BEFORE THE DENTAL BOARD
OF THE STATE OF IOWA

IN THE MATTER OF **JACK ELDER, D.D.S.** **RESPONDENT**	**CASE NO. 19-0151** **NOTICE OF HEARING AND STATEMENT OF CHARGES**

COMES NOW the Iowa Dental Board ("Board") and files this Notice of Hearing and Statement of Charges against Jack Elder, D.D.S. ("Respondent"), pursuant to Iowa Code sections 17A.12(2), 17A.18(3), 272C.3(1)(e), and 650 Iowa Administrative Code (IAC) 51.6. Respondent was issued Iowa dental license number 05839 on July 3, 1972. On April 6, 2018, the Board issued an order reinstating Respondent's dental license, which had lapsed effective June 30, 2008. Respondent's license is currently active and will next expire on August 31, 2020. Respondent's practice address is 1331 West Main, Lake City IA 51449.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on April 3, 2020, before the Board. The hearing shall begin at 1:00 pm and shall be located in the conference room at the office of the Iowa Dental Board, 400 SW 8th Street, Ste. D, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 650 IAC 51.12(2) 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 Dental Board, 400 SW 8th Street, Ste. D, Des Moines, Iowa 50309.

3. 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.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 650 IAC 51. 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 650 IAC 51.18. The hearing may be open to the public or closed to the public at your discretion.

5. Prehearing Conference. Any party may request a prehearing conference to discuss evidentiary issues related to the hearing in accordance with 650 IAC 51.17.

6. 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: Laura Steffensmeier, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. 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. You should direct any questions to Jill Stuecker, Executive Director at 515-281-5157.

B. LEGAL AUTHORITY AND JURISDICTION

1. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 153, and 272C (2019).

2. 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 147, 153, and 272C, and 650 IAC 51.

3. 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 650 IAC 51.22.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

Respondent is charged under Iowa Code section 153.34(11) and 650 IAC 30.4(7)"c" with having a license revoked, suspended, or otherwise disciplined by a licensing authority in another state.

D. FACTUAL CIRCUMSTANCES

1. Respondent is engaged in the practice of dentistry in Lake City, Iowa.

2. Respondent's California dental license was disciplined through a Stipulated Settlement and Disciplinary Order, which became effective October 11, 2019. The

Stipulated Settlement and Disciplinary Order revoked Respondent's California dental license, but stayed the revocation and placed Respondent on probation for a period of five years, with several terms.

3. On more than one occasion since November, 2019, the Dental Board of California has informed the Board that Respondent was noncompliant with the Stipulated Settlement and Disciplinary Order.

4. Respondent's Wisconsin dental license was previously revoked in 2011.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 IAC 51.19. If you are interested in pursuing settlement of this matter, please contact Jill Stuecker, Executive Director, at 515-281-5157.

F. PROBABLE CAUSE FINDING

On January 24, 2020, the Iowa Dental Board found probable cause to file this Notice of Hearing and Statement of Charges.

William McBride, Chairperson
Iowa Dental Board

Copy to:

Laura Steffensmeier
Iowa Attorney General's Office
1305 E Walnut St
Des Moines, IA 50319
ATTORNEY FOR THE STATE

Rebecca A. Brommel
BrownWinick Law Firm
666 Grand Avenue, Ste. 2000
Ruan Center
Des Moines, IA 50309
ATTORNEY FOR THE RESPONDENT