SOUTH DAKOTA DEPARTMENT OF HUMAN SERVICES
SOUTH DAKOTA BOARD OF SOCIAL WORK EXAMINERS

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IN THE MATTER OF THE LICENSURE PROCEEDINGS RE: RICHARD LEIR

STIPULATION AND ORDER OF DISMISSAL WITH LETTER OF REPRIMAND

License No. 330
Licensee.

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WHEREAS, RICHARD LEIR, ("Licensee"), holds a license to practice as a social worker in the State of South Dakota (License number 330); and

WHEREAS, a complaint has been made against Licensee (the 001 case), and Licensee has admitted to committing an error in connection with the 001 case, and Licensee agrees such conduct violated SDCL §§ 36-26-32 (6) and (10).

WHEREAS, the Licensee recognizes that this matter is of a nature which would constitute grounds for the discipline of his license to practice as a social worker in South Dakota under SDCL § 36-26-32; and

WHEREAS, the South Dakota Board of Social Work Examiner's (hereinafter "the Board") has a statutory obligation to protect the public health, safety and welfare set forth in SDCL Ch. 36-26; and

WHEREAS, the Licensee has requested the Board's staff to present this Stipulation to the Board for action and recognizes that the Board may approve this Stipulation, reject it, or modify it; and

WHEREAS, in the event the Board, in its discretion, does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no

evidentiary value and shall not be relied upon nor introduced by either party. Licensee agrees that if the Board rejects this Stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or any of the records or information relating hereto; and

WHEREAS, the Licensee has expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing issue presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution; now, therefore,

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Stipulation.

2. Licensee has admitted to committing an error in connection with the 001 case and Licensee agrees such conduct violated SDCL §§ 36-26-32 (6) and (10).

3. The Licensee has been given an opportunity to discuss this Stipulation with an attorney of Licensee's choice, and is aware of Licensee's right to a hearing in this matter, and all rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Licensee is entering into this Stipulation voluntarily and without duress or compulsion. Licensee also agrees that the Board's staff may present this Stipulation to the Board and disclose to the Board all items of its investigation, including, but not limited to, any communications with Licensee.

4. The complaints against Licensee are dismissed concerning these matters, contingent upon the Board issuing to Licensee a public letter of reprimand for Licensee's action in the 001 matter.

NOW, THEREFORE, the foregoing Stipulation is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an order of the Board in the above matter.

Dated this 10 day of March, 2004.

Richard L. Leir
RICHARD LEIR

The South Dakota Board of Social Work Examiners meeting on the 26 day of May, 2004, (approved) (rejected) the attached Stipulation (as written) (with the following modifications):

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of the South Dakota Board of Social Work Examiners this 26 day of May, 2004, by vote of 3- yes 0-no 2- abstain.

Klidge CSW PIP
President

Board of Social Work Examiners

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May 26, 2004

Richard Leir
P.O. Box 9462
Rapid City, SD 57709

Dear Mr. Leir:

As a result of a Complaint filed against you with the South Dakota Board of Social Work Examiners ("Board") and an investigation of that Complaint, the Board hereby issues you this formal Letter of Reprimand for the following:

1. In the case involving 001, your conduct violated Ethical Standards 1.07(k) indicating that social workers should protect the confidentiality of clients and 3.04(c) indicating that social workers should protect the client's privacy. Potential violations of 5.01(a) and 5.02(n) are also noted. Your conduct had an unfavorable impact on the parties involved and you have recognized that this conduct was not appropriate and, whatever your motives, the proper procedures were not followed.

2. A copy of this Letter of Reprimand will be placed in your file with the South Dakota Board of Social Work Examiners and the complainant will be advised that the Complaint was dismissed with this Letter of Reprimand being provided to you.

3. This Letter of reprimand will be a public part of your licensure file.

Thank you for your attention to this matter.

Yours sincerely,

CSW PIP

Kay E. Lindgren CSW-PIP
President

KL:jjl