

**FILED**

MAR 6 2002

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

**KANSAS STATE BOARD OF  
HEALING ARTS**

In the Matter of )  
 )  
**BRIAN S. JOERG, D.C.** )  
Kansas License # 1-04582 )  
\_\_\_\_\_ )

Docket No. 01-HA-0030

**INITIAL ORDER GRANTING SUMMARY JUDGMENT**

NOW ON THIS 5<sup>th</sup> day of March 2002, this matter is before the Presiding Officer upon Petitioner's motion for summary judgment. The Presiding Officer determines that oral arguments on the motion are not necessary and that none have been requested. The hearing on the Board's motion, originally set for March 7, 2002, is canceled.

Having the agency record before him, the Presiding Officer finds, concludes and orders as follows:

1. Respondent Brian S. Joerg, D.C. is licensed to practice chiropractic in the State of Kansas. At the present time his license is in the inactive status.

2. The Board alleges that Respondent has been convicted of driving under the influence on multiple occasions, the most recent of which constituted a felony. The Board also alleges that Respondent was convicted of a misdemeanor battery, and that he has not provided the Board with truthful information when completing applications for renewal of his license.

The fact of the convictions does not appear to be controverted.

3. (Confidential)

(Confidential)

4. The Presiding Officer finds that Respondent has been convicted of a felony. (Confidential)

(Confidential)

5. (Confidential)

(Confidential)

6. Under K.S.A. 2001 Supp. 65-2836(c), Respondent bears the burden to prove, by clear and convincing evidence, that he is sufficiently rehabilitated and that he does not pose a danger to the public in his capacity of a practitioner of the healing arts. Respondent is not able to meet that burden in light of the undisputed facts. As a matter of law, the Board is required to revoke Respondent's license.

7. Under K.S.A. 65- 2844, a person whose license has been revoked is eligible to apply for reinstatement after three years have elapsed. The statute also allows the Board to stay an order of revocation on its own motion. Respondent will be permitted to ask the Board to stay the revocation upon completion of his rehabilitation efforts, even if the three years have not elapsed.

**IT IS, THEREFORE, ORDERED** that the license of Brian S. Joerg, D.C. is hereby revoked.

**PLEASE TAKE NOTICE** that this is an Initial Order. A party to an agency proceeding may seek review of an Initial Order by filing a petition for review within 15 days following service of the Initial Order. Any such petition must be filed with the Executive Director at 235 S. Topeka Blvd., Topeka, KS 66603.

DATED this 5<sup>th</sup> day of March 2002.

KANSAS STATE BOARD OF HEALING  
ARTS

*Lance Malmstrom*

\_\_\_\_\_  
Lance Malmstrom, D.C.  
Presiding Officer

**CERTIFICATE OF SERVICE**

\_\_\_\_\_ I certify that on the 6<sup>th</sup> day of March 2002 a true and correct copy of the above and foregoing order was deposited in the United States mail, postage prepaid, first class to the following:

Judy Pope Edwards  
DICKSON & POPE, P.A.  
700 SW Jackson  
Roof Garden Suite  
Topeka, KS 66603  
*Attorney for Respondent*

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

Stacy L. Cook  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603  
*Attorney for Petitioner*

*Mark Walz*