

BEFORE THE ALABAMA STATE BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF THE COMPLAINT)
AGAINST)
PENNY P. SPIVEY,)
Respondent) Case No.: No. 05-3160B-05
)
)
)
_____)

AGREEMENT TO INFORMAL SETTLEMENT OF VIOLATIONS

WHEREAS, the Disciplinary Investigative Committee (Committee) of the Alabama State Board of Social Work Examiners (Board) has investigated an Administrative Complaint filed against the Respondent Penny Spivey and has determined that probable cause exists to warrant filing formal charges against the Respondent Penny Spivey for having violated rules of the Board, and

WHEREAS, Respondent Penny Spivey has been notified of the Complaint and alleged violations, the Committee's determination of probable cause, and the right to have a formal hearing before the Board on the alleged violations, and

WHEREAS, Respondent having been notified of the alleged violations and the Committee's determination of probable cause, the right to a formal hearing before the Board on the alleged violations, waives her right to a formal hearing and requests an informal disposition of the alleged violations presently pending before the Alabama State Board of Social Work Examiners, and

WHEREAS, the Respondent has agreed to an informal disposition of the alleged violations, and in consideration of the Committee's promise to informally dispose of the violations, the Respondent agrees to the following:

- (1) A written reprimand for falsifying records in violation of Alabama State Board of Social Worker Examiner's Administrative Code, Section 850-X-9.01 (1)(a)2 Respondent must submit written evidence to the Board within six months from the date of this agreement that she has completed (5) five hours of continuing education on ethics for social workers. Note this is in addition to the thirty hours required to renew your license.
- (2) Respondent must pay a fine of (\$200.00) two hundred dollars to the Board of Social Work Examiners within (6) six months of this agreement being finalized.
- (3) This agreement applies only to the present allegations, and has no bearing on any future complaints or allegations.
- (4) Nothing in this Agreement is intended to circumvent the law, statutes, or Administrative Code of the Alabama State Board of Social Work Examiners.
- (5) The Board is required to report all disciplinary measures imposed, formally or informally, and that the Board has no authority to waive this requirement.

- (6) The disciplinary infractions will be reported by the Board as unprofessional conduct in violation of the *Administrative Code* § 850-X-9.01(1)(a)2 and § 850-X-10.01(2)(d) .
- (7) In the event that the Investigative Committee has probable cause to determine that Respondent has violated any term of this Agreement, the Agreement is rescinded, and this cause will be set for an Administrative Hearing before the full Board.
- (8) This Agreement is and shall be deemed to be treated as a public record. In consideration of the Respondent's acceptance of the above-listed disciplinary measures and acknowledgment of a violation of the Committee, on behalf of the Board, agrees that the Board agrees not to actively pursue the prosecution of the Administrative Violations.
- (9) This Agreement must be approved by the Alabama State Board of Social Work Examiners Board. The Respondent agrees to waive any objections, if a hearing is required later, to the Board receiving enough information about this case to approve this settlement.

IT IS STIPULATED AND AGREED by the Respondent and the Committee that the above-stated terms represent the complete agreement, and that this Agreement is binding once it has been signed by both parties, and that if any term is illegal or unconstitutional, the agreement becomes void.

SIGNED, this _____ day of _____ 2005

Penny Spivey

Opp AL

Executive Director for the Board
BRENDA W. HOLDEN

Date