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STATE BOARD OF HEALING ARTS

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

In the Matter of)
Wasse Zafer, D.C.)
)
Kansas License No.: 01-04097)
_____)

KSBHA Docket No. 12-HA00013

JOURNAL ENTRY GRANTING REQUEST FOR RECONSIDERATION
and STAY OF FINAL ORDER

COMES NOW the Kansas State Board of Healing Arts (“Board”) by and through its Executive Director, Kathleen Selzler Lippert, a duly authorized representative of the Board, and considers the Petition for Reconsideration of Final Order Revoking License and for Stay of the Effectiveness of the Final Order filed by Wasse Zafer, D.C. (Licensee) in the above-captioned matter, pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*

Upon a review of the Petition for Reconsideration and the administrative record, the Board finds as follows:

1. Licensee is licensed to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04097 on approximately February 8, 1992.
2. Licensee’s last known mailing address provided to the Board is: 450 E. Santa Fe, Olathe, Kansas 66061.
3. On or about July 25, 2011, a Petition was filed seeking disciplinary action due to allegations that Licensee did not comply with the Consent Order filed on December 6, 2010. The Petition alleged multiple violations of the practice act and requested revocation of Licensee’s license to practice chiropractic, assessment of fines and costs as authorized by law.
4. On or about July 25, 2011, an Ex Parte Emergency Order of Suspension was filed and personally served on Licensee.

5. On or about August 12, 2011, the Board conducted a hearing on the July 2011 Ex Parte Emergency Order of Suspension. The Board lifted the Ex Parte Emergency Order of Suspension as the events giving rise to the emergency had been corrected and therefore no basis remained for the emergency suspension. The Board did not rule on the violations set forth in the July Petition. The allegations contained in the Petition were set for hearing at the Board's October Board meeting.

6. On or about September 27, 2011, a Notice of Conference hearing was sent to the parties advising the allegations contained in the July Petition would be heard by the Board. The notice provided the date, time and location of the conference hearing as well as a statement that the conference hearing would be held pursuant to K.S.A. 77-511(a)(2)(B) and in accordance with the Kansas Administrative Procedure Act.

7. On or about October 14, 2011, Licensee's counsel filed a Motion to move the hearing on the July Petition allegations from the afternoon to the morning docket.

8. On or about October 17, 2011, the parties were notified by Assistant General Counsel for the Board that the motion to move the hearing time to the morning was denied due to scheduling conflicts; however, the Board would entertain continuing the matter to December or February if Licensee's counsel could not be present in the afternoon of the October Board meeting. Assistant General Counsel for the Board spoke with the assistant to Licensee's Attorney regarding the Board's denial of his request to move the hearing and the assistant indicated that they might have someone else represent Licensee at the October meeting instead.

9. On or about October 21, 2011, Licensee appeared before the Board without counsel. Licensee was asked if he wanted the matter continued so that his attorney could be present. Licensee advised that he wished to proceed without his counsel. The Board considered

the agency record, heard the statements and arguments of the parties and by motion voted to revoke the Licensee's license to practice chiropractic.

10. On or about October 22, 2011, following a conference hearing, the Board filed a Final Order (Final Order) revoking Licensee's license to practice chiropractic in the State of Kansas due to Licensee's failure to comply with the terms of a Consent Order entered on or about December 6, 2010.

11. On October 28, 2011, Licensee, by and through legal counsel, filed a timely motion for Reconsideration of the Final Order with the board and request for stay of effectiveness of the Final Order. An Amended Supplemental Motion For Reconsideration of the Final Order Of October 27, 2011, and Motion To Stay Effectiveness of Final Order was filed by Licensee's legal counsel on November 3, 2011. Licensee's request for Reconsideration and the ensuing Amended motion sets forth various arguments in support of the request.

12. On November 15, 2011, Petitioner filed a Response To Amended Motion For Reconsideration Of Final Order and Motion To Stay Effectiveness of Final Order. Petitioner's Response sets forth various arguments to deny reconsideration and stay of Final Order.

13. The Board has authority to issue Initial and Final Orders, and maintains jurisdiction over matters before it to issue additional orders deemed necessary and appropriate. Without considering the merits of the arguments in the request for reconsideration or the response in opposition, the request for reconsideration is granted to the extent that the full Board will review the merits of Licensee's motions and Petitioner's response to determine whether the sanction of revocation is appropriate at their February 24, 2012 Board meeting.

IT IS THEREFORE ORDERED that the Board hereby grants Licensee's petition for reconsideration of the Final Order and sets the matter for further proceedings.

IT IS FURTHER ORDERED that the Board hereby grants Licensee's petition to stay the effectiveness of the Final Order filed in this matter until such time as reconsideration by the Board is complete.

IT IS FURTHER ORDERED that on Friday, February 24, 2012, the Board will hold further proceedings on this matter. A formal notice of hearing specifying the time and place of the hearing will be sent to Licensee at Licensee's address of record with the Board.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any additional order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 16th DAY OF NOVEMBER, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **Journal Entry Granting Request for Reconsideration and Stay of Final Order** was served this 16th day of November, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Wasse Zafer, D.C.
450 E. Santa Fe
Olathe, Kansas 66061

N. Larry Bork
Goodell, Stratton, Edmonds & Palmer, L.L.P.
515 S. Kansas Ave.
Topeka, Kansas 66603-3999
Attorney for Petitioner

And a copy was hand-delivered to:

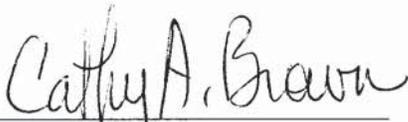
Stacy Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And an electronic courtesy copy was sent to:

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
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And the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert
Executive Director
800 SW Jackson, Lower Level-Suite A
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Cathy Brown
Executive Assistant