

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

Jonathan Evans

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Case No. 16-138

SUMMARY ORDER OF DENIAL

NOW on this 29 day of December, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Jonathan Evans, ("Applicant"), for application for a Kansas pharmacy technician application.

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, 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 19, 2016, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of Applicant's Application he answered "No" 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

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misdemeanors.” The application form directs that if the applicant answers yes, the applicant must attach a Form S-150: Personal History.

3. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about January 31, 2006, Applicant was arrested for misdemeanor furnishing alcohol to a minor. The charges were subsequently dismissed.

4. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about December 4, 2006, Applicant was arrested for misdemeanor criminal trespass. The charges were subsequently dismissed.

5. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about August 13, 2007, Applicant was arrested for felony burglary and felony identity theft. Disposition is not recorded.

6. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about August 31, 2007, Applicant was arrested for failure to appear. Applicant pleaded guilty and spent five days in jail.

7. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about January 5, 2008, Applicant was arrested for felony possession of marijuana and paraphernalia. Disposition is not recorded.

8. On July 29, 2016, the Board sent a letter to Applicant requesting submission of a Form S-150: Personal History to explain the Applicant’s criminal history or offenses.

9. On November 4, 2016, the Board the Board sent a second letter to Applicant requesting submission of a Form S-150: Personal History to explain the Applicant’s criminal history or offenses. A deadline of December 5, 2016 for submission of the S-150 was given.

10. To date, the Board has not received a completed S-150 Personal History form from Applicant or any correspondence.

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 pursuant to K.S.A. 65-1627(a)(2), the Board may deny the granting of a license to a pharmacist if a licensee has been convicted of a felony and the licensee fails to show sufficient rehabilitation to warrant the public trust.

13. That pursuant to K.S.A. 65-1627(a)(5), 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.

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

15. Applicant's various felony and misdemeanor arrests and lack of explanation or evidence of rehabilitation is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(2) and K.S.A. 65-1627(a)(5).

16. Applicant's failure to provide the Board with legally requested information concerning applicant's felony arrest via the S-150 Personal History form is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(15).

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:

17. 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.

18. 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.

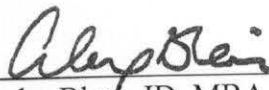
19. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

20. 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.

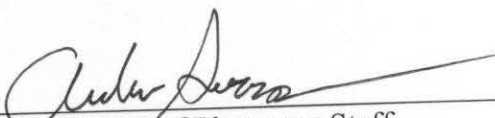
12/29/16
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29 day of December, 2016 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

JONATHAN EVANS
1130 Flint Ave
Colby, KS 67701



Kansas Board of Pharmacy Staff