

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

In the Matter of)
IVAN G. CARNEY, D.C.)
Kansas License No. 01-03680)
Application for Reinstatement)
_____)

Docket No. 05-HA-59

PROPOSED DEFAULT ORDER

NOW ON THIS 23rd Day of April 2005, this matter comes on for hearing upon the application of Ivan G. Carney, D.C. for reinstatement of his license. Applicant is not present. Stacy L. Cook appears for the Board.

Applicant makes written motion for a continuance on the grounds that he is currently located at the Corrections Corporation of America in Leavenworth, Kansas and is unable to participate in this proceeding. Having the agency record before it, the Board finds, concludes and orders as follows:

1. Applicant was convicted on two counts of tax evasion in the United States District Court, for the District of Kansas. Both counts are felonies. The conviction date was January 10, 2005.
2. K.S.A. 65-2836(c) requires the Board to deny an application for reinstatement following a felony conviction unless two-thirds of the members find there is clear and convincing evidence of rehabilitation.
3. The Board finds that sufficient rehabilitation will not be presented while the applicant remains in custody. The Board should not grant the request for continuance, but rather Applicant should be held in default. The application for reinstatement should be denied.

IT IS, THEREFORE, ORDERED that the application for reinstatement is denied.

PLEASE TAKE NOTICE that this is proposed default order. A party may file a motion to vacate a proposed default order within seven days following service of the proposed order. Any such motion must be filed with the Executive Director at 235 S. Topeka Blvd., Topeka, KS 66603. A proposed default order becomes effective as a final agency order after the expiration of the time within which the party may file a written motion to vacate the proposed default order.

Dated this 4th Day of May.

Kansas State Board of Healing Arts

_____/s/_____
Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing order was served this 6th day of May 2005 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Ivan G. Carney
433 North Baehr
Wichita, KS 67212

And a copy was hand-delivered to the office of

Stacy L. Cook
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

____Sheryl Snyder_____