

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

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| FILED JUNE 22 2004 KANSAS STATE BOARD OF HEALING ARTS |
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In the Matter of)
)
SEAN K. STEVENS, D.C.)
Application for Reinstatement of)
Kansas License)
_____)

Docket No. 04-HA-49

FINAL ORDER

NOW ON THIS Nineteenth Day of June 2004, comes on for a formal hearing the application of Sean K. Stevens for reinstatement of his license to practice chiropractic. Applicant appears in person and through Patrick R. Miller, Attorney at Law. Kelli J. Benintendi, Associate Counsel, appears for the Board.

After hearing the testimony of Applicant, and having the agency record before it, the Board finds, concludes and orders as follows:

1. The Board issued an order dated February 22, 2000 revoking Applicant’s license to practice chiropractic. The grounds for the revocation are stated in the Final Order and are not in dispute in the present matter. At least one of the grounds included conviction of a felony.
2. The Board concludes that Applicant has the burden to prove he is sufficiently rehabilitated to warrant the public trust. The evidence supporting rehabilitation must be clear and convincing. Factors that the Board may consider in determining rehabilitation are stated in *Vakas v. State Board of Healing Arts*, 248 Kan. 589 (1991). In light of the felony conviction, at least two-thirds of the Board must find that Applicant has met this burden.
3. Applicant presents testimony that he has received medical treatment, that he understands the dishonor in his prior misconduct, and intends not to offend again.

4. Board counsel presents evidence that on May 5, 2004, Applicant pleaded guilty to the crime of false impersonation, a class B misdemeanor, in Seward County District Court. This conviction resulted from Applicant opening an office to practice chiropractic without a license.

5. The Board President requests a motion to find that Applicant is sufficiently rehabilitated to warrant reinstatement. The record reflects that no motion is made. The Board concludes that as a matter of law, the application must be denied.

IT IS, THEREFORE, ORDERED that the application for reinstatement of a revoked license by Sean K. Stevens is denied.

PLEASE TAKE 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. 77-610, et seq. Reconsideration of the 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 S. Topeka Blvd., Topeka, KS 66603.

Dated this 22ND Day of June 2004.

Kansas State Board of Healing Arts

/s/
Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 23rd day of June 2004 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Patrick R. Miller
DEZUBE & MILLER, P.A.
10100 West 87th Street, Suite 202
Overland Park, KS 66212

Sean K. Stevens
2320 Lilac
Liberal, KS 67901

and a copy was hand-delivered to:

Kelli J. Benintendi
Associate Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

Sheryl Snyder_____