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KS State Board of Healing Arts

BEFORE THE KANSAS STATE BOARD
OF HEALING ARTS

In the Matter of Bradley Eck, D.C., Kansas License No. 01-04269	} } } } }	Docket No. 10-HA-00059

FINAL ORDER

NOW this April 16, 2010 the above captioned matter comes before the Kansas State Board of Healing Arts (Board), Dr. Gary Counselman presiding, on the Motion by the Licensee, Bradley Eck, D.C., for a stay of effectiveness of the Amended Final Order filed on February 26, 2010 pursuant to K.S.A. 77-528. The Board appears by and through Stacy Bond, Associate Litigation Counsel. The Licensee, Bradley Eck, D.C., appears in person and by and through Jennifer Bazin of Carol Ruth Bonebrake, P.A. There are no other appearances. The Board, being familiar with the file, after hearing the statements of counsel and being duly apprised of the premises finds and concludes as follow:

1. The disciplinary panel consisting of Dr. Beezley, Dr. Conley, and Dr. Leinwetter and Ms. Ice recuse themselves.

2. At the February, 2010 Board meeting, the Board fined the Licensee $500 for failing to timely pay a fine and restitution agreed to by the Licensee and the Board.

3. The Licensee filed a petition for judicial review in the Shawnee County District Court.

4. MS. BAZINE:
"I mean, for -- the petition for judicial review in District Court does not ask the court to rescind that 500 dollar fine. It's not about the fine. It's asking the court to review the other conclusions of law that were made, but if he may pays the fine there's Kansas case law that says he will have

acquiesced in judgment, he will lose his standing in District Court. That's the only reason that he can't pay the fine right now." (Statement of Jennifer Bazin attorney for Bradley Eck, 4/16/2010).

5. "**77-528. Stay.** Until the time at which a petition for judicial review would no longer be timely, a party may submit to the presiding officer or agency head a petition for stay of effectiveness of an initial or final order, unless otherwise provided by statute or stated in the initial or final order. The presiding officer or agency head may take action on the petition for stay either before or after the effective date of the initial or final order."

6. The decision to grant a stay pursuant to K.S.A. 77-528 is discretionary with the Board.

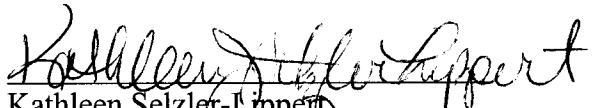
7. The Board exercises its discretion and denies the Licensee's Motion to Stay.

WHEREUPON, the Licensee's Motion to Stay pursuant to K.S.A. 77-528 is DENIED.

PLEASE TAKE NOTICE that this is a final order. A final order is effective upon service. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the final order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, the Board's Interim Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

DATED: April 28 2010.



Kathleen Selzler-Lippert
Acting Executive Director
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing FINAL ORDER was served by depositing the same in the United States mail, first-class postage prepaid, this 28th day of April, 2010, addressed to:

Bradley Eck, D.C.
2925 Pepper Ridge Court
Wichita, KS 67205

Carol Ruth Bonebrake
Attorney at Law
Law Office of Carol Ruth Bonebrake, PA
107 SW 6th Ave., Ste. 210
Topeka, KS 66603

Stacy Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603

With the original going to:

Kathleen Selzler-Lippert
Interim Executive Director
235 SW Topeka Blvd.
Topeka, KS 66603

And a copy to:

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603

Cathy A. Brown

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NOW this April 16, 2010 the above captioned matter comes before the Kansas State Board of Healing Arts (Board), Dr. Gary Counselman presiding, on the Motion by the Licensee, Bradley Eck, D.C., for a stay of effectiveness of the Amended Final Order filed on February 26, 2010 pursuant to K.S.A. 77-616. The Board appears by and through Stacy Bond, Associate Litigation Counsel. The Licensee, Bradley Eck, D.C., appears in person and by and through Jennifer Bazin of Carol Ruth Bonebrake, P.A. There are no other appearances. The Board, being familiar with the file, after hearing the statements of counsel and being duly apprised of the premises finds and concludes as follow:

1. The disciplinary panel consisting of Dr. Beezley, Dr. Conley, and Dr. Leinwetter and Ms. Ice recuse themselves.

2. At the February, 2010 Board meeting, the Board fined the Licensee $500 for failing to timely pay a fine and restitution agreed to by the Licensee and the Board.

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acquiesced in judgment, he will lose his standing in District Court. That's the only reason that he can't pay the fine right now." (Statement of Jennifer Bazin attorney for Bradley Eck, 4/16/2010).

5. "**K.S.A. 77-616. Stay and other temporary remedies.** (a) Unless precluded by law, the agency may grant a stay on appropriate terms or other temporary remedies during the pendency of judicial review."

6. The decision to grant a stay pursuant to K.S.A. 77-616 is discretionary with the Board.

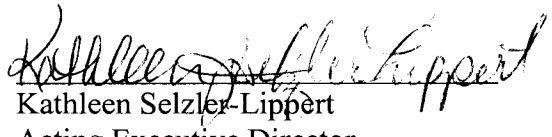
7. The Board exercises its discretion and denies the Licensee's Motion to Stay.

WHEREUPON, the Licensee's Motion to Stay pursuant to K.S.A. 77-616 is DENIED.

PLEASE TAKE NOTICE that this is a final order. A final order is effective upon service. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the final order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, the Board's Interim Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

DATED: April 28 2010.



Kathleen Selzler-Lippert
Acting Executive Director
Kansas State Board of Healing Arts

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Bradley Eck, D.C.
2925 Pepper Ridge Court
Wichita, KS 67205

Carol Ruth Bonebrake
Attorney at Law
Law Office of Carol Ruth Bonebrake, PA
107 SW 6th Ave., Ste. 210
Topeka, KS 66603

Stacy Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
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