

BEFORE THE KANSAS BOARD OF PHARMACY

In The Matter Of

PRESTON C. CLOWDUS

REGISTRATION NO. 14-06124

Case No. 08-43

AGENCY ORDER

PRESTON C. CLOWDUS (the "Respondent") is currently authorized to function as a pharmacy technician in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued his Registration No. 14-06124.

It has come to the attention of the Board's Investigation Member that Respondent was convicted of a felony in the State of Texas and is currently paroled to the State of Kansas.

The Respondent failed to advise the Board of his felony conviction when he applied for the pharmacy technician registration.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enters the following agency order.

I. FINDINGS OF FACT

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent Registration No.

14-06124, which entitled him to function as a pharmacy technician in the State of Kansas ("Respondent's Registration").

2. The application for technician registration with the Board asks each applicant if that applicant has ever been convicted, found guilty of, or entered a plea of guilty or no contest to a felony or misdemeanor crime.

3. On his application, Respondent answered No to this question.

4. In April of 2007, Registrant was convicted by the State of Texas for Tampering with Government Records.

5. Registrant is on parole from that Texas conviction in the State of Kansas.

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation member makes the following conclusions of law and fact:

1. That the Respondent was originally issued a registration number on April 19, 2007 pursuant to K.S.A. 65-1663.

2. That pursuant to K.S.A. 65-1663 (f) the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacy technician on any ground which would authorize the board to take action against the license of a pharmacist under K.S.A. 65-1627, and amendments thereto.

2. That pursuant to K.S.A. 65-1627(a)(1) a license may be revoked if the Licensee is guilty of unprofessional conduct.

5. That K.S.A. 65-1626 (rr) (1) defines unprofessional conduct as fraud in securing a registration or permit.

II. ORDER

Based upon the foregoing findings and conclusions, Respondent's Registration # 14-06124 is hereby revoked.

III. NOTICES

The Respondent is hereby notified as follows:

1. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 900 SW Jackson, Ste. 560, Topeka, Kansas 66612-1231 within fifteen (15) days after service of this Order.

2. If a hearing is not requested as described above, the Order Revoking the Respondent's Registration, as a pharmacy technician shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

3. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Debra Billingsley
Executive Director
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231

IT IS SO ORDERED.

5/12/08
Date

Shirley Arck, Pharm. D
Shirley Arck, Pharm. D
Investigation Member
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29 day of ^{May}~~April~~, 2008, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

Preston C. Clowdus
P.O. Box 463
Lindsborg, KS 67456

Debra Billingsley
Debra Billingsley
Executive Director
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231