

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

Plaintiff,

vs.

SCOTT A. CLAWSON,
License No. 1-10907,

Defendant.

FINAL ORDER

This matter comes regularly before the Board on this 4th day of November, 1994, for a Formal Hearing on a Petition filed by the attorney for the Board, Dana W. Killinger.

The State Board of Pharmacy appears by Hoyt Kerr, President and Presiding Officer; Glen Mathis, Vice-President; Dana Creitz, Pharmacist; Monte Baugher, Pharmacist; Charlotte Brock, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Tom C. Hitchcock, Executive Secretary and the attorney for the Board, Dana W. Killinger. Scott A. Clawson appears personally.

As a preliminary matter, Dana W. Killinger brings up his Motions to Amend the Petition, Motion to Submit the testimony of FBI Agent Mike Welch by deposition and the testimony of Robert Shuey by transcript. Defendant stated that he has received copies of these documents and has no objections. The Presiding Officer sustains the Motions and they are admitted.

Thereupon, Dana W. Killinger calls Tom C. Hitchcock as a witness and introduces documents showing a felony conviction of Defendant, a document showing sanctioning in the State of Missouri, to-wit: revocation, a document showing Defendant as the person obtaining the license for Penn Park Pharmacy and a document showing Defendant as the person obtaining the license for Care Pharmacy. Jim Kinderknecht was also called as a witness for the Board.

Thereupon the Defendant, Scott A. Clawson, testified on his own behalf.

FINDING OF FACT AND CONCLUSION OF LAW

1. The Board finds the testimony of Tom C. Hitchcock as to Exhibit B that Defendant, Scott A. Clawson, has been convicted of a felony crime and by his testimony has not been rehabilitated to warrant the public trust as provided in K.S.A. 65-1627(2).

2. The Board further finds that on the testimony of Tom C. Hitchcock and Exhibit C, Defendant, Scott A. Clawson has been sanctioned in the State of Missouri, to-wit: License revoked. Pursuant to K.S.A. 65-1627(12) The State Board of Pharmacy of the State of Kansas has the power to sanction Defendant.

3. The Board further finds that based on the testimony of Jim Kinderknecht, the deposition of FBI Agent Mike Welch, and the transcript testimony of Robert Shuey, the

license of Penn Park Pharmacy was obtained in violation of K.S.A. 65-1620(dd)(1).

4. The Board further finds that based on the testimony of Jim Kinderknecht, the deposition of FBI Agent Mike Welch, and the transcript testimony of Robert Shuey, the license of Care Pharmacy was obtained in violation of K.S.A. 65-1620(dd)(1).

5. Pursuant to K.S.A. 65-1627(a)(2)(3) and (12) the State Board of Pharmacy of the State of Kansas may sanction Scott A. Clawson.

IT IS THEREFORE THE ORDER OF THE BOARD:

A. That Defendant's, Scott A. Clawson, license to practice pharmacy in the State of Kansas be revoked.

B. That Defendant, Scott A. Clawson, pay costs in this matter pursuant to K.S.A. 65-1627h(a).

C. This Order signed and issued by the Presiding Officer who is also President and Agency Head of the State Board of Pharmacy of the State of Kansas is the Final Order pursuant to K.S.A. 77-526(a).

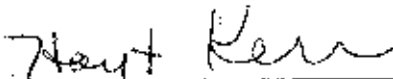
D. Pursuant to K.S.A. 77-529, Defendant has Fifteen (15) days from service of the Final Order to file a Petition upon the Agency Head, for reconsideration.

E. Pursuant to K.S.A. 77-528, Defendant may submit a Petition on the Agency Head for a stay of the Final Order.

F. If no action is taken on the Petition for Reconsideration within Twenty (20) days from filing, the Petition is deemed denied, K.S.A. 77-529(b), and the Defendant has Thirty (30) days to file a Petition for Judicial Review, K.S.A. 77-613.

G. Defendant may make application for reinstatement of his license to practice pharmacy One (1) year from the effective date of this Final Order, K.S.A. 65-1627a.

Dated: This 14th day of November, 1994.

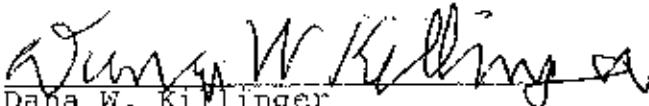


Hoyt Kerr
President and Presiding Officer
State Board of Pharmacy
of the State of Kansas

CERTIFICATE OF MAILING

I do hereby certify that a copy of the attached Final Order was mailed by Certified Mail, Return Receipt Requested First Class Postage prepaid, on this 14 day of November 1994, addressed to the following:

Scott A. Clawson
6502 Twin Oaks Drive
Kansas City, MO 64151



Dana W. Kiplinger
1505 SW Harrison St.
Topeka, KS 66612-1811
(913) 232-9616
Attorney for the State Board
of Pharmacy of the State of Kansas