

FILED

MAY 02 1995

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
SAMUEL LEE DRAKE, M.D.)
Applicant for Licensure)
_____)

Case No. 95-00174

ORDER DENYING RECONSIDERATION

NOW ON THIS 29th day of April, 1995, comes on for consideration a request of Applicant Samuel Lee Drake, M.D. for reconsideration of the Final Order of the Board dated February 11, 1995.

After reviewing the request and being otherwise duly advised in the premises, the Board finds as follows:

FINDINGS OF FACT

1. The Final Order Following Conference Hearing was issued and served March 23, 1995.
2. Applicant's request for reconsideration was filed April 13, 1995.

CONCLUSIONS OF LAW

1. A petition for reconsideration is not timely unless filed within 15 days following service of a final order. This time is extended for three additional days if the final order is served by mail. In this case, the request for reconsideration was not timely unless filed on or before April 10, 1995. Applicant's request for reconsideration was not filed in a timely manner.
2. Notwithstanding the failure to timely file a request for

reconsideration, the Board is generally empowered, in its discretion, to correct manifest error prior to a party filing a Petition for Judicial Review. No such petition has been filed in this case. However, after reviewing the request for reconsideration, there is no evidence of manifest error, so no cause for reconsideration is apparent.

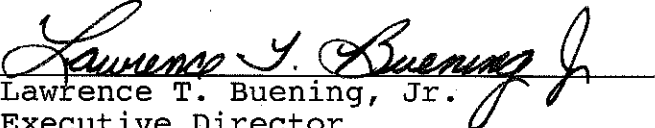
IT IS THEREFORE BY THE BOARD ORDERED THAT the Petition for Reconsideration is denied.

Any party may seek judicial review of the Final Order by filing a petition in the District Court within 30 days following service of the Final Order, except that such time is extended during timely attempts to exhaust administrative remedies.

IT IS SO ORDERED.

DATED this 2^d day of May, 1995.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

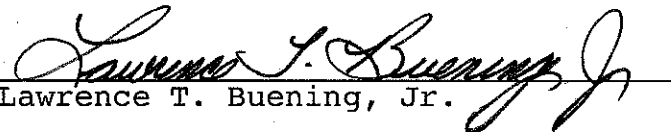
CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 2^d day of May, 1995, a copy of the above and foregoing **ORDER DENYING RECONSIDERATION** was deposited in the United States mail, first class postage prepaid to the following:

Samuel Lee Drake, M.D.
1145 San Marino Drive, #107
Lake San Marcos, CA 92069

and a copy was hand-delivered to:

Mark W. Stafford
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603


Lawrence T. Buening, Jr.