

BEFORE THE STATE BOARD OF PHARMACY  
OF THE STATE OF KANSAS

KANSAS STATE BOARD OF PHARMACY  
of the State of Kansas,

Plaintiff,

vs.

PHILLIP F. RELLIHAN, JR.,  
License No. 11294,

Defendant.

ORDER UPON RECONSIDERATION

The above captioned matter comes before the Board upon Defendant's Petition for Reconsideration this 26th day of August, 1994, at the Holiday Inn Board Meeting Room, Salina, Kansas.

The Board 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. The Defendant appears in person and without counsel.

Thereupon after hearing statements of Board counsel and the sworn testimony of Tom C. Hitchcock, Executive Secretary and Defendant, Phillip F. Rellihan, Jr., the Board went into Executive Session to consider Defendant's

Petition.

After considering the testimony of the witnesses, Tom C. Hitchcock and Defendant, Phillip F. Rellihan, Jr. it is the finding of the Board that:

IT IS ORDERED:

1. That the Revocation Order of June 27, 1994 be rescinded and vacated and that the license of Defendant Phillip F. Rellihan, Jr. be placed on probation for a period of Two (2) years retroactive and commencing on September 14, 1993. Should the probationary period continue in Missouri beyond September 23, 1995, due to any of the terms and conditions as set out in the Missouri Order, Exhibit A, attached to the Formal Petition herein, then the Kansas probation shall extend for a same period of time.

It is a condition of this probation in Kansas that all costs in this matter, both for the Formal Hearing and the Hearing on the Petition for Reconsideration be paid by Defendant and non-payment of said costs shall be considered a violation of the probation.

Pursuant to K.S.A. 77-526 the Defendant is advised of the following administrative remedies:

(A) The Defendant, Phillip F. Rellihan, may file

a Petition for Reconsideration, Fifteen (15) days after the service of the Final Order on the defendant by the Agency Head, K.S.A. 77-529.

(B) If no Petition for Review by a party or the President, Hoyt Kerr is filed, or a Petition for Reconsideration is filed, the Order becomes effective Thirty (30) days after service on the Defendant, K.S.A. 77-530.

(C) The Defendant may submit to the Presiding Officer or Board President, a Petition for the Presiding Officer for a stay, pursuant to K.S.A. 77-528 until such time in which a Petition for Judicial Review would no longer be timely.

(D) The Defendant has Thirty (30) days from the service of the Final Order to file a Petition for Judicial Review, K.S.A. 77-613.

Dated: This 1st day of September, 1994.

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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 foregoing

Order Upon Reconsideration was mailed First Class postage prepaid, on this 1st day of September, 1994, addressed to the following:

Phillip F. Rellihan, Jr.  
18605 E. 25th Terr ~~County C~~  
Independence, MO 6

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