

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

In the Matter of)	
)	
WASSE ZAFER, D.C.)	Docket No. 06-HA-92
Kansas License No. 01-04097)	
_____)	

CONSENT ORDER

COMES NOW the Kansas State Board of Healing Arts ("Petitioner"), by and through Diane L. Bellquist, and Wasse Zafer, D.C. ("Licensee"), by and through Judy Pope of Pope and Dickson, P.A., and move the Board for approval of a Consent Order affecting Licensee's license to practice chiropractic. The parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is 450 E. Santa Fe, Olathe, Kansas 66061.
2. Licensee was issued License No. 01-04097 on approximately February 8, 1992. Licensee currently holds an active license to engage in the practice of chiropractic care and treatment in the State of Kansas.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of chiropractic care and treatment.
4. This Consent Order and the filing of such document are in accordance with the applicable law and the Board may enter into an informal settlement of this matter as provided in K.S.A. 77-505, without the necessity of proceeding to a formal hearing.
5. Upon approval, the provisions in this Consent Order shall constitute the

Wasse Zafer, D.C.
Consent Order

findings of the Board, and this Consent Order shall be the Board's Final Order.

6. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

7. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

9. The terms and conditions of the Consent Order are entered into between the undersigned parties that are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

10. Licensee advertised his chiropractic services on a website and in weekly flyers in a local newspaper.

11. On April 11, 2006, Petitioner filed a Petition requesting disciplinary action against Licensee's license to practice chiropractic in the state of Kansas.

12. Petitioner alleged such advertising contained misleading statements.

Such allegations are specifically set forth in the Petition.

13. Pursuant to K.S.A. 65-2863a(a), the Board may assess a fine against Licensee's license to practice chiropractic for his violation of the healing arts act, K.S.A. 65-2836(b), unprofessional and/or dishonorable conduct as set forth in:

- a. K.S.A. 65-2837(b)(4), the use of any letters, words, or terms, as an affix, on stationery, in advertisements, or otherwise indicating that such person is entitled to practice a branch of the healing arts for which such person is not licensed.
- b. K.S.A. 65-2837(b)(8), advertising to guarantee any professional service or to perform any operation painlessly.
- c. K.S.A. 65-2837(b)(13), making a false or misleading statement regarding the efficacy or value of the drug, treatment or remedy prescribed by the licensee in the treatment of any disease or other condition of the body or mind.

14. In lieu of conducting formal proceedings, Licensee, by his signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary measure regarding his license as a chiropractor:

- (a) Licensee shall be **FINED** in the amount of five thousand dollars (\$5,000.00). Such fine is payable to the "Kansas State Board of Healing Arts" in monthly payments of one-thousand dollars (\$1,000.00) for five (5) months, with the initial payment due on or before September 1, 2006, and the remainder of the monthly

payments due on or before the first day of each month thereafter.

In the event that the Board does not receive a payment due and owing, the fine shall become immediately due and payable in full upon written notice by the Board to Licensee stating that payment has not been received.

15. Licensee's failure to comply with this Consent Order will result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

16. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas healing arts act, or to investigate complaints received under the Risk Management law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

17. Licensee hereby releases the Board, its individual members (in their official and personal capacities), attorneys, employees and agents, (hereinafter collectively referred to as "Releasees"), from any and all claims, including but not limited to, those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.*, arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims and demands of every kind and nature that Licensee has claimed to have had at the time of this

release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

18. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to CIN-BAD and any other reporting entities authorized to receive disclosure of the Consent Order.

19. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

20. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer or settlement.

21. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

22. Licensee acknowledges that he has read this Consent Order and fully

understands the contents.

23. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

24. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be sent by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Diane L. Bellquist, 235 S. Topeka Boulevard, Topeka, Kansas 66603-3068.

25. Licensee shall obey all federal, state and local laws and rules governing the chiropractic practice in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

26. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

27. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

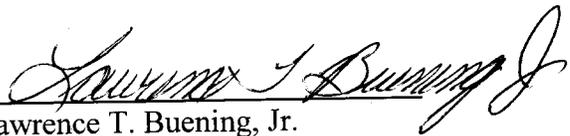
IT IS FURTHER ORDERED that:

(b) Licensee shall be **FINED** in the amount of five thousand dollars

(\$5,000.00). Such fine is payable to the "Kansas State Board of Healing Arts" in monthly payments of one-thousand dollars (\$1,000.00) for five (5) months, with the initial payment due on or before September 1, 2006, and the remainder of the monthly payments due on or before the first day of each month thereafter. In the event that the Board does not receive a payment due and owing, the fine shall become immediately due and payable in full upon written notice by the Board to Licensee stating that payment has not been received.

IT IS SO ORDERED on this 14th day of August, 2006.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:

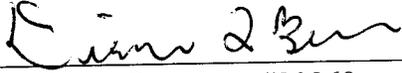

Lawrence T. Buening, Jr.
Executive Director

August 14, 2006
Date


Wasse Zafer, D.C.
Licensee

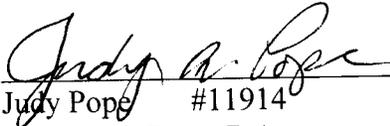
6-20-06
Date

PREPARED AND APPROVED BY:



Diane L. Bellquist #20969
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
785-296-0961
ATTORNEY FOR PETITIONER

APPROVED BY:



Judy Pope #11914
Dickson & Pope, P.A.
700 SW Jackson Street
Jayhawk Tower Building
Roof Garden Suite
Topeka, Kansas 66603-3758
ATTORNEY FOR LICENSEE

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 17th day of August, 2006, to the following:

Judy Pope
Dickson & Pope, P.A.
700 SW Jackson Street
Jayhawk Tower Building
Roof Garden Suite
Topeka, Kansas 66603-3758

And the original was hand-delivered to:

Lawrence T. Buening, Jr.
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And a copy was hand-delivered to:

Diane L. Bellquist
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

