

**BEFORE THE KANSAS BOARD OF PHARMACY**

*In The Matter Of* )  
 ) Case No. 17-251  
Udechukwunyere Chukwukelu, )  
Respondent )  
Kansas License No. 1-15109 )

**STIPULATION AND CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Board of Pharmacy (the “Board”) and Udechukwunyere Chukwukelu (“Respondent”) as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein & Forbes, 1414 SW Ashworth Place, Suite 201, Topeka, Kansas 66604. Respondent is represented herein by attorney: \_\_\_\_\_ (if none, write n/a).

2. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626 *et seq.*, (the “Act”) including conducting hearings and proceedings to revoke, suspend, or otherwise discipline a Kansas license to practice pharmacy.

3. Respondent is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued Kansas license number 1-15109 (“Kansas license”). At all times relevant hereto, Respondent has held a current license to engage in the practice of pharmacy in the State of Kansas.

4. The Board’s Investigative Member has received certain information, investigated, and determined that there are reasonable grounds to believe Respondent has committed one or more acts in violation of K.S.A. 65-1627(a) which would justify the imposition of disciplinary action

against Respondent's Kansas license under the provisions of K.S.A. 65-1627(a) and the assessment of an appropriate fine against Respondent under the provisions of K.S.A. 65-1658.

5. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded, and passed, the Board finds:

A. On or around June 29, 2017, Respondent submitted a renewal application for Respondent's Kansas license.

B. In the renewal application, Respondent requested to renew Respondent's Kansas license on active status.

C. At the end of the renewal application, Respondent agreed to the following statement prior to submitting the completed renewal application: "I hereby attest that I have completed all continuing education hours required by law to renew my license."

D. Respondent's renewal application was selected for an audit to provide proof of Respondent's continuing education certificates or a transcript of completion of required hours.

E. Respondent provided proof of 29 of the required 30 hours of continuing education to renew Respondent's pharmacy license.

6. Upon motion duly made, seconded, and passed, the Board finds, concludes, and orders that the following disposition is just and appropriate under the circumstances:

VOLUNTARY SURRENDER OF LICENSE WITH CONDITIONS. Respondent hereby agrees and consents to and the Board hereby enters an order accepting Respondent's voluntarily surrendered Kansas license, with the conditions stated herein. As a condition of the Board accepting voluntary surrender of Respondent's Kansas license and in lieu of other disciplinary action, Respondent further agrees and the Board orders that if Respondent should

ever again apply for licensure or registration with the Board, Respondent shall be required to complete up to 60 hours of continuing education in addition to any other required by law for licensure or reinstatement. In addition, Respondent agrees not to seek relicensure as a pharmacist in Kansas for a period of one year from the effective date of the Consent Order contemplated hereby.

7. Respondent agrees that all information in the possession of the Board's Investigative Member, its staff, its investigators, and or its attorney regarding the investigation which led to this disciplinary action and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Stipulation and Consent Order, with or without the presence of Respondent or his/her attorney. In the event that this Stipulation and Consent Order is not accepted and approved by the Board, Respondent further waives any objection to the Board members' consideration of this Stipulation and Consent Order or the information mentioned in the preceding sentence and further agrees to waive any claim of due process violation or the right to seek the disqualification of any Board member as a result of the Board members' consideration of said document and information.

8. The stipulations contained herein shall not become binding until this Stipulation and Consent Order is approved and entered as a final order by the Board. Respondent acknowledges that the approval of the Board's Investigative Member or its attorney shall not constitute approval of the Board or bind the Board to approve this Stipulation and Consent Order.

9. Respondent agrees that this Stipulation and Consent Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it as a Final Order of the

Board. Respondent further agrees, for purposes of this matter, that the Act, K.S.A. 65-1626 *et seq.*, is constitutional on its face and as applied in this case.

10. This Stipulation and Consent Order constitutes the entire agreement of the parties and may only be modified by subsequent written agreement signed by them. The Stipulation and Consent Order shall be interpreted in accordance with the laws of the State of Kansas.

11. Respondent acknowledges that Respondent has the following rights:

A. To have formal notice of charges served upon him;

B. To file a response to the charges;

C. To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and

D. To take advantage of all applicable provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's order in lieu of disciplinary action taken against him. Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order and the Final Order provided for herein.

12. Respondent acknowledges that he/she enters into this Stipulation and Consent Order freely and voluntarily after consultation with or an opportunity to consult with counsel of his/her choosing. Respondent further acknowledges that he/she has read this Stipulation and Consent Order in its entirety, understands its legal consequences, and agrees that none of its terms and unconscionable, arbitrary, or capricious.

13. Time is of the essence to this Stipulation and Consent Order. Respondent acknowledges and agrees that any violation of this Stipulation and Consent Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary or legal action against Respondent.

14. This Stipulation and Consent Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Consent Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Consent Order shall be given full force and effect.

15. Upon approval and entry of the Final Order by the Board, this Stipulation and Consent Order shall be a public record in the custody of the Board.

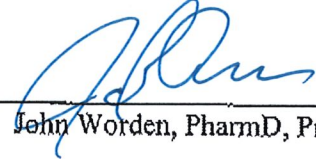
16. This Stipulation and Consent Order shall become effective on the day it is approved, accepted, and made an order of the Board by way of signature of the Board's authorized representative.

17. Respondent acknowledges that he/she has been advised by the Board that Respondent would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the Final Order provided for herein to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*, and to serve such a petition for judicial review on the Board by serving Alexandra Blasi, its Executive Secretary at 800 SW Jackson, Suite 1414, Topeka, KS 66612. Respondent hereby waives those rights.


ENTERED AND EFFECTIVE this 13<sup>th</sup> day of June, 2018.

KANSAS BOARD OF PHARMACY

By: \_\_\_\_\_

  
John Worden, PharmD, President


AGREED AND APPROVED BY:

  
Udechukwunyere Chukwukelu

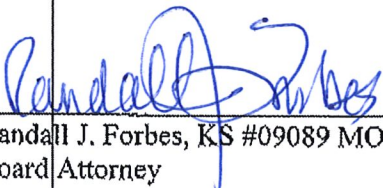
6/7/2018  
Date

*n/a*  
Respondent's Attorney (if none, write n/a)

Date

  
Chad Ullom, RPh  
Investigative Member

6/13/18  
Date

  
Randall J. Forbes, KS #09089 MO#64335  
Board Attorney

6/13/2018  
Date

**CERTIFICATE OF SERVICE**

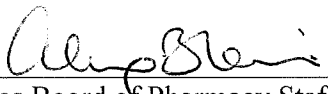
I hereby certify that a true and correct copy of the above and foregoing fully-executed Stipulation and Consent Order was sent by United States Mail, postage prepaid, on this the 17<sup>th</sup> day of June, 2018, and properly addressed to the following:

Udechukwunyere Chukwukelu  
9244 Freedom Height Ave  
Las Vegas, Nevada 891493

Randall J. Forbes  
Frieden, Unrein & Forbes, LLP,  
1414 SW Ashworth Pl., Ste. 201,  
Topeka, Kansas 66604,  
Attorney for the Board

and a copy hand delivered to the Board file at:

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

  
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Kansas Board of Pharmacy Staff