

**FILED**

**FEB 22 2000**

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

**KANSAS STATE BOARD OF  
HEALING ARTS**

**In the Matter of** )  
 )  
**SEAN K. STEVENS, D.C.** )  
**Kansas License No. 1-04436** )  
\_\_\_\_\_ )

**Case no. 00-HA-16**

**FINAL ORDER UPON REVIEW**

NOW ON THIS Twelfth Day of February, this matter comes on for hearing upon the Board's own motion to review the order of the Presiding Officer dated December 30, 1999. Respondent does not appear either in person or through counsel. Stacy L. Cook, Litigation Counsel for the Board, appears for Petitioner.

Having the record before it the Board finds, concludes and orders as follows:

1. Respondent has been served with the petition, amended petition, and notice of hearing in this case. These pleadings were served by first-class mail to the addresses supplied by Respondent.
2. Respondent failed to enter an appearance and did not otherwise participate in the pretrial conference. A proposed default order and notice of hearing was served on November 24, 1999.
3. Respondent failed to appear, and the Presiding Officer found Respondent in default as proposed.
4. Upon completion of the proceeding, the Presiding Officer found that Respondent had committed the acts alleged in the amended petition, and concluded that he had violated the healing arts act. He ordered that Respondent's license be revoked.

5. The order issued by the Presiding Officer was an initial order under the Kansas administrative procedure act. That order would have become the final order if the Board had not given notice of intent to review the Presiding Officer's order.

6. The Board concludes that the notice given to Respondent and the order finding him in default were proper.

7. Based upon Respondent's total default in this matter, the Board adopts the findings of the Presiding Officer as follows:

a. On or about February 15, 1997, Respondent was issued license number 1-04436. This license remained active up to November 2, 1999 when it was canceled for non-renewal.

b. On or about August 23, 1999, in Barber County, Kansas, Respondent pleaded guilty to and was convicted of one count of promoting obscenity under K.S.A. 21-4301, a class A misdemeanor.

c. On or about April 23, 1999, Respondent placed a videotape in the mailbox of a former girlfriend containing scenes of Respondent masturbating. The delivery of the videotape violated a court order.

d. In approximately May of 1999, Respondent used cocaine.

e. On or about September 16, 1999, in Barber County, Kansas, Respondent pleaded guilty to and was convicted of three counts of giving a worthless check in violation of K.S.A. 21-3707, a class A misdemeanor.

f. On or about October 20, 1999, Respondent was convicted of one count of arson in the third degree in the State of Oklahoma in violation of Title 21 O.S. paragraph 1403. The

Board finds that this is comparable to a felony under Kansas law.

8. The Board adopts the legal conclusions of the Presiding Officer that Respondent violated the healing arts act as follows:

a. Respondent's conduct in recording and delivering the videotape to the former girlfriend constitutes dishonorable conduct, as provided by K.S.A. 1999 Supp. 65-2836(b), and unprofessional conduct, as defined by K.S.A. 1999 Supp. 65-2837(b)(16) (sexual misconduct).

b. Respondent's use of an illegal drug constitutes dishonorable conduct, as provided by K.S.A. 1999 Supp. 65-2836(b).

c. Respondent's conviction of multiple class A misdemeanors and a felony constitute grounds for discipline by the Board as provided by K.S.A. 1999 Supp. 65-2836(c).

9. The Board adopts the recommendation of the Presiding Officer that Respondent's license should be revoked, and that Respondent should be assessed an administrative fine in the amount of \$250.00 for each violation of the healing arts act, as authorized by K.S.A. 65-2863(a). The Board adopts the Presiding Officer's implicit finding that Respondent's conduct constituted six violations of the healing arts act.

10. The Presiding Officer assessed costs against Respondent in the amount of \$1454.65. Petitioner asks that the Presiding Officer's assessment of costs be amended to include certain costs related to witness expenses in the amount of \$110.30. The Board finds that these costs are reasonable. The order of the Presiding Officer is amended to assess costs to Respondent in the amount of \$1564.95.

**IT IS, THEREFORE, ORDERED** that Respondent's license to practice the healing arts

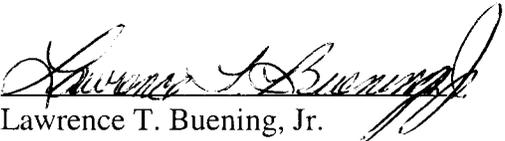
is revoked.

**IT IS FURTHER ORDERED** that the costs of this action in the amount of \$1564.95 are assessed to Respondent.

**PLEASE TAKE NOTICE** that this is a Final Order. A party may seek review of a Final Order by filing a petition with the district court within 30 days following service of the order. Reconsideration is not a prerequisite to seeking judicial review. A copy of any petition for judicial review must be served upon Lawrence T. Buening, Jr., 235 S. Topeka Blvd., Topeka, Kansas 66603.

**DATED** this 22<sup>nd</sup> day of February, 2000.

Kansas State Board of Healing Arts



Lawrence T. Buening, Jr.  
Executive Director

**Certificate of Service**

I certify that a true copy of the foregoing Final Order Upon Review was served this 22<sup>nd</sup> day of February, 2000, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Sean K. Stevens, D.C.  
P.O. Box 1223  
Liberal, Kansas 67905

Sean K. Stevens, D.C.  
119 W. Main  
Harper, Kansas 67058

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

Stacy L. Cook  
Litigation Counsel  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

Melissa K Kipp