The letter was not returned and the board received no response from respondent. On March 6, 2002, the [REDACTED] station in [REDACTED] certified that respondent still received mail at [REDACTED].

COUNT 1

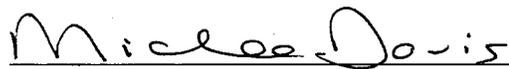
**[Unprofessional Conduct -Failure To Cooperate With An Investigation -
K.A.R. 102-2-7(i) and K.S.A. 65-6311(a)(4)]**

Based upon the facts alleged above, which are hereby incorporated by reference, respondent engaged in unprofessional conduct pursuant to K.S.A. 65-6311(a)(4) and K.A.R. 102-2-7(i): Failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the investigation of any report of alleged violation lodged against the social worker, applicant, or other professional licensed or registered by the board. An individual taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person acted in a timely manner.

Wherefore, petitioner prays that the board schedule a hearing on the petition and provide the parties with notice of said hearing; and that if a disciplinary violation by respondent is established, then respondent's license be revoked, suspended, or receive other sanctions; and for such other and further relief as the board deems just and proper.

Respectfully submitted,


CARLA J. STOVALL
Attorney General of Kansas


Michelle A. Davis
Assistant Attorney General
120 SW 10th Street, Second Floor
Topeka, Kansas 66612-1597.
785-368-8436

CERTIFICATE OF SERVICE

On the 22nd day of July, 2002, I delivered a true and correct copy of the above and foregoing petition, first-class postage prepaid, to the United States Postal Service, addressed to:

Brenda Alexander



and I hand-delivered a copy to:

Camille Nohe
General counsel for the board
2nd floor
Memorial Building
Topeka, Kansas

A handwritten signature in cursive script that reads "Michelle Davis".

Michelle Davis

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 S. Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter)
)
 of) Case No. 00-5
)
 Brenda Alexander, LSCSW #680)
 Respondent)
 _____)

PROPOSED DEFAULT ORDER
(Pursuant to K.S.A. 77-520)

Now on this 6th day of September, 2002, the above-referenced matter comes on for hearing before the Behavioral Sciences Regulatory Board's designated hearing panel comprised of Charles Frankenfeld and Jim Williams, assisted by general counsel Camille Nohe, Assistant Attorney General (Legal Opinions and Governmental Counsel Division). Petitioner appears by Michelle Davis, Assistant Attorney General (Civil Litigation Division). Respondent Brenda Alexander does not appear in person or through counsel.

The Hearing Panel, having been advised and presented copies of the Petition and Notice of Hearing, determines that statutory notice of these proceedings, the possibility of conversion of these proceedings and possibility of default have been served on Respondent in compliance with the Kansas Administrative Procedures Act.

Petitioner proffers evidence in support of the Petition and moves to find Respondent in default in accordance with K.S.A. 77-520. Petitioner further moves that Respondent's license to practice clinical social work be revoked.

Thereupon, the Hearing Panel having reviewed the Petition and heard Petitioner's proffer of evidence, makes the following determinations:

Findings of Fact

The facts as alleged in the Petition are incorporated by reference as though fully set out herein and are deemed to be established as true.

Conclusions of Law

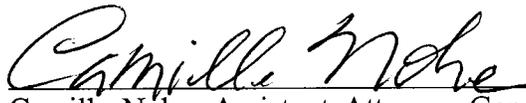
The violation of law as set forth in the Petition is deemed to be established, to wit:

(1) violation of K.S.A. 65-6311(a)(4), unprofessional conduct, as defined by K.A.R. 102-2-7(i), failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the investigation of any report of alleged violation lodged against the social worker.

ORDER

IT IS THEREFORE ORDERED that Respondent’s license to practice clinical social work, LSCSW # 680 be and hereby is revoked.

IT IS SO ORDERED.



Camille Nohe, Assistant Attorney General/General
Counsel to the Hearing Panel
for the Hearing Panel

Notice Regarding Relief from This Order

This is a Proposed Default Order issued pursuant to K.S.A. 77-520. It becomes effective without further notice or proceedings unless vacated by the Presiding Officer. Within seven days of the date indicated in the below Certificate of Service, a party may file a written motion requesting that the Proposed Default Order be vacated and stating the grounds or reasons relied upon. Filing a motion does not, by itself, vacate this Proposed Default Order.

Certificate of Service

This is to certify that on the 12th day September 2002, a true and correct copy of the above PROPOSED DEFAULT ORDER was deposited in the U.S. mail, first class postage prepaid, addressed to:

Brenda Alexander
516 SE 25th Street
Topeka, Kansas 66605

and a copy placed in inter-office mail addressed to:

Michelle Davis
Assistant Attorney General
Civil Litigation Division
Office of the Attorney General
Memorial Building, 3rd Floor
120 W. 10th Street
Topeka, Kansas 66612



Camille Nohe
Assistant Attorney General/General Counsel to the
Hearing Panel