

BEFORE THE BOARD OF HEALING ART
OF THE STATE OF KANSAS

FILED
DEC 1 01997

In the Matter of)
)
YOLANDA M. HUET-VAUGHN, M.D.)
Kansas License No. 04-19814)
_____)

KANSAS STATE BOARD OF
HEALING ARTS
Case No. 97-00120

ORDER DENYING STAY OF FINAL ORDER

NOW ON THIS Sixth Day of December, 1997, comes before the State Board of Healing Arts Respondent's motion to stay while judicial review is pending that portion of the Final Order dated March 4, 1997 which imposed an administrative fine. Respondent submits her request based upon her motion, and does not personally appear. Kevin K. LaChance, Disciplinary Counsel, appears for the Board.

Disciplinary Counsel requests oral arguments on the motion. As the matter is set for a conference hearing, arguments on motions are not required. Parties to the proceeding are entitled to make comments on the issues. Disciplinary Counsel is allowed to make comments regarding Respondent's motion.

Disciplinary Counsel argues that the Board lacks jurisdiction to consider Respondent's motion, as provided by K.S.A. 77-528. That section allows a party to seek a stay of a final order until the time when a petition for judicial review would no longer be timely. A petition for judicial review of a final order is not timely unless filed within 30 days of service of the order. In this case, a petition for judicial review of the March 4, 1997 Final Order would not be timely. The Board finds that it does not have jurisdiction to stay the Final Order.

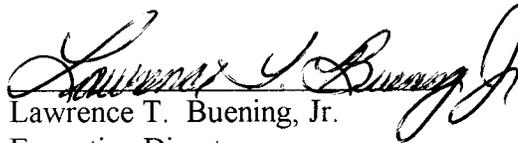
Even if the Board did have jurisdiction to consider a request for stay of the Final Order, the Board finds that such a stay would not be appropriate in this case. Respondent was allowed a

time period of a year within which to pay the administrative fine. There does not appear to be a significant hardship requiring a stay. Additionally, in the event that the Court of Appeals or Supreme Court vacates the order, repayment of the fine would not be difficult.

IT IS, THEREFORE, ORDERED that Respondent's motion to stay the administrative fine pending judicial review is denied.

DATED THIS 10th **Day of December, 1997.**

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing order was served this 11th day of December, 1997 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Donald G. Strole
16 East 13th Street
Lawrence, Kansas 66044

and a copy was hand-delivered to the office of:

Kevin K. LaChance
235 S. Topeka Blvd.
Topeka, Kansas 66603

