

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

FILED CAB
APR 01 2010

KS State Board of Healing Arts

In the Matter of)
Robert Rusnak, DC)
)
Kansas License No. 01-04412)
_____)

Docket No. 09-HA00080

FINAL ORDER

NOW ON THIS 19th day of February, 2010, this matter comes on for hearing on the Respondent's Petition for Reconsideration of Final Order. Respondent appears in person with counsel, Jennifer E. Bazin of the Law Office of Carol Ruth Bonebrake, P.A., Topeka, KS. Lori D. Dougherty, Associate Litigation Counsel, appears for the Board. There are no other appearances.

Having the agency record before it and hearing the statements and arguments of Counsel, the Board finds, concludes and orders as follows:

1. A Final Order was issued in this matter on December 17, 2009.
2. Respondent timely filed a Motion for Reconsideration.
3. The Board agrees to reconsider the Final Order as to the costs assessed to Respondent.
4. The Board finds that Petitioner incurred total costs in this matter of \$6,941.97.

5. The Board finds that it is reasonable to assess the costs of this matter to Respondent pursuant to K.S.A. 65-2846.
6. The Board further finds that Petitioner prevailed on two (2) out of three (3) counts alleged in this matter.
7. Because the Respondent prevailed on one (1) of the counts it is not reasonable that he be held responsible for the full cost incurred in prosecuting all three (3) counts.
8. The Board concludes that Respondent is responsible to pay two-thirds of the costs of this matter, \$4,627.98.

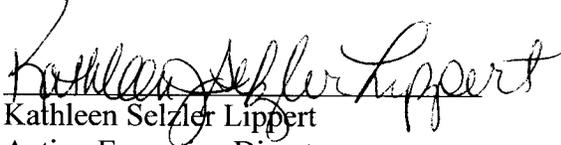
IT IS, THEREFORE, ORDERED that the Final Order filed on December 17, 2009 is amended such that Respondent is assessed costs in this matter in the amount of \$4,627.98 payable in twelve (12) monthly installments of \$376.50.

IT IS FURTHER ORDERED that all other Orders in the Final Order filed on December 17, 2009 remain in effect and unamended.

PLEASE TAKE FURTHER 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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 31 day of March, 2010.

Kansas State Board of Healing Arts



Kathleen Selzler Lippert
Acting Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 1st day of April, 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Robert Rusnak, DC
3650 SE Tomahawk Dr.
Tecumseh, KS 66542

And

Jennifer E. Bazin
Law Office of Carol Ruth Bonebrake, P.A.
Attorney at Law
107 SW 6th Ave., Ste 210
Topeka, KS 66603

And a copy was hand-delivered to the office of

Lori D. Dougherty
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

And

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

And the original filed with the office of the Executive Director

Cathy A. Brown