

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

OCT 25 2004

In the Matter of)
Michael E. Martin, D.C.)
Kansas License No. 1-04233)
_____)

Docket No. 05-HA-04

KANSAS STATE BOARD OF
HEALING ARTS

JOURNAL ENTRY

NOW on this the 16th day of September, 2004, the above-captioned matter comes on for pre-hearing conference. Petitioner appears through Kelli J. Benintendi, Associate Counsel. Licensee appears *pro se*. Upon the parties' agreement, the matter is converted to a conference hearing.

Having the agency record before him, and upon hearing the parties' statements and arguments, the Presiding Officer makes the following findings of fact, conclusions of law and order:

1. On or about August 25, 2003, Licensee entered into a Consent Order with the Board as settlement of the allegations contained in a Petition filed against Licensee's license in docket number 03-HA-56. The Consent Order placed limitations on Licensee's practice; required that Licensee pay a fine and costs; required Licensee to have his practice monitored; and ordered that Licensee take and pass the Part IV examination of the National Board of Chiropractic Examiners.

2. Under the terms of the Consent Order, Licensee is required to pay a fine in the amount of \$1,500.00 in monthly payments of \$125.00.

3. The Consent Order further requires Licensee to pay the costs associated with the previous action against his license in the amount of \$1,000.00 in monthly payments of \$100.00.

4. The Presiding Officer finds that Licensee has been in arrears on his payments of both the costs and fine, but has substantially caught up on his payments, and that \$450.00 of the fine is the only amount which remains outstanding.

5. The Consent Order also requires that Licensee take Part IV of the National Board of Chiropractic Examiners ("NBCE") examination in November of 2003, and that Licensee must pass the examination.

6. The Presiding Officer finds that Licensee did not take Part IV of the NBCE examination until May of 2004, but that Licensee did receive a passing score.

The Board has not been provided with any documentation of Licensee's score on Part IV of the NBCE examination. Licensee shall promptly ensure that the Board is provided with official documentation of his passing score.

7. The Presiding Officer finds that Licensee should have provided the Board with documentation of his passing score on Part IV of the NBCE examination prior to this hearing, and that as such, Licensee is ordered to pay the cost of the court-reporter services for this hearing in the amount of \$169.75.

8. The \$169.75 cost of the court-reporter services shall be added to the \$450.00 outstanding fine amount for a total of \$619.75. Licensee is ordered pay \$206.58 each month for November and December of 2004, and \$206.59 in January of 2005, payable on the 15th day of the month.

9. Upon Licensee's satisfaction of the total amount of \$619.75, the Petition shall be dismissed by Petitioner.

10. All remaining provisions of Licensee's Consent Order in Docket No. 03-HA-56 shall remain in full force and effect.

IT IS SO ORDERED.

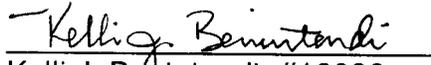
Dated this ___ day of October, 2004.

KANSAS BOARD OF HEALING ARTS



Vinton K. Arnett, D.C.
Presiding Officer

Prepared by:



Kelli J. Benintendi, #16032
Associate Counsel
Kansas Board of Healing Arts
235 South Topeka Boulevard
Topeka, Kansas 66603
(785) 296-7413

Approved by:



Michael E. Martin, D.C.
Licensee
1709 SW Randolph Ave, Suite 1
Topeka, Kansas 66604

CERTIFICATE OF SERVICE

I, Kelli J. Benintendi, hereby certify that the foregoing **JOURNAL ENTRY** was served this 25 day of October, 2004, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Michael E. Martin, D.C.
1709 SW Randolph Ave, Suite 1
Topeka, Kansas 66604

and the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068


Kelli J. Benintendi