

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
NOV : 4 2015
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
DENNIS B. DUTTON, JR.)

Case No. 15-120

SUMMARY ORDER OF DENIAL

NOW on this 29th day of October, 2015, comes before the Kansas Board of Pharmacy (the “Board”), through its Investigation Member, the application of Dennis B. Dutton, Jr. (the “Applicant”) for registration as a Kansas pharmacy technician.

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 Procedures Act, K.S.A. 77-501, *et seq.*, the Board’s Investigation Member enters this Summary Order of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

For purposes of this order, the Board’s Investigative Member makes the following findings of fact:

1. On September 8, 2015 the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Respondent’s Application”).
2. As part of the Applicant’s Application he answered “YES” to the question: “Have you ever been cited, charged with, or convicted of the commission of any crime; offense; or violation of the law in any state or by the federal government, even if those charges were dismissed, suspended, diverted or expunged?” The application form directs that if the applicant answers yes, the applicant “must provide a notarized written detailed explanation of

the circumstances.” The Applicant’s Application written explanation stated: “on or around Nov. of 2005 I was involved in a domestic disturbance that caused me to be arrested, I was able to plea bargain it down to a misdemeanor. This happened in Beaver Oklahoma. Not sure what the case number is due to the fact of how long ago this happened.” No further explanation or disclosure was provided.

3. The Respondent’s Criminal History provided to the Board by the Kansas Bureau of Investigation revealed multiple arrests, charges and convictions that Respondent failed to disclose including the following:

(a) Respondent was arrested for criminal conduct on August 11, 1993, September 27, 1993, December 13, 1993, February 7, 1995, June 25, 1995, November 15, 1995, March 7, 2000 and April 7, 2013.

(b) Respondent was charged with various crimes in 1993, 1995, 1996 and 2013.

(c) Respondent was convicted of various crimes on October 6, 1993, May 16, 1995, February 10, 1997 and July 2, 2013.

4. As part of the 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.

CONCLUSIONS OF LAW

5. 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.

Matter of Dennis B. Dutton, Jr., No. 15-120 (Kan. Bd. of Pharmacy)

SUMMARY ORDER OF DENIAL

Page 2 of 5

6. 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).

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

8. 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.

9. The Applicants failure to disclose the criminal history and convictions identified in paragraph 3 above, is an attempt to obtain a registration by fraud and is a basis to deny Applicant's Application.

ORDER

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

NOTICES

The Respondent is hereby notified as follows:

10. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedures 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.

11. If a hearing is not requested as described above, the Order denying 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.

12. 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.

Matter of Dennis B. Dutton, Jr., No. 15-120 (Kan. Bd. of Pharmacy)

SUMMARY ORDER OF DENIAL

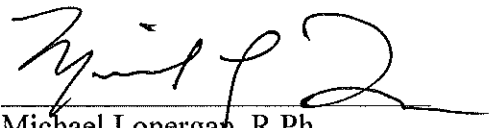
Page 3 of 5

13. 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:

Carly Haynes, R.Ph.
Acting Executive Director
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.


10-29-15
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 4th day of November, 2015, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Dennis B. Dutton, Jr.
315 South Wind Rows Lake Dr.
Goddard, KS 67052



Kansas Board of Pharmacy Staff