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By: _____

SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES

BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF THE)	BSWE 2019-268
PROFESSIONAL LICENSE OF GARY)	
PHILLIPS)	STIPULATION AND ORDER FOR
)	THE BOARD'S ACCEPTANCE OF
(CSW 2112))	THE VOLUNTARY SURRENDER OF
)	LICENSE

The South Dakota Board of Social Work Examiners, by and through its attorney, Quincy Kjerstad, Assistant Attorney General, and Gary Phillips, stipulate to the following:

1. During all times herein, Phillips has been and is now subject to the jurisdiction of the Board from which he holds a valid South Dakota license to practice as a Certified Social Worker—license number 2112.
2. Phillips is subject to the provisions of SDCL § 36-26 and ARSD 20:59.
3. A complaint has been made against Phillips alleging that he documented visits to clients without the clients' knowledge or participation. The complaint also alleged that Phillips documented forms purportedly signed by clients that clients denied having signed.
4. The Board investigated these allegations and alleges that Phillips's conduct violated SDCL § 36-26-32(6) and -32(10).
5. This stipulation provides for a settlement of the licensing issues presented by Phillips's conduct, in a professional manner, without the necessity of a hearing or further proceedings.
6. The Board has the statutory authority to suspend or revoke Phillips's license to practice as a social worker in South Dakota.

7. The Board has the statutory obligation to protect the public's health, safety, and welfare set forth in SDCL § 36-26.
8. Phillips recognizes that the Board may approve this Stipulation, reject it, or modify it.
9. In the event the Board, in its discretion, does not approve this Stipulation or a lesser sanction, this Stipulation is withdrawn and will be of no evidentiary value and will not be relied upon nor introduced by either party. Phillips agrees that if the Board rejects the Stipulation and this case proceeds to a hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or any records or information relating thereto.
10. Phillips has been given an opportunity to discuss this Stipulation with an attorney of his choice. Phillips is aware of his right to a hearing in this matter, and all rights under state or federal law. Phillips hereby voluntarily waives all such rights to a contested case proceeding under SDCL § 1-26, including notice, appearance, representation by an attorney, calling witnesses, or any other rights under state or federal law.
11. Phillips is agreeing to this Stipulation voluntarily and without duress or compulsion.
12. Phillips agrees that the Board's executive 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 Phillips.
13. Phillips surrendered his license to the Board on March, 24, 2020.
14. The Board will accept Phillips's voluntary surrender of his license to practice as a Certified Social Worker. After the surrender of his

license, Phillips will cease to practice under any situation or condition as a Certified Social Worker.

15. Phillips, by voluntarily surrendering his license, does not admit the truth of any factual allegation raised in the complaint or of any specific finding of fact.
16. The Board will not issue any Findings of Fact or Conclusions of Law regarding Phillips's surrender of his license.
17. Should Phillips wish to reapply for licensure as a Certified Social Worker, the Board will consider the entirety of this complaint, the Board's investigation, and this Stipulation.
18. The Board will report the status of Phillips's license to the Association of Social Work Boards, and to any applicable national database or other reporting entity as deemed appropriate by the Board in compliance with state or federal law. This Stipulation will also be publicly available on the Board's website.
19. Phillips will provide this Stipulation to any other social work licensing entity in any other state in which he may be licensed.
20. The provisions of this Stipulation, if approved by the Board of Social Work Examiners, will become effective immediately upon the Board President signing below. The Board's executive office will notify Phillips when that signing has occurred.
21. This Stipulation shall dispose of all matters at issue in a fair and reasonable fashion.

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

Dated this 6th day of July, 2020.


GARY PHILLIPS

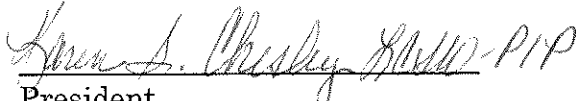
Dated this 22nd day of July, 2020.


Prosecuting Attorney

The South Dakota Board of Social Work Examiners, meeting on the 11 day of SEPTEMBER, 2020, (approved) (rejected) the above Stipulation (as written) (with the following modifications):

and issued its STIPULATION AND ORDER FOR THE BOARD'S ACCEPTANCE OF THE VOLUNTARY SURRENDER OF LICENSE consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted as an Order of the South Dakota Board of Social Work Examiners this 11 day of SEPTEMBER 2020, by vote of UNANIMOUSLY


President