

**EFFECTIVE AS A
FINAL ORDER**

DATE: 12/03/13

FILED

CAB

NOV 15 2013

BEFORE THE KANSAS BOARD OF HEALING ARTS

KS State Board of Healing Arts

In the Matter
of:

JEFFERY FENN, D.C.
Kansas License No. 01-05163

Docket No.: ¹³~~14~~HA00104
OAH No.: 14HA0004

INITIAL ORDER

DATE: November 14, 2013

This matter comes on for consideration on the Petitioner's Motion to Dismiss. The Petitioner, the Kansas Board of Healing Arts (Board), appears through its attorney, Stacy R. Bond. The Respondent appears through his attorney, David W. Steed.

The Presiding Officer finds:

1. On May 29, 2013, the Board filed a Petition seeking to revoke, suspend, fine or otherwise limit the Respondent's license to practice chiropractics in the State of Kansas.
2. A Prehearing Conference was held in the above-captioned matter on September 5, 2013.
3. On October 28, 2013 the Respondent entered into a Consent Order with the Board wherein he agreed to surrender his license to practice chiropractics in the State of Kansas to the Board.
4. K.S.A. 65-2838(a) provides the board shall have jurisdiction to take disciplinary action against any licensee practicing under Kansas healing arts act.

The Presiding Officer, being well and duly advised in this matter, finds the Petition filed by the Board is rendered moot by the voluntary surrender by the Respondent of his license to practice chiropractics in the State of Kansas. Further, as a result of the Respondent's surrender of his license to practice chiropractics in the State of Kansas, the Board no longer retains jurisdiction over the Respondent. This matter is hereby dismissed.

IT IS SO ORDERED.

Appeal Rights

Pursuant to K.S.A. 77-527, either party may appeal this initial order. A petition for review must be filed within 15 days from date of this initial order. Failure to timely request review may preclude further judicial review. If neither party requests a review, this initial order becomes final and binding on the 30th day following its mailing. Petitions for review shall be mailed or personally

delivered to: Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level, Suite A, Topeka, KS 66612.



Sandra L. Sharon
Administrative Law Judge/Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Avenue
Topeka, Kansas 66612
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On NOV. 14, 2013, I mailed a copy of this document to:

Jeffery Fenn D.C.
2544 N. Maize Ct., #100
Wichita, KS 67205

David W. Steed
KLEND AUSTERMANN LLC
301 N. Main St., Ste. 1600
Wichita, KS 67202

Stacy R. Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level. Ste. A
Topeka, KS 66612

Kathleen Selzler Lippert, Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, KS 66612
Telephone: 785-296-7413



Staff Person

FINAL ORDER NOTICE OF RIGHTS

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. 77-601, *et seq.* Reconsideration of a 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 Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 3rd day of December, 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Jeffery Fenn, DC
2544 N. Maize Ct., #100
Wichita, KS 67205

David W. Steed
KLEND A AUSTERMAN LLC
301 N. Main St., Ste. 1600
Wichita, KS 67202

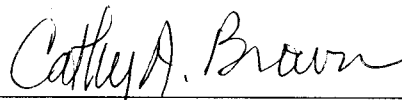
And a copy was hand-delivered to:

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

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant