

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of _____)
Antonio Cavitt)
14-105825)
_____)

Case No. 18-445

SUMMARY ORDER OF DENIAL

NOW on this 14 day of September, 2018, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Antonio Cavitt, (“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 May 3, 2018, the Board received Applicant’s application for registration as a pharmacy technician in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “Yes” 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. Applicant answered “Yes” to the following question on his application: Are you now or have you in the last five years been treated for a drug or alcohol addiction or participated in any substance abuse rehabilitation program?

4. Applicant did not attach a Personal History Form S-150 as is required when answering “Yes” to a disciplinary question on the application.

5. Application materials indicated Applicant had the following offenses on his criminal record: a 2009 driving while intoxicated arrest; a 2010 driving while revoked or suspended arrest; a 2012 stealing conviction; and a 2014 driving while intoxicated conviction.

6. On May 31, 2018, the Board sent Applicant a letter requesting he submit a completed S-150 Form to explain the offenses.

7. On July 2, 2018, the Board sent Applicant a second letter requesting he submit a completed S-150 Form to explain the offenses.

8. Both letters were returned to sender. One letter indicated it was undeliverable as addressed. The other letter indicated Applicant had moved with no forward.

9. Applicant did not provide the Board with an email address to which the Board could send the letters.

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)(2), the Board may deny the granting of a license to an Applicant who has been convicted of a misdemeanor involving moral turpitude or gross immorality and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust.

3. Pursuant to K.S.A. 65-1627(a)(3), the Board may deny the granting of a license to an Applicant who has been found guilty of unprofessional conduct.

4. Pursuant to K.S.A. 65-1626(tt), unprofessional conduct means conduct likely to deceive or harm the public.

5. Applicant's previous stealing and driving while intoxicated convictions and failure to show he has been sufficiently rehabilitated to warrant the public trust is a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2).

6. Applicant's previous arrests for driving while intoxicated, driving while suspended or revoked, and stealing are unprofessional conduct and bases to deny Applicant's Application pursuant to 65-1627(a)(3).

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:

7. 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.

8. 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.

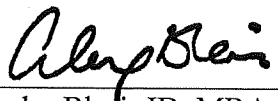
9. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

10. 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.

9/14/18
Date




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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 14 day of September, 2018 deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

Antonio Cavitt
918 Citadel Drive
Weston, MO 64098



Kansas Board of Pharmacy Staff