

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

F I L E D

MAR 7 2002

KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
)
DAVID E. STERNBERG, M.D.)
Kansas License No. 4-22290)

Docket No. 02-HA-0043

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 23rd day of February, 2002, this matter comes before the Kansas Board of Healing Arts, (hereafter "Board") the request submitted by David E. Sternberg, M.D. (hereafter "Applicant") to withdraw his application for reinstatement of his license to practice medicine and surgery in the state of Kansas. Kelli J. Benintendi, Associate Counsel, appeared on behalf of the Board. Licensee appeared in person and with counsel, John Jenab, Olathe.

After reviewing the file and being duly advised in the premises, the Board finds as follows:

1. In November, 1997, Applicant was convicted by a jury of felony mail fraud and aiding and betting; convicted of felony interstate transportation in aid of racketeering and aiding and abetting; and felony counts of money laundering and aiding and abetting in the U.S. District Court for the District of Kansas. Applicant was sentenced to 3 years of incarceration, three years of supervised release and is on a period of supervised release which will not terminate until approximately January, 2005.

2. Applicant's license to practice medicine and surgery in the state of Kansas was revoked on June 22, 1998 based upon undisputed allegations of Applicant having been convicted of the federal crimes as stated above.

3. On or about September 28, 2001, Applicant filed an application for reinstatement of his license to practice medicine and surgery in the state of Kansas.

4. On February 1, 2002, Ms. Benintendi, at the direction of the Board's Disciplinary Panel, filed a Response in Opposition to Application for Reinstatement of License to Practice Medicine and Surgery pursuant to K.S.A. 65-2836(c).

5. A Notice of Conference Hearing on Applicant's application for reinstatement was set for 1:00 p.m. on Saturday, February 23, 2002 and filed herein on February 4, 2002.

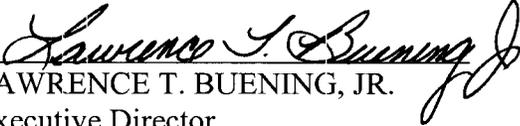
6. On February 11, 2002 Applicant requested to withdraw his application for reinstatement.

7. At the Conference Hearing held on February 23, 2002, after reviewing the file and being otherwise duly advised in the premises and hearing no objection from Board counsel, the Board finds that Applicant's request to withdraw his application for reinstatement should be granted.

IT IS THEREFORE ORDERED AS FOLLOWS:

That Applicant's request to withdraw his application for reinstatement of license to practice medicine and surgery in the state of Kansas has been voluntarily withdrawn and no further proceedings are required or necessary.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR.
Executive Director

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 7th day of March, 2002, a true and correct copy of the above and foregoing **FINAL ORDER FOLLOWING CONFERENCE HEARING** was deposited in the United States mail, postage prepaid first class to the following:

David Sternberg, M.D.
4201 West 110th Street
Leawood, Kansas 66211

John Jenab
Jenab & Kuchar
110 South Cherry
Olathe, Kansas 66061

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

Kelli J. Benintendi, Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

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



LAWRENCE T. BUENING, JR.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(785) 296-3680

LTB/E

FILED

FEB 11 2002

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)

DAVID STERNBERG, M.D.)

Applicant for Reinstatement of License No. 04-22290)

) Docket No. 02-HA -0043

MOTION TO WITHDRAW APPLICATION

COMES NOW the applicant, David Sternberg, M.D., by and through his attorney, John Jenab, and respectfully requests that the Board allow withdrawal of the subject application without prejudice to refileing at a later date. In support of this motion, Dr. Sternberg provides the following:

1. The instant application was filed without benefit of counsel.
2. Upon familiarizing himself with the pleadings and pertinent file materials in this matter, undersigned counsel believes that it would be in all parties' best interest for the application for reinstatement to be withdrawn and refiled at a later date.
3. Counsel believes that is imperative to explore and attempt to address, alleviate or remove any potential grounds for opposition to reinstatement prior to hearing on a reinstatement application. This is particularly true in light of the fact that denial of an application for reinstatement precludes the applicant from reapplying for a period of three years.
4. If leave to withdraw the current application is granted, counsel believes that many of the areas of opposition expressed by the Board will be meaningfully addressed, and at a minimum numerous areas of disagreement will be narrowed, prior to resubmission of Dr. Sternberg's application.

For the above stated reasons, applicant David Sternberg, M.D., requests leave to withdraw his application for reinstatement without prejudice to refileing of the application at a later date.

Respectfully Submitted,
JENAB & KUCHAR



John Jenab, KS # 18069
110 S. Cherry, Suite 200
Olathe, KS 66061
913-390-5023

Certificate of Delivery

I hereby certify that a true and correct copy of the above Motion was delivered via facsimile to Kelli Benintendi, Associate Counsel, Kansas State Board of Healing Arts, 785-368-7102.



John Jenab