BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)	
)	Case No. 17-228
Justin Tran)	
14-104050)	
)	

SUMMARY ORDER OF DENIAL

NOW on this 21 day of March, 2018, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of Justin Tran, ("Applicant"), for his application 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 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 Executive Secretary makes the following findings of fact:

- 1. On or about September 8, 2017, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
- 2. Applicant answered "No" to the following question on his application: Have you been charged with or 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.

3. Application materials indicate Applicant had been arrested for driving under the

influence of drugs or alcohol in 2004.

4. On September 14, 2017, the Board sent Applicant an e-mail requesting he

submit a completed S-150 Personal History Form, as well as certified copies of any court

pleadings.

5. On January 2, 2018, the Board sent Applicant a letter requesting he submit a

completed S-150 Form, as well as certified copies of any court pleadings.

6. On February 8, 2018, the Board sent Applicant a final letter requesting he

submit a completed S-150 Form, as well as certified copies of any court pleadings.

7. To date, the Board has not received the requested materials.

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. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny the application of an

Applicant who has attempted to obtain, renew, or reinstate a license by false or fraudulent

means, including misrepresentation of a material fact.

3. Pursuant to K.S.A. 65-1627(a)(15), the Board may deny the application of an

Applicant who has failed to furnish the board, its investigators or its representatives any

information legally requested by the board.

4. Applicant's answer of "No" on his application regarding his previous criminal

history is a misrepresentation of a material fact and is a basis to deny Applicant's Application

pursuant to K.S.A. 65-1657(a)(1).

5. Applicant's failure to provide the Board with the requested S-150 and additional

court documentation is a basis to deny Applicant's Application pursuant to K.S.A. 65-

1627(a)(15).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's

Application for issuance of pharmacy technician registration is hereby DENIED.

NOTICES

Applicant is hereby notified as follows:

6. 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.

7. 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.

- Within fifteen (15) days after entry of a final agency order, either party may file 8. a petition for reconsideration pursuant to K.S.A. 77-529.
- 9. 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.

 $\frac{3/21/18}{\text{Date}}$

Alexandra Blasi, JD, MBA

Executive Secretary

Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the ______ day of March, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Justin Tran 2119 Farmstead Wichita, KS 67208

and the original hand delivered to:

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

Kansas Board of Pharmacy Staff

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