

2. That on May 22, 2008 the Respondent was convicted in Federal District Court (Case No.: 6:07CR10079-002) on one count of Conspiracy to Distribute a Controlled Substance and three counts of Distribution of a Controlled Substance. (See attached Exhibit A)
3. Evidence at Respondent's Federal trial showed Respondent had violated several provisions of the Kansas Pharmacy Act.

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 license number 1-08222 on September 28, 1962 pursuant to K.S.A. 65-1631.
2. That pursuant to K.S.A. 65-1627(a)(8) the Board may revoke, suspend, or place in a probationary status or deny a renewal of the registration of a pharmacist upon a finding that the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act.
3. That pursuant to K.S.A. 65-1627(a)(2) the Board may revoke, suspend, or place in a probationary status or deny a renewal of the registration of a pharmacist upon a finding that the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.
4. That pursuant to K.S.A. 65-1627 (a)(3) the Board may revoke, suspend, or place in a probationary status or deny a renewal of the registration of a pharmacist upon a finding that the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency.

5. That pursuant to K.S.A. 65-1626(rr)(7) "Unprofessional conduct" is defined to include conduct likely to deceive, defraud or harm the public.
6. That pursuant to K.S.A. 65-1627(a)(5) the Board may revoke, suspend, or place in a probationary status or deny a renewal of the registration of a pharmacist upon a finding that the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act.
7. That pursuant to K.A.R. 68-20-18(b)(1) any person filling an unlawful prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of the controlled substance act, K.S.A. 65- 4101, et. seq. and amendments thereto.
8. That pursuant to K.S.A. 65-1627(a)(6) the Board may revoke, suspend, or place in a probationary status or deny a renewal of the registration of a pharmacist upon a finding that the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner or a mid-level practitioner.
9. That the acts committed by Respondent are a basis of discipline of Respondent's Registration pursuant to the Pharmacy Act, including K.A.R 65-1627(a)(8); K.A.R 65-1627(a)(2); K.A.R 65-1626(rr)(7); K.A.R 65-1627(a)(5); K.S.A. 68-20-18(b)(1); and K.A.R 65-1627(a)(6).

III. ORDER

IT IS THEREFORE ORDERED by the Kansas Board of Pharmacy that Respondent's License #1-08222 is hereby revoked.

IV. 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 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
Phone: 785-296-4056
Fax: 785-296-4056
IT IS SO ORDERED.

8/19/08
Date


Investigation Member
Kansas Board of Pharmacy

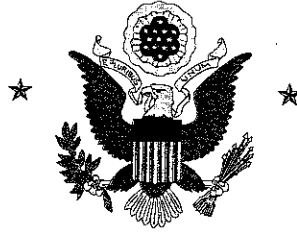
08-37

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS
PROBATION AND PRETRIAL SERVICES OFFICE

GARY HOWARD
Chief Probation Officer

TERRY A. SISSON
Deputy Chief Probation Officer

U.S. Courthouse & Federal Building
401 N. Market, Rm. 308
Wichita 67202-2011
(316) 269-6194
Fax: (316) 269-6356/6241
1-888-224-1458



500 State Avenue, M35
Kansas City 66101-2431
(913) 551-6717
Fax: (913) 551-6734
1-888-224-2545

444 S.E. Quincy, Rm. 375
Topeka 66683-3589
(785) 295-2790
Fax: (785) 295-2838
1-888-400-8803

August 11, 2008

Reply to: Wichita

O.S.J.A.
Building 200, Room 226D
Ft. Riley 66442
(785) 239-2425
Fax: (785) 239-3769

Christina Morris
Assistant Director
Board of Pharmacy
Landon State Office Building, Room 560
900 SW Jackson Street
Topeka, KS 66612-1231

RE: LOVERN, Jerry

Dear Ms. Morris:

Receipt of your letter, dated August 7, 2008, requesting final dispositional paperwork relative to Mr. Lovern's conviction in U.S. District Court, Wichita, Kansas, is acknowledged.

Per your request, please find enclosed the final judgement entered in *U.S. v. Jerry L. Lovern*, Case No.: 6:07CR10079-002. On May 22, 2008, Mr. Lovern was sentenced to eighteen (18) months incarceration, to be followed by a one (1) year term of supervised release, relative to his previous conviction on one count of Conspiracy to Distribute a Controlled Substance and three counts of Distribution of a Controlled Substance.

If you have any questions, or desire additional information, please so advise. I can be reached at (316) 269-6396, or bryce_beckett@ksp.uscourts.gov.

Sincerely,

Bryce J. Beckett
Senior U.S. Probation Officer

Received

AUG 12 2008

BJB/bjb
08/11/08

KANSAS STATE
Board of Pharmacy

United States District Court District of Kansas

UNITED STATES OF AMERICA

v.

JERRY L. LOVERN

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: *6:07CR10079-002

USM Number: 19765-031

Defendant's Attorney Lee Thompson

Date of Original Judgment: 05/22/08

(Or Date of Last Amended Judgment)

Reason for Amendment:

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- Reduction of Sentence for Changed Circumstances (Fed. R.Crim.P.35(b))
- Correction of Sentence by Sentencing Court (Fed.R.Crim.P.35(a))
- Correction of Sentence for Clerical Mistake (Fed.R.Crim.P.36)

- Modification of Supervision Conditions (18 U.S.C § 3563(c) or 3583(e))
- Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. §3582(c)(1))
- Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- Direct Motion to District Court Pursuant to 28 U.S.C. § 2255, or 18 U.S.C. § 3559(c)(7)
- Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

- pleaded guilty to count(s): ___.
- pleaded nolo contendere to count(s) ___ which was accepted by the court.
- was found guilty on counts 1-4 of the Indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. § 846	Conspiracy to Distribute a Controlled Substance	08/31/2006	1
21 U.S.C. § 841(a)(1)	Distribution of a Controlled Substance	02/16/2006	2
21 U.S.C. § 841(a)(1)	Distribution of a Controlled Substance	03/08/2006	3
21 U.S.C. § 841(a)(1)	Distribution of a Controlled Substance	03/16/2006	4

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) ___.
- Count(s) ___ (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of material changes in economic circumstances.

05/22/2008
Date of Imposition of Judgment

s/Wesley E. Brown
Signature of Judge

Honorable Wesley E. Brown, Senior U. S. District Judge
Name & Title of Judge

06/11/08
Date

DEFENDANT: JERRY L. LOVERN
CASE NUMBER: *6:07CR10079-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 18 months.

Counts 1-4: 18 months each count, all to run concurrent.

The Court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.

at ___ on ___.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before _ on _.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

DEFENDANT: JERRY L. LOVERN
CASE NUMBER: *6:07CR10079-02

Judgment - Page 3 of 7

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of one year.

Counts 1-4: 1 year each count, all to run concurrent.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable)
- The defendant is prohibited from possessing or purchasing a firearm, ammunition, destructive device, or any other dangerous weapon. (Check if applicable)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable)
- The defendant shall register as a sex offender, and keep the registration current, in each jurisdiction where the defendant resides, where the defendant is an employee, and where the defendant is a student. For initial registration purposes only, the defendant shall also register in the jurisdiction in which convicted, if such jurisdiction is different from the jurisdiction of residence. Registration shall occur not later than 3 business days after being sentenced, if the defendant is not sentenced to a term of imprisonment. The defendant shall, not later than 3 business days after each change in name, residence, employment, or student status, appear in person in at least one jurisdiction in which the defendant is registered and inform that jurisdiction of all changes in the information required. (Check if applicable)
- The defendant shall participate in an approved program for domestic violence. (Check if applicable)

If this judgment imposes a fine or restitution, it is to be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JERRY L. LOVERN
CASE NUMBER: *6:07CR10079-02

Judgment - Page 4 of 7

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not be employed in any capacity in which the defendant is involved with controlled substances without the prior approval of the probation officer.

DEFENDANT: JERRY L. LOVERN
CASE NUMBER: *6:07CR10079-02

CRIMINAL MONETARY PENALTIES

The defendant shall pay the total criminal monetary penalties under the Schedule of Payments set forth in this Judgment.

	Assessment	Fine	Restitution
Totals:	\$ 400.00	\$ - 0 -	\$ - 0 -

The determination of restitution is deferred until . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<u>Totals:</u>	\$ _	\$ _	

Restitution amount ordered pursuant to plea agreement \$ _

The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options set forth in this Judgment may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

the interest requirement is waived for the fine and/or restitution.

the interest requirement for the fine and/or restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JERRY L. LOVERN
CASE NUMBER: *6:07CR10079-02

Judgment - Page 6 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ due immediately, balance due
 not later than ____, or
 in accordance with () C, () D, () E, or () F below; or
- B Payment to begin immediately (may be combined with () C, () D, or (x) F below); or
- C Payment in monthly installments of not less than 5% of the defendant's monthly gross household income over a period of __ years to commence __ days after the date of this judgment; or
- D Payment of not less than 10% of the funds deposited each month into the inmate's trust fund account and monthly installments of not less than 5% of the defendant's monthly gross household income over a period of __ years, to commence __ days after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within __ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

If restitution is ordered, the Clerk, U.S. District Court, may hold and accumulate restitution payments, without distribution, until the amount accumulated is such that the minimum distribution to any restitution victim will not be less than \$25.

Payments should be made to Clerk, U.S. District Court, U.S. Courthouse - Room 259, 500 State Avenue, Kansas City, Kansas 66101.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount Joint and Several Amount and corresponding payee, if appropriate.

Case Number
(including Defendant
Number)

Defendant Name

Joint and Several
Amount

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

DEFENDANT: JERRY L. LOVERN
CASE NUMBER: *6:07CR10079-02

DENIAL OF FEDERAL BENEFITS
(For Offenses Committed on or After November 18, 1988)

FOR DRUG TRAFFICKERS PURSUANT TO 21 U.S.C. § 862

IT IS ORDERED that the defendant shall be:

- ineligible for all federal benefits for a period of 5 years.
- ineligible for the following federal benefits for a period of __.
- (specify benefit(s))

OR

- Having determined that this is the defendant's third or subsequent conviction for distribution of controlled substances, IT IS ORDERED that the defendant shall be permanently ineligible for all federal benefits.

FOR DRUG POSSESSORS PURSUANT TO 21 U.S.C. § 862(b)

IT IS ORDERED that the defendant shall:

- be ineligible for all federal benefits for a period of __.
- be ineligible for the following federal benefits for a period of __.
- (specify benefit(s))
- successfully complete a drug testing and treatment program.
- perform community service, as specified in the probation and supervised release portion of this judgment.
- Having determined that this is the defendant's second or subsequent conviction for possession of a controlled substance, IT IS FURTHER ORDERED that the defendant shall complete any drug treatment program and community service specified in this judgment as a requirement for the reinstatement of eligibility for federal benefits.

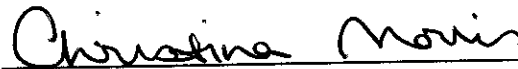
Pursuant to 21 U.S.C. § 862(d), this denial of federal benefits does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility. The clerk is responsible for sending a copy of this page and the first page of this judgment to:

U.S. Department of Justice, Office of Justice Programs, Washington, DC 20531

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 21 day of August, 2008, deposit in the United States mail, postage prepaid, a copy of the foregoing AGENCY ORDER, properly addressed to the following:

Jerry Lovern
1460 Salina
Wichita, KS 67203



Christina Morris
Assistant Director
Kansas Board of Pharmacy
900 SW Jackson, Ste. 560
Topeka, KS 66612-1231