

Filed By

FEB 21 2020

KANSAS STATE BOARD OF PHARMACY

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Mark Demery )  
 )  
Applicant )

Case No. 19-402

**SUMMARY ORDER OF DENIAL**

NOW, on this 21<sup>st</sup> day of February 2020, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Mark Demery ("Applicant"), for application for a Kansas pharmacy technician registration.

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.*, and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board's Executive Secretary enters this Summary Order of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

**FINDINGS OF FACT**

1. On July 25, 2019, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").

2. As part of the application, Applicant answered "Yes" to the question: "Have you ever been convicted of (includes plea of guilty or no contest) a criminal offense or is there any criminal charge now pending against you (other than minor traffic violations) in any state or federal court whether or not a sentence was imposed, suspended, or diverted? This includes misdemeanors." The application directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History ("S-150"). Applicant noted "DUI 2007" next to the above question, but included only a blank S-150.

3. The Board received information regarding DUI and contempt of court charges.
4. On August 9, 2019, the Board sent a letter to Applicant's address of record requesting a completed Personal History Form S-150, as well as certified copies of the court pleadings from each case.
5. On September 16, 2019, the Board sent a second letter to Applicant's address of record requesting this information.
6. On October 24, 2019, the Board mailed a Final Notice to Applicant's address of record requesting this information.
7. To date, the Board has not received the requested documents from Applicant nor any correspondence.

#### CONCLUSIONS OF LAW

1. 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.
2. That pursuant to K.S.A. 65-1627 (a)(15), the Board may take action against the license of a pharmacist if the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.
3. Applicant's failure to supply the Board with the requested documentation is a violation of K.S.A. 65-1627(a)(15) and 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


The Applicant is hereby notified as follows:

1. The 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.
2. If a hearing is not requested as described above, the Order 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:

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

IT IS SO ORDERED.

2/21/2020  
Date

  
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Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21<sup>st</sup> day of February 2020, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

MARK DEMERY  
7575 W 106<sup>th</sup> ST, APT 348  
OVERLAND PARK, KS 66212



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Kansas Board of Pharmacy Staff