

**FILED**

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

OCT 29 1990

IN THE MATTER OF )  
 )  
DAVID L. WHARRAN, D.C. )  
Kansas License No. 3715 )

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**KANSAS STATE BOARD OF  
HEALING ARTS**  
Case No. 91-00125

**FINAL ORDER**

This matter comes on for consideration by the Kansas State Board of Healing Arts on this 13th day of October, 1990.

Members present are: Franklin Bichlmeier, M.D.; Donald Bletz, M.D.; Jimmy Buller, D.O.; Edward Fitzgerald, M.D.; Tom Greene, D.C.; Cameron Knackstedt, D.O.; Graciela Marion; Glenn Kerbs, Irwin Waxman, DPM; Kenneth Wedel, M.D., Mark J. Hatesohl, D.C.; Joseph Philipp, M.D.; and Ron Zoeller, D.C.

The Kansas State Board of Healing Arts appears by and through its Litigation Counsel, Steve A. Schwarm. Licensee does not appear nor does anyone appear in Licensee's behalf. Litigation Counsel, Steve Schwarm, advises the Board that he has in his possession the Doctor of Chiropractic license of David L. Wharran, D.C. which was surrendered to him on Friday, October 12, 1990. Mr. Schwarm also has in his possession a FAX copy over signature of David L. Wharran, D.C. indicating that he hereby surrenders his license to engage in the practice of Chiropractic in the State of Kansas.

This matter comes on for consideration before the Board for resolution whether to accept the offer of surrender of the

Chiropractic license of David L. Wharran, D.C. Thereupon, the Board having examined the evidence to include the certificate of license, FAX copy of surrender, hearing arguments of Litigation Counsel and reviewing the record made, the following Findings of Fact and Conclusions of Law are made and entered.

**FINDINGS OF FACT**

Licensee has been issued license number 3715 of the Kansas State Board of Healing Arts to engage in the practice of Chiropractic in the State of Kansas. Licensee, at the time of the surrender of his license and at the present time, is a licensed Chiropractor in the State of Kansas. On or about the 12th day of October, 1990, Licensee, while engaged in the practice of a licensed profession in the State of Kansas as a licensed Chiropractor, pursuant to K.S.A. 65-2801, did offer to surrender his license of Chiropractic in the State of Kansas which is evidenced by his voluntary surrender through his attorney, Mr. Ronald Pope, and his subsequent surrender of license to Mr. Steve Schwarm, Litigation Counsel for the Board and a FAX copy given by his attorney, Mr. Ronald Pope, to Mr. Schwarm indicating his desire to surrender his Chiropractic license.

**CONCLUSIONS OF LAW**

1. The Kansas State Board of Healing Arts has jurisdiction over Licensee, David L. Wharran, D.C., Kansas license number 3715,

pursuant to K.S.A. 65-2801 et seq. In compliance with provisions of the Kansas Healing Arts Act, specifically K.S.A. 65-2801, 65-2803, 65-2805, 65-2806, the Board is vested with the power and authority to issue licenses to qualified Chiropractors in the State of Kansas. Pursuant to specific statutory authorities as cited above, the Board has jurisdiction to grant or deny licenses to individuals in the State of Kansas. The Board recognizes that David L. Wharran, D.C., Kansas license number 3715, has made an offer to surrender his license in the State of Kansas. The offer to surrender his license in the State of Kansas cannot be completed through a unilateral act of the Licensee under the jurisdiction of the Board. The Board, having reviewed the record made, hereby accepts the offer to surrender the Chiropractic license of David L. Wharran, D.C. Therefore, pursuant to a motion duly made, seconded and unanimously passed, Licensee's license to engage in the practice of Chiropractic in the State of Kansas is hereby accepted.

It is therefore ordered and decreed by the Board that Licensee's license to practice as a Chiropractor in the State of Kansas is hereby cancelled due to Licensee's offer of voluntarily surrender effective October 13, 1990.

This Order is effective upon service, pursuant to K.S.A. 77-530. Any party within fifteen (15) days after service of this

Final Order may file a petition for reconsideration, pursuant to K.S.A. 77-529.

IT IS SO ORDERED this 25<sup>th</sup> day of October, 1990.

KANSAS STATE BOARD OF HEALING ARTS

Franklin Bichlmeier, M.D.  
Franklin Bichlmeier, M.D.  
President

Prepared and Approved by:

Steve A. Schwarm

Steve A. Schwarm #13232  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603  
(913) 296-7413

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FINAL ORDER  
David L. Wharran, D.C.

**CERTIFICATE OF SERVICE**

I, Lawrence T. Buening, Jr., General Counsel of the Kansas State Board of Healing Arts, do hereby certify that on this 30 day of October, 1990, a true and correct copy of the above **FINAL ORDER** was forwarded by United States first-class mail, postage prepaid to:

David L. Wharran, D.C.  
515 East Main Street  
Chanute, Kansas 66720

Ronald Pope, Attorney at Law  
1507 Topeka Boulevard  
P.O. Box 6601  
Topeka, Kansas 66612

and a true and correct copy of the above **FINAL ORDER** was hand delivered to:

Steve A. Schwarm  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603

