

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED *CAB*
MAR 05 2010

KS State Board of Healing Arts

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

SATISFACTION OF JUDGMENT

COMES NOW the Kansas State Board of Healing Arts (“Board”) to state as follows:

1. On December 4, 2009 the Board found Bradley Eck in violation of the Kansas Healing Arts Act.
2. On December 4, 2009 the Board suspended the license of Bradley Eck to practice chiropractic for thirty days.
3. Bradley Eck has successfully completed the suspension of his license to practice chiropractic and all other requirements of the December 4, 2009 Order of the Board.

WHEREFORE, Bradley Eck has completed the suspension of his license.

IT IS SO ORDERED.

Date: March 5, 2010.

KANSAS STATE BOARD OF
HEALING ARTS



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 Satisfaction of Judgment was served by depositing the same in the United States mail, first-class postage prepaid, this 5th day of March, 2010, addressed to:

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

Bradley C. Eck, DC
(confidential)
Wichita, KS 67205

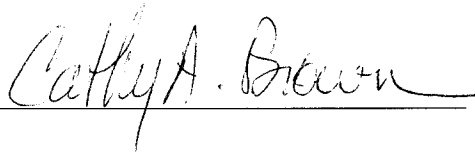
Stacy Bond
Associate Litigation Counsel
235 SW Topeka Blvd.
Topeka, KS 66603

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



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In the Matter of	}	
Bradley Eck, D.C.	}	
	}	Docket No. 10-HA-00059
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AMENDED FINAL ORDER

NOW ON THIS 19th day of February, 2010, the above captioned matter comes before the Kansas State Board of Healing Arts (“Board”). Petitioner, Stacy Bond, Associate Litigation Counsel appears for the Board. The respondent appears in person and through counsel, Carol Ruth Bonebrake, Attorney at Law. There are no other appearances. The Board after hearing the statements of counsel, reviewing the file, taking the testimony of the respondent, reviewing the evidence presented by the parties and being apprised of the premises, find and hold as follows:

WHEREUPON, members of the Board’s disciplinary panel, Drs. Beezley, Conley, and Leinwetter and Ms. Ice, recuse themselves from these proceedings.

WHEREUPON, David Steed of Klenda, Mitchell, Austerman and Zuercher withdraws as counsel for the respondent; Carol Ruth Bonebrake appears on behalf of the respondent.

WHEREUPON having the agency record before it, the Board finds, concludes and orders as follows:

1. A Consent Order between respondent and the Board In the Matter of Bradley Eck, D.C., Docket No. 07-HA-00095 was filed on February 25, 2009.

2. The Consent Order in Docket No. 07-HA-00095 required the respondent to pay a fine of \$5,000 to the Board on or before July 1, 2009.

3. The respondent failed to pay a fine of \$5,000 to the Board on or before July 1, 2009 as required by the Consent Order in Docket No. 07-HA-00095.

4. The Consent Order in docket No. 07-HA-00095 required the respondent to pay restitution to patients on or before September 1, 2009.

5. The respondent failed to pay restitution to patients on or before September 1, 2009 as required by the Consent Order in Docket No. 07-HA-00095.

6. On September 30, 2009 the respondent filed a Petition in the Bankruptcy Court. *In Re: Bradley D. Eck, Debtor*, Case No. 09-13234.

7. On October 20, 2009 the Board filed a Petition in the above captioned matter alleging the respondent had failed to abide by the terms of the Consent Agreement in Docket No. 07-HA-00095.

8. The respondent voluntarily dismissed his Petition for Bankruptcy. The Bankruptcy Court dismissed Case No. 09-13234 on November 30, 2009.

9. The respondent failed to notify the Board that he had voluntarily dismissed Bankruptcy Case No. 09-13234 prior to the Board's hearing in the above captioned matter on December 4, 2009.

10. The Board, believing the respondent was under the protection of the Bankruptcy Court in Bankruptcy Case No. 09-13234, did not consider the fact the respondent had failed to timely pay the \$5,000 fine outlined in the Consent Order in Docket No. 07-HA-00095 at the December 4, 2009 hearing.

11. The Board, believing the respondent was under the protection of the Bankruptcy Court in Bankruptcy Case No. 09-13234, did not consider the fact the respondent had failed to timely pay the restitution to his patients the Board ordered the respondent to pay as stated in the Consent Order in Docket No. 07-HA-00095 at the December 4, 2009 hearing.

12. The order dismissing Bankruptcy Case No. 09-13234 arrived at the Board on December 4, 2009 and was delivered to Board staff on December 7, 2009.

13. The petitioner filed a Motion for Reconsideration of the Board's Final Order of December 4, 2009 for the express purpose to consider the failure of the respondent to timely pay his fine to the Board and the failure to timely pay restitution to his patients pursuant to the Agreed Order.

14. The respondent paid the \$5,000 fine required in Docket No. 07-HA-00095 to the Board after the Board's December 4, 2009 decision to suspend Bradley Eck's license to practice chiropractic. The respondent made an effort to pay restitution to his patients after the Board's December 4, 2009 decision to suspend Bradley Eck's license to practice chiropractic.

15. The respondent filed *In re Bradley D. Eck*, Case Number 09-14272 in the United States Bankruptcy Court on December 29, 2009. The United States Bankruptcy Court dismissed *In re Bradley D. Eck*, Case Number 09-14272 on February 4, 2010.

16. The respondent is not under the protection of the United States Bankruptcy Court. This matter is ripe for consideration.

FINDINGS OF FACT

1. In the Consent Order in Docket No. 07-HA-00095 Bradley Eck agreed to pay a \$5,000 fine to the Board before July 1, 2009.
2. Bradley Eck failed to pay the \$5,000 fine to the Board prior to July 1, 2009.
3. The respondent paid the \$5,000 fine in three installments to the Board after the Board's December 4, 2009 Final Order and before January 26, 2010.
4. The respondent failed to pay the \$5,000 fine to the Board in Docket No. 07-HA-00095 before July 1, 2009 as he had agreed.
5. In the Consent Order in Docket No. 07-HA-00095 Bradley Eck agreed to pay restitution to his patients before September 1, 2009.
6. Bradley Eck failed to pay restitution to his patients prior to September 1, 2009.
7. The respondent made restitution to most of his patients after the Board's December 4, 2009 Final Order and before January 26, 2010.
8. The respondent failed to pay restitution to his patients in Docket No. 07-HA-00095 before September 1, 2009 as he had agreed.
9. Bradley Eck failed to inform the Board he had voluntarily dismissed his petition for Bankruptcy in *In Re: Bradley D. Eck, Debtor*, Case No. 09-13234 on November 30, 2009. Bradley Eck's attorney informed the Board that the respondent was under the protection of the Bankruptcy Court in Case No. 09-13234 on December 4, 2009.

CONCLUSIONS OF LAW

1. Bradley Eck violated a Board Order by failing to pay the \$5,000 fine to the Board in Docket No. 07-HA-00095 prior to July 1, 2009, a violation of K.S.A. 65-2836(k).

2. Bradley Eck violated a Board Order for failing to pay restitution to his patients in Docket No. 07-HA-00095 prior to September 1, 2009, a violation of K.S.A. 65-2836(k).

3. The Kansas State Board of Healing Arts has enacted Disciplinary Guidelines. The Board's Disciplinary Guidelines include aggravating and mitigating factors which are taken into consideration by the Board in meting out discipline to licensees. The Board's Disciplinary Guidelines allow the Board to consider factors relevant to the disciplinary process including:

- d) Bad faith obstruction of disciplinary process or proceedings;
- e) False evidence, false statements, other deceptive practices during disciplinary process or proceedings; . . .”

4. The Board finds the failure of the respondent to pay the \$5,000 fine he agreed to in the Consent Order in Docket No. 07-HA-00096 the bad faith obstruction of the disciplinary process and is an aggravating factor in its decision.

5. The Board finds the failure of the respondent to pay restitution he agreed to pay to his patients in the Consent Order in Docket No. 07-HA-00096 the bad faith obstruction of the disciplinary process and is an aggravating factor in its decision.

6. The Board finds the failure by the respondent to inform the Board the respondent had voluntarily dismissed his Bankruptcy *In Re: Bradley D. Eck, Debtor*,

Case No. 09-13234 on November 30, 2009 a deceptive factor during disciplinary proceedings and is an aggravating factor in its decision.

7. The Board further finds the statements made by respondent's counsel on the respondent's behalf that respondent had filed bankruptcy a deceptive factor during the disciplinary proceedings and is an aggravating factor in its decision

8. The respondent is fined \$500 for failure to timely pay his fine to the Board and for failure to timely pay restitution to his patients. The respondent has thirty days from the service of this Final Order to pay the \$500 fine to the Board.

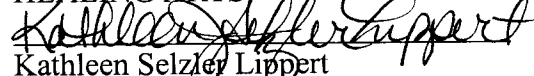
WHEREFORE, the respondent, Bradley Eck, D.C., is ordered to pay a fine in the amount of \$500 within thirty days of the service of this order.

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 Acting Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

Date: February 26, 2010.

KANSAS STATE BOARD OF
HEALING ARTS



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 26th day of January, 2010, addressed to:

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

Bradley C. Eck, DC
(confidential)
Wichita, KS 67205

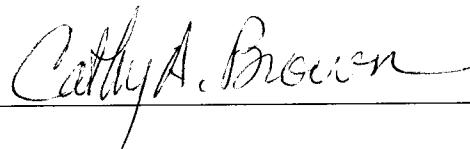
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Catelyn A. Brown