

**KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

Eisenhower State Office Building

700 SW Harrison, Suite 420

Topeka, Kansas 66603-3240

In the Matter of )

Dennis J. Cook, )  
LMSW License No.11608, )

Case No. 23-MS-0123

Licensee/Respondent )

Pursuant to (K.S.A. 77-537)

**Summary Proceeding Order**

Now on this 28<sup>th</sup> day of August, 2023, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (the "Board"). After reviewing its administrative records and otherwise being duly advised in the premises, the Board makes the following findings of fact, conclusions of law, and orders.

**FINDINGS OF FACT**

1. The Board is the duly constituted and acting agency of the State of Kansas authorized to administer and enforce the provisions of the Kansas Social Work Licensure Act, K.S.A. 65-6301, *et. seq.*, and amendments thereto (the "Act").

2. Respondent Dennis J. Cook's ("Respondent") is an individual with a last known preferred mailing address on file with the Board of 2502 Neligh, Parson, Kansas 67357. At all times relevant hereto, Respondent has been licensed as a Master's Social Worker (LMSW) within the meaning of the Act.

3. On or about February 2, 2023, the Board received a complaint against Respondent which alleged in relevant part that Respondent admitted to providing his personal book identified as " Won ABC Colourkamikaze Edition Kunst Der Comics," containing pornographic images to two (2) youth males on two (2) different occasions at the Juvenile Detention Facility in Wichita, Kansas. Respondent provided the books to the two (2) different youth males on February 1, 2023 and February 2, 2023.

4. The complainant further asserted that video footage showed Respondent concealing the book from the JDF facility security, and that while he was not allowed in the JDF by himself, video footage showed that he slipped the book under the door to the youth without an escort.

5. The complaint was provided to Respondent for response. Through his response received on or about May 2, 2023, Respondent admitted that he provided the book in question to two (2) youth males in the JDF and denied that it contained pornography, but at the same time, represented that he has no inclination to argue about what pornography is or whether the images in the book constitute pornography.

6. Respondent expressed regret relating to incident, because he was terminated from his employment. However, Respondent represented that he does not regret providing the book in question to the two (2) youth males in the JDF.

7. Furthermore, Respondent revealed through his response that his employment was terminated due to the incident on February 4, 2023.

### **APPLICABLE LAW**

8. The Act authorizes the Board to condition, limit, revoke or suspend a license as a master social worker, and/or publicly or privately censure a licensee or impose a fine not to exceed \$1,000 per violation upon a finding that a licensee violates any provision of K.S.A. 65-6311(a)(1) – (11).

9. K.S.A. 65-6311(a)(9) provides in relevant part that the board may condition, limit, revoke or suspend a license, publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee:

(10) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board;

10. K.A.R. 102-2-7 provides in relevant part that any of the following acts by a licensee shall constitute unprofessional conduct:

(b) except when the information has been obtained in the context of a confidential relationship, failing to notify the board, within a reasonable period of time, that any of the following conditions apply to any person regulated by the board or applying for a license or registration, including oneself:

....

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

....

(j) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work;

11. Pursuant to K.S.A. 77-537(a) of the Kansas Administrative Procedure Act ("KAPA"), a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to the persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standard set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

### **CONCLUSIONS OF LAW**

12. The use of summary proceedings pursuant to KAPA is appropriate in this case.

13. Applicant is in violation of K.S.A. 65-6311(a)(9), in that Applicant has engaged in unprofessional conduct as defined in K.A.R. 102-2-7(b)(3) through failing to notify the Board within a reasonable period of time of being terminated from employment from some form of misfeasance, malfeasance or nonfeasance. Respondent did not inform the Board of his termination until approximately three (3) months after it occurred.

14. Furthermore, Applicant is in violation of K.S.A. 65-6311(a)(9), in that Applicant has engaged in unprofessional conduct as defined in K.A.R. 102-2-7(j) through performing services clearly inconsistent with his training, education, and experience and with accepted professional standards for social work, to include not only providing the book in question to the two (2) male youth, but concealing or attempting to conceal the same from JDF personnel.

### **SANCTION**

WHEREFORE, in consideration of the above findings of fact and conclusions of law, and pursuant to the authority granted by K.S.A. 65-6311(a) and K.S.A. 77-537, the Complaint Review Committee on behalf of the Board hereby finds and orders that:

- A. Respondent's LMSW License No.11608 should be and is hereby **SUSPENDED** effective as of the date this Summary Proceeding Order becomes a final order of the Board, and until further order of the Board;
- B. Respondent shall complete a fitness for duty evaluation by an evaluator within one hundred eighty (180) days of the effective date of this Summary

Proceeding Order. The evaluator must be approved in advance by the Board in writing. Respondent shall bear all costs in connection with the evaluation;

- C. Respondent shall cause the Board to receive a copy of the report issued in conjunction with the fitness for duty evaluation; and
- D. The Complaint Review Committee will review the results of the fitness for duty evaluation and may consider further action based on those results; provided, however, that in any subsequent action Respondent will be provided with notice and an opportunity to respond in accordance with the Act and KAPA.

**IT IS SO ORDERED.**

Entered this 5 day of August, 2023



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Mary Jones, Chairperson  
Kansas Behavioral Sciences Regulatory Board

## **NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER**

Pursuant to K.S.A. 77-537 and 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

David Fye, Executive Director  
Behavioral Sciences Regulatory Board  
700 SW Harrison St., Suite 420  
Topeka, KS 66603

This written request must be filed within eighteen (18) calendar days of the date listed in the Certificate of Service below (15 calendar days plus 3 calendar days for mail service). Pursuant to K.S.A. 77-503(c), the 18-day period begins the day after the date shown in Certificate of Service below and includes weekends and legal holidays. If the 18<sup>th</sup> day falls on a Saturday, Sunday, or legal holiday, then the 18-day period runs until 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

David Fye, Executive Director  
Behavioral Sciences Regulatory Board  
700 SW Harrison, Suite 420  
Topeka, Kansas 66603

## **NOTICE OF ADMINISTRATIVE RELIEF**

In the event that you do not timely request a hearing, the above Order will become a final order the day following the 18<sup>th</sup> day referenced above (i.e., 19 calendar days following the date listed in the Certificate of Service below). Pursuant to K.S.A 77-529, a party may file with the Board a petition for reconsideration within 15 days from the date the Summary Proceeding Order becomes a final order. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

Pursuant to K.S.A. 77-528, a party may file, if applicable, a petition for stay of effectiveness of the order prior to the expiration of the time in which to file a petition for judicial review. The filing of a petition for a stay of effectiveness is not a prerequisite for seeking judicial review.

## **NOTICE OF JUDICIAL RELIEF**

If a petition for reconsideration is not filed pursuant to K.S.A. 77-613, a party may file within 30 days from the date the Summary Proceeding Order becomes a final order a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The designee who may receive service of a petition for reconsideration, a petition for stay, or a petition for judicial review on behalf of the Board is:

David Fye, Executive Director  
Behavioral Sciences Regulatory Board  
Eisenhower State Office Building  
700 SW Harrison, Suite 420  
Topeka, Kansas 66603-3240

CERTIFICATE OF SERVICE

This is to certify that on this .5 day of September, 2023, a true and correct copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Dennis J. Cook  
[REDACTED]  
[REDACTED]

And by e-mail to:

Timothy D. Resner  
Frieden & Forbes, LLP  
1414 SW Ashworth Place, Suite 201  
Topeka, KS 66604  
[tresner@fflawllp.com](mailto:tresner@fflawllp.com)  
*Counsel for the Board of the Behavioral Sciences Regulatory Board*

  
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Staff,  
Kansas Behavioral Sciences Regulatory Board