



answers yes, the applicant “must provide a notarized written detailed explanation of the circumstances.”

3. Applicant disclosed the following charges from Louisiana:

- a. Open container;
- b. Carnal knowledge of juvenile;
- c. Criminal mischief; and
- d. Possession of marijuana.

4. Applicant also disclosed the following charges from Kansas:

- a. Open container;
- b. No driver’s license;
- c. Failure to display insurance;
- d. Refusal of breathalyzer;
- e. No registration;
- f. Head lamps; and
- g. Driving under suspension.

5. Applicant did not include with Applicant’s Application an explanation of the circumstances surrounding the charges he disclosed.

6. The background report provided to the Board by the Kansas Bureau of Investigation reported Applicant was arrested for the following charges in Louisiana from 2000 to 2004:

- a. Carnal knowledge of a juvenile (two counts);
- b. Contempt of court (six counts);

- c. Produce, manufacture, distribute, dispense, possession Schedule I substance;
- d. Prohibited acts;
- e. Criminal mischief;
- f. Telephone communications; improper language; harassment;
- g. Fugitive;
- h. Misrepresentation during booking;
- i. Driver must be licensed; and
- j. Contempt of court-fail to appear.

7. The background also reported that from 2007 to 2014, Applicant was convicted in Kansas for various driving, traffic, and insurance offenses, as well as a municipal/county infraction specified as an alcohol offense.

8. While Applicant did disclose some of his criminal charges, he failed to report his entire criminal history to the Board.

9. As part of Applicant's Application, he certified that the information provided was true, correct and complete and that he understood that withholding relevant information was grounds for denying his application.

10. On November 2, 2015, a representative of the Board wrote Applicant, indicating the results of Applicant's criminal history report and requesting Applicant provide additional court documentation concerning his criminal cases from Louisiana. To date, Applicant has not provided the Board with the requested documentation.

## CONCLUSIONS OF LAW

11. That pursuant to K.S.A. 65-1663, 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.

12. That the Board may take action against the license of a pharmacist for unprofessional conduct or professional incompetency as set forth in K.S.A. 65-1627(a)(3).

13. That K.S.A. 65-1626 (ccc)(1) defines unprofessional conduct to include fraud in securing a registration.

14. That pursuant to K.S.A. 65-1627 (a)(1), the Board may take action against the license of a pharmacist if a license was obtained by fraudulent means.

15. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the pharmacist "has failed to furnish the board, its investigators or its representatives any information legally requested by the board."

16. Applicant's failure to disclose the criminal history identified in paragraphs 6 and 7 above is an attempt to obtain a registration by fraud and is a basis to deny Applicant's Application.

17. Applicant's failure to respond to the Board's request for documentation regarding Applicant's criminal history is a basis to deny Applicant's Application.

## ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

18. Applicant may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.

19. If a hearing is not requested as described above, the Order denying Applicant'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.

20. 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.


21. 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:

Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

Date

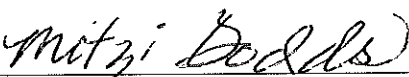
12-18-15

  
Michael Lonergan, R.Ph.  
Investigation Member  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 22<sup>nd</sup> day of December, 2015, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Justin Brew  
7804 England Dr., Apt. 203  
Overland Park, KS 66204

  
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Kansas Board of Pharmacy Staff