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DEC 21 2001

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

**KANSAS STATE BOARD OF
HEALING ARTS**

IN THE MATTER OF)
)
ROBERT C. LAHUE, DO.)
Kansas License No. 05-16563)
_____)

Case No. 00-HA-17

ORDER ASSESSING COSTS

NOW on this 8th day of December, 2001, comes on before Lawrence T. Buening, Jr., the presiding officer duly appointed by the Kansas State Board of Healing Arts (hereafter "Board"), the Petitioner's Motion for Costs filed herein on November 21, 2001. Petitioner appears by and through Stacy L. Cook, Litigation Counsel. Respondent appears in person *pro se*.

After hearing statements and arguments of the parties, reviewing the agency record and being duly advised in the premises, the presiding officer makes the following findings and orders:

1. At its regular meeting conducted December 8, 2001, the Board appointed Lawrence T. Buening, Jr. as the presiding officer to conduct the hearing on Petitioner's Motion for Costs and to issue An Initial Order.

2. Respondent correctly argues that the Initial Order issued by presiding officer Donald B. Bletz, M.D. and filed September 28, 2000, denied the Petition to Revoke, Suspend or Otherwise Limit License and, therefore, the order was not adverse to the Respondent. However, Petitioner filed a Petition for Review of Initial Order within the time specified in the Initial Order and by statute and the Initial Order did not become an order of the Board.

3. On October 20, 2001, the Board conducted review of the Initial Order and a Final Order was filed on November 2, 2001, in which the Board denied Respondent's request for further continuance of the review, did not adopt paragraphs 6 and 7 of the Initial Order and revoked Respondent's license to practice medicine and surgery. The Final Order was an order of the Board and was adverse to the Respondent. Therefore, under K.S.A. 65-2846, the Board may assess the costs incurred by the Board in conducting this proceeding.

4. The following are determined not to be allowable costs to assess against the parties:

- a. Curtis, Schloetzer, et al—one copy of transcript of the prehearing conference held on December 10, 1999—\$57.00;
- b. Appino & Biggs—copy of transcript of August 11, 2000 hearing—\$616.25;
- c. Appino & Biggs—CD-Rom of August 11, 2000 hearing—\$40.00; and
- d. United States District Court—33 ASCII Disks—\$825.

5. The following constitute allowable costs of the proceeding which, based upon the seriousness of the Board's action in revoking the license of Respondent, should be assessed against Respondent:

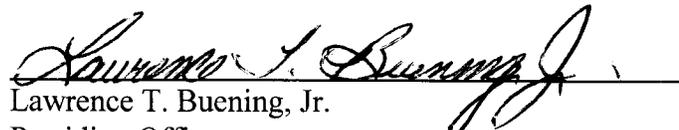
- a. Curtis, Schloetzer, et al—appearance fee and original transcript of the prehearing conference held on December 10, 1999—\$136.50;
- b. United States District Court—1st copy of transcripts in U.S. v. Anderson, et al—\$4577.25; and
- c. Appino & Biggs—original transcript, appearance fee and postage for August 11, 2000 hearing—\$1182.50.

IT IS THEREFORE ORDERED that costs incurred by the Board in conducting the proceedings in this matter in the amount of \$5896.25 be assessed against and paid by the Respondent, payable to the Kansas State Board of Healing Arts.

PLEASE TAKE NOTICE that this is an Initial Order. A party may seek review of an Initial Order by the agency head by filing a petition for review with the agency within 15 days following service of the Initial Order. An Initial Order becomes a Final Order either when the agency head determines not to conduct review, or after 30 days if no petition for review is filed .

DATED this 21st day of December, 2001.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Presiding Officer

CERTIFICATE OF SERVICE

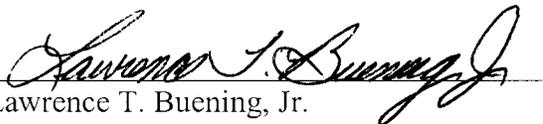
I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 21st day of December, 2001, a true and correct copy of the above and foregoing **Order Assessing Costs** was deposited in the United States mail, postage prepaid, first class to the following:

Robert C. LaHue, D.O.
6300 W. 181st Street
Stilwell, Kansas, 66085

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

Stacy L. Cook, Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was filed with the office of Executive Director.



Lawrence T. Buening, Jr.
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603
(785) 296-3680

LTB/E