

Goodland lawyer surrenders license, disbarred

WHALEN, from Page 1

ary 2003. Smee charged then that Whalen had interfered with two police officers who were attempting to enforce a court order.

Smee's complaint said Whalen accused the officers of wrongdoing and alleged that the officers were going to allow his client's property to be taken. Smee said Wednesday that Whalen tried to use his position as an attorney to have the officers

enforce the order. The informal admonition record written by Frank D. Diehl, deputy disciplinary administrator, said "During the course of the investigation, the investigator asked Whalen whether he should be practicing law since in a previous case informal admonition was recommended because Whalen was to retire from the practice."

"The investigator believes Whalen violated the rules of professional conduct because he misrepresented his intent to retire in consideration for a less severe action."

The three-count complaint filed in September by Diehl says Whalen

was admitted to the Kansas bar on Feb. 10, 1960, and took retirement status on Jan. 1, 2004.

The first count of the complaint deals with the Donna J. Temple irrevocable trust created April 8, 1994, by Whalen. In 1999, the complaint states, Whalen became the sole trustee, and the balance of the trust was \$116,000 on March 1, 2000. That was the last report that Temple or her husband, Randolph S. Temple, received from Whalen.

Whalen allegedly made three loans to different people totaling \$59,000. Three separate loans were made to Richard and Lori Lee Pope doing business as Lori Lee Restaurant for a total of \$33,500. The restaurant, the Popes were using to open their business was owned by Whalen's wife's trust, the complaint said, and Whalen is the trustee of that trust.

The Temples hired a lawyer, R. Dean Dinkel, in June 2003 to request information about the financial status of the trust. Dinkel asked for information from Whalen, but Whalen refused. He had the Temples sign a document addressed

to Dinkel on Aug. 12, 2003, which said the couple had instructed Whalen not to divulge any of the trust information and terminating his representation.

The Temples told an investigator from the disciplinary office in Topeka that Whalen had prepared the document and told them that if they did not sign it, they would not receive their weekly distributions from the trust.

Whalen was removed as the trustee by order of the Thomas County District Court on Oct. 27, 2003. A report by Charles G. Stewart, appointed as a special fiduciary in the case, shows that the principal amount of the trust was depleted through the loans; the Temples had no insurance on their home, which was purchased in 2000; and a notice of tax levy had been issued against the assets of the trust.

Whalen allegedly attempted to contact the Temples as late as January 2004, and offered to transfer fractional mineral interests to replace the money loaned to the Popes, which was by then uncol-

lectible.

The complaint alleged that Whalen violated the rules of professional conduct by his conflict of interest, communicated with the Temples when another attorney represented them and that his actions are a misconduct violation.

The second count alleged that Whalen misrepresented his knowledge as a securities attorney when he drew up organizational documents for People in Progress, Limited Liability Corporation, in September 2003 to help Aircraft Seal and Gasket Corp. of California relocate to Goodland.

Whalen allegedly contacted Steve Wassom of the Office of the Securities Commissioner, and discussed the requirement of registering securities and possible exemptions under the Kansas Securities Act that might be available for People in Progress.

Wassom told Whalen that a registered offering takes time and requires compliance with the state securities act.

During October 2003, money was collected from individuals and

companies in and around Goodland, the complaint says. All who invested signed a subscription agreement prepared by Whalen. None of the securities was registered, the complaint says, nor were any of the people selling the securities registered with the Kansas securities commissioner.

On Oct. 23, 2003, Jeffrey Mason of the law firm Vignery and Mason contacted the Office of Securities Commissioner about the sale of unregistered securities by Whalen.

Whalen filed incorporation papers for People in Progress with the Secretary of State. Two of the powers of the organization were raising money for businesses wishing to locate in Goodland, and pooling money to make loans to companies willing to locate in Sherman County.

In November 2003, Whalen contacted D. Stephen Hulsopple of the securities commissioner's office, and told him that people were making investments of \$1,000 to \$3,000 and the money was being placed in a "capital pool."

Hulsopple told Whalen not to accept any more money because the People in Progress had not complied with the state securities law by registering the securities.

On Nov. 20, 2003, Hulsopple wrote to Randy Schoenthaler of People's State Bank requesting information about the investment.

Schoenthaler was told the money might need to be returned to the investors.

The complaint said Whalen continued to advise the members of People in Progress that they could solicit investments after he had been told of the need to register the securities. The complaint said Whalen assisted his clients in the intentional violation of the Kansas Securities Act, and misrepresented his knowledge of securities law.

The count said Whalen violated three sections of the rules of professional conduct. The state said he did not provide competent representation, that his actions were beyond the scope of his representation, and that his actions are a misconduct violation.

The third count of the complaints deals with an agreement drafted by Whalen in March 2004 for the sale of Dr. R.K. Driver's optometric practice to Dr. Thomas M. White.

Whalen drafted a contract and delivered it to Dr. White. White took the contract to his attorney, Jeff Mason. Mason filed a complaint with the disciplinary administrator on the basis that Whalen had taken retired status on Jan. 1, 2004, but continued to act as an attorney.

The complaint said Whalen violated Kansas Rules of Professional Conduct by engaging in the unauthorized practice of law.

Mail boxes need to be moved off private land

The postal service wants to move a cluster of locked mail boxes serving residents of the Armstrong Addition at 2313 S. Caldwell (County Road 20) because they are on private property.

Public Works Manager Curt Way told county commissioners at their meeting on Monday that Postmaster Steve Schultz had asked him to

do something about the boxes.

The boxes now are on property belonging to Tom Butler. Mary Butler said Thursday morning the boxes needed to be moved because the couple is afraid they might be liable if someone is hurt while getting their mail.

Way told commissioners the boxes need to be on city or county

right of way. There are two possibilities, he said; across the road on the west side of the Road 20, or at the junction of Road 20 with Road 63 south of the I-70 overpass. The box cluster belongs to the postal service, he said.

Way said there would be no problem moving the mailboxes to the west side of Road 20 but the loca-

tion might be dangerous. It is close to the overpass, he said, and people would be crossing traffic getting to and going from their mailboxes.

He said the site near Road 63 would not be convenient since it is south of the overpass.

Commissioner Chuck Thomas said he would see if someone would donate land for the mailboxes.

'South Pacific' to open at high school next Friday

MUSICAL, from Page 1

Adams, Kerek Mason as Lt. Joseph Cable, Brennen Clouse as Capt. George Brackett, Bryan Gray as Cmdr. William Harbison, Andrew Philbrick as Radio Operator Bob McCaffrey, Forrest Traschel as Morton Wise, Kade Sheldon as Richard West, Cody Engel as Sgt. Ken

Johnson, Doug Eddleman as Sgt. Hamilton Steeves, Ben Waugh as Thomas Hassinger, Sami Philbrick as Lead Nurse Gen Marshall, Lea Shores as Ensign Dinah Murphy, Briana Taylor as Ensign Janet MacGregor, Alicia Felver as Ensign Bessie Noonan, Lacey Ridder as Ensign Rita Adams, Sandy Johnson as Ensign Lisa Minelli, Samantha Raymer as Ensign Pamela Whitmore, Kerri Bellamy as Ensign Sue Yaeger, Hannah West as Ensign Cora MacRae and Andrew Philbrick as The Furious Voice. Nurses

include Chelsie Gausman, Marisa Acuff, Hannah Blake, Sandra Redlin, Courtney Sheldon, Shelbi Herl, Michelle Smith, Heidi Yonkey and Kaitlin Fugleberg.

The director's assistants are Jordan Frazier, Vanessa Crotinger and Callee Warren. Melissa Schritter handles the lights. The spotlights are done by Halli Stone and Jessica Swager. Costumes are done by Renea Reasoner, Alicia Felver and Tehnee Ridder.

The stage includes Jeff Mason, chief, Troy Harrison, Jace

Mosbarger, John Mosbarger, Vanessa Crotinger, Callee Warren and Brooke Whitmore. Makeup is by Cathy Eddleman, Marilyn Pruitt, Shawnie Butts, Taylor McLemore, Brooke Lennington, Lindsay Schields and Tiffanie Schlink. Back stage assistants are Nancy Fugleberg, Nona Mason and Penny Sheldon.

Musicians include Nancy Shores and Melanie Biel, keyboards; Josh Cech, trombone; Dr. David Younger, viola; and Jay Jolly, bass.

County reviews Chamber bills council can pay

BILLS, from Page 1

the auditors said, so any bills paid with that money have to be something to do with economic development.

Commissioners said that does not include rent, wages and payroll taxes, according to county auditors. Anything related to advertising and entertainment, including the Freedom Fest, could be paid.

There needs to be a signed agreement between Economic Development and the Chamber of Commerce before rent and utilities can be paid, commissioners said. Back rent is not included.

As long as there is a detailed list, one check from economic development would go to the Chamber, commissioners said, and then the Chamber could issue separate checks.

Doctor cleared by state health board

DOCTOR, from Page 1

Bateman's lawsuit, is closed, Wakefield said, adding she could not tell the outcome except that no disciplinary action will be taken. State law requires the board to keep complaints private, she said, unless it finds grounds to file disciplinary action.

Wakefield said she could only comment on Dr. Austin's case because he had given *The Star-News* a copy of the letter, but she could not reveal any of what the Medicine and Surgery Review Committee discussed.

The board's investigation is into whether a doctor gets to keep his li-

cense or has restrictions, Wakefield said. By law, the board gets every malpractice petition filed in the state, she said, and those filed against Kansas doctors in neighboring states.

A patient can complain to the board, she added, and hospitals can report things that go wrong.

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*Pictured with Bubba are wife Carolyn, Lori Helton, Hank Elliot, and other invited guests.

**The
Goodland Star-News**

and The Goodland Area Chamber of Commerce and Ambassadors

welcome

**Bubba's Meat Block
1641 Main
785-890-6654**

Brian Somers (Bubba) and his wife, Carolyn held the grand opening of Bubba's Meat Block on Tuesday, November 1st. Bubba owned and operated the famed Bubba's Corner in Brewster for 3 years up until last January when he leased out his building.

Hank Elliott has been a great help to him he says, and has taught him alot about cutting meat. When asked why he chose to open up a meat market, Bubba said very matter- of- factly, "I needed a job and Carolyn wanted me out of the house."

Bubba and Carolyn have 2 kids in college; Christi who is attending law school at Washburn University in Topeka, and Chad who is studying computer aided graphics at the NE KS Votech in Atchison.

Hours of operation will be Tuesday - Fridays 10 -6 and Saturdays 10 - 4.