

weather report

67°

noon Thursday



Today

• Sunset, 4:48 p.m.

Saturday

• Sunrise, 6:19 a.m.

• Sunset, 4:41 p.m.

Midday Conditions

- Soil temperature 51 degrees
- Humidity 25 percent
- Sky fair
- Winds west at 9 mph
- Barometer 27.79 inches and falling

- Record High today 76° (1921)
- Record Low today 1° (1991)

Last 24 Hours*

High Wednesday	79°
Low Wednesday	36°
Precipitation	—
This month	—
Year to date	15.46

The Topside Forecast

Today: Partly cloudy. Cooler. Highs in the mid 60s. Southeast winds around 10 mph. Tonight: Partly cloudy. Lows in the 30s.

Extended Forecast

Saturday: Partly cloudy. Highs in the lower 60s, lows in the 30s. Northwest winds at 10 mph. Sunday: Partly cloudy. Highs in the 60s. Monday and Tuesday: Mostly clear. Highs in the 70s. Lows in the 30s. Wednesday: Partly cloudy. Lows in the 30s. Highs in the 60s. (National Weather Service)
Get 24-hour weather info. at 162.400 MHz.
* Readings taken at 7 a.m.

local markets

Noon

Wheat — \$3.20 bushel
Posted county price — \$3.18
Loan deficiency pmt. — 0¢
Corn — \$1.77 bushel
Posted county price — \$1.49
Loan deficiency pmt. — 45¢
Milo — \$1.45 bushel
Soybeans — \$5.13 bushel
Posted county price — \$4.87
Loan deficiency pmt. — 0¢
Millet — \$6.00 hundredweight
Sunflowers
Oil current crop — \$9.39 cwt.
NuSun crop — \$8.40
Confection — Call
Pinto beans — \$17 (new crop)
(Markets by Mueller Grain, Sigco Sun, Frontier Equity Co-op and 21st Century Bean. These may not be closing figures.)

inside today

More local news and views from your Goodland Star-News



Mustangs lose opener

David Murray shoots a freethrow in the third quarter of the Mustangs' opening game against Burlington. The Mustangs lost, 30-20. See story, photos on Page 12.

Doctor cleared by state board

By Sharon Corcoran

The Goodland Star-News

A Goodland doctor who is being sued for malpractice by his former nurse still faces the court case, but he can rest easy regarding his medical license.

Judith Bateman of Goodland filed suit against Dr. Kenneth Austin of Goodland, Dr. Gregory Woods of Hays and Hays Medical Center in January.

Bateman is asking for more than \$325,000 from the two doctors and the hospital. A petition filed in Ellis County District Court by Bateman's

attorney, Don C. Staab of Hays, alleges an infection developed shortly after she had surgery at the Hays hospital. The suit claims that three antibiotics given for the infection left her with a permanent disability.

She claims the treatment left her with chronic vertigo, or balance problems, due to ear damage.

Dr. Austin said he received a letter in October from the Kansas Board of Healing Arts saying it found that the treatment he provided "adhered to the applicable standard of care."

Dr. Austin said Tuesday he is re-

lieved that the board had ruled in his favor.

"It's the agency that controls your license," he said. "It shows they didn't feel I did anything wrong."

Austin said he didn't have anything to do with Bateman's care until after she developed the vertigo. He said he was "stunned" when he was served with the lawsuit.

Bateman had arthritic knees, the suit says, and had one replaced by Dr. Woods. Later, she had him replace the second knee. After that surgery, she developed an infection.

Dr. Austin said he had nothing to

do with Bateman's care from when she went to Dr. Woods until she complained of dizziness after getting the medication.

The Healing Arts board has jurisdiction over doctors' licenses, said Shelly Wakeman, an attorney with the board, but does not have anything to do with the lawsuit. When malpractice suits are filed, she said, the board is notified and has an opportunity to investigate and determine whether a doctor should receive disciplinary action.

One case alone is not grounds for action, Wakeman said, but if a doc-

tor has multiple offenses or a pattern of substandard care, he may have his license censured, suspended or revoked.

Dr. Austin's investigation won't count against his record, she said, since the board found that he adhered to applicable standards. If he hadn't, she said, it would count against his record, but even then, one case would not cause disciplinary action.

The board's case against Dr. Woods of Hays, also as a result of

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Capt. George Brackett (Brennan Clouse) and Lt. Joseph Cable (Kerek Mason) talk to Ensign Nellie Forbush (Jillian Parker) about the frenchman she is seeing in the musical South Pacific. Nurses Gen Marshall (right photo, Sami Phibrick at left) and Dina Murphy (Lea Shores) helped Forbush wash her hair with Stewpot (Tanner O'Harah holding the towel, as part of the musical scene where she sing "Wash That Man Right Out of My Hair.")

Photos by Tom Betz/The Goodland Star-News

'South Pacific' musical to open at high school

By Pat Schiefen

The Goodland Star-News

Let yourself be swept away to an island in the South Pacific, as Goodland High School students present the Rogers and Hammerstein musical "South Pacific" at 7 p.m. Friday and Saturday, Nov. 11 and 12, in the high school auditorium.

The play opens with a French planter's son and daughter sing-

ing to each other. Jordan Knitig plays the daughter of Emil de Becque. Knitig said she had "a little bit of stage fright."

The nanny is played by Andrea Grieve, who said she learned her French from vocal teacher Randy Berls. Grieve said she would like to learn more French.

The scene switches to Ensign Nellie Forbush, a Navy nurse, having coffee with de Becque.



Jillian Parker says she likes the part: "It has the best songs, and Nellie is crazy just like me."

Some of the memorable songs in this musical included are "Some Enchanted Evening," "Gotta Wash That Man Right out of My Hair," and "There's Nothing Like a Dame."

During rehearsal, the cast and crew not on stage sat in the audience applauding and studying for

their classes. All said the musical was a lot of fun and also a lot of work.

Before auditions, students got to watch the film version of "South Pacific" to see which part they would like to try for.

The director for the musical is Berls. Set construction was supervised by art teacher Mark Hagerman. Carol Jolly serves as artistic consultant.

The members of the cast also include Michael Smith as de Becque, Knitig as Ngana, Austin Avelar as Jerome, Grieve as Henrietta, Jena McCall as Bloody Mary, Ashley Cebula as Liat, Amanda Amthor as Marcel, Jake Kling as Luther Billis, Tanner O'Harah as Stewpot, Devin Mangus as Professor Buzz

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Goodland lawyer surrenders license, disbarred

By Tom Betz

The Goodland Star-News

A Goodland lawyer has been disbarred by the Kansas Supreme Court after he surrendered his license in the face of accusations that he depleted a trust meant to support elderly clients and organized the sale of illegal securities.

Bernard E. "Pete" Whalen, 76, was notified on Sept. 20, that a formal complaint with three counts had been filed with the Kansas Board for Discipline of Attorneys. Oct. 17, he wrote to the clerk of state appellate courts surrendering his license to practice law.

One count charged that he loaned money from an elderly couple's trust to a couple who had rented a

restaurant owned by his family, creating a conflict of interest. The loans were never paid, the complaint said, and the clients' trust was depleted, leaving them facing tax liens on their assets.

A second count claims Whalen set up a limited liability corporation to raise money for an aircraft parts company which tried to locate in Goodland. The operation amounted to an illegal, unregistered securities scheme, the complaint said, all done in violation of Kansas law.

A third count charges that Whalen was practicing law after taking retired status, in violation of court rules. Whalen had gone on retired status in 2004, effectively promising not to practice after prior com-

plaints, the count charges.

The Supreme Court published an order of disbarment on Oct. 25 striking Whalen's name from the roll of attorneys licensed to practice in the state.

Stan Hazlett, disciplinary administrator in Topeka, said Wednesday that the three-count complaint would not be brought to a hearing since Whalen has surrendered his license.

Whalen said Thursday morning he had chosen not to contest the complaint.

"I have a health problem," he said. "I cannot go to Topeka. It is all gossip, and I didn't feel like fighting anymore."

The court's order said the complaint alleged Whalen "lacked competence, assisted clients in the violation of the Kansas Securities Act,

engaged in misrepresentation, breached a fiduciary duty, engaged in a conflict of interest and engaged in the unauthorized practice of law."

One of the aggravating factors was the fact that he had prior disciplinary actions.

Hazlett said Whalen was publicly censured on Jan. 27, 1995, on a two-count complaint. The Kansas Supreme Court proceedings said that while acting as trust officer for the First National Bank of Goodland, Whalen transferred assets from a trust administered by the bank to a trust administered by Whalen as an individual trustee. The transfer was made without knowledge or consent of the bank, and was a violation of his fiduciary duty to the bank.

On a second count the proceedings said, Whalen prepared living trusts and "pour-over" wills at the

request of John and Freda Nelson. Whalen then represented two of the five sons after the death of John Nelson. The position taken by the sons represented by Whalen was directly opposed to the position of Freda Nelson. Whalen did not consult with Freda Nelson or obtain her permission to represent her two sons, which was a conflict of interest, the complaint said. The hearing board recommended then that Whalen be suspended from the practice of law.

Hazlett said Whalen received an informal admonition on Aug. 26, 1997 for loaning money to a client. Whalen received a second informal admonition on March 31, 2004, following a complaint that Goodland Police Chief Ray Smee filed in Janu-

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County approves Chamber bills development council can pay

By Pat Schiefen

The Goodland Star-News

The Sherman County commissioners gave their approval Monday for the Economic Development Council to give the Goodland Area Chamber of Commerce \$8,000 to pay bills for advertising or entertainment.

The commissioners agreed that the council could give the Chamber \$8,000 to pay bills related somehow to economic development. The list of back bills submitted by the Chamber included fireworks for the annual Freedom Fest at the Fourth of July, trash, phones, advertising, office supplies, part of the director's

salary, payroll taxes and worker's compensation insurance.

Commissioners said the county's auditors had advised that the Economic Development group can't legally loan money to the Chamber. The Chamber had asked the council to loan it money to help to pay old bills. Economic Development had

agreed to loan \$8,000. The auditors said the county could pay some of the bills as long as they had something to do with economic development.

Ordinarily the commissioners would not be asked to approve economic development bills, said County Clerk Janet Rumpel, but this

was a special case.

Commissioner Kevin Rasura abstained from any voting because his son is on the Chamber board.

Economic development money comes from county taxes and it is appropriated for a specific purpose,

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