

Kevin M. Fowler  
Brenda L. Head  
Timothy D. Resner

# FRIEDEN & FORBES

*Of Counsel:*  
John C. Frieden\*  
Paul T. Davis

ATTORNEYS AT LAW

1414 S.W. Ashworth Place, Suite 201, Topeka, Kansas 66604  
www.fflawllp.com • Tel: 785-354-1100 • Fax: 785-354-1113

\*Also admitted in Missouri

[bhead@fflawllp.com](mailto:bhead@fflawllp.com)

February 14, 2024

**VIA EMAIL (bdandur2@gmail.com)**  
**& 1<sup>ST</sup> CLASS MAIL**

Benjamin C. Dandurand  
2900 W. 93<sup>rd</sup> Terr.  
Leawood, KS 66206

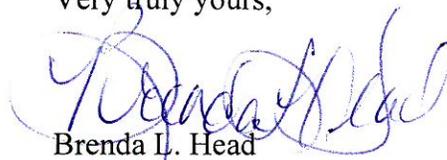
RE: Pharmacy License #1-15646  
Case #21-051

Dear Mr. Dandurand:

I represent the Kansas Board of Pharmacy ("KBOP"). I have been provided the January 18, 2024 Federal Court Judgment in Case #2:22CR20009-001 ordering forfeiture of your Kansas Pharmacist license. I have also received your email of February 4, 2024 inquiring about reapplying for your license.

Enclosed please find the KBOP's Summary Order of Revocation effectuating the forfeiture of your pharmacy license per the Federal Court Judgment. Pursuant to K.S.A. 65-1627f(a), application for reinstatement of any license cannot be made until after the expiration of one (1) year and such application shall be addressed to the Executive Secretary of the Board. Please contact my office should you have any questions.

Very truly yours,



Brenda L. Head  
Frieden & Forbes, LLP

BLH:ajf

Enclosure

cc: Alexandra Blasi, J.D., MBA (via email)

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 ) Case No. 21-051  
BENJAMIN C. DANDURAND, R.Ph. )  
Kansas License No. 1-15646 )  
\_\_\_\_\_ )

**SUMMARY ORDER OF REVOCATION**

NOW on this 14<sup>th</sup> day of February, 2024, comes before the Kansas Board of Pharmacy (“Kansas Board”), through its Executive Secretary, the United States District Court, District of Kansas, Judgment in Criminal Case #2:22CR20009-001 against Benjamin C. Dandurand (“Licensee”).

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq* (“Pharmacy Act”), 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 Revocation in the above-captioned matter. After reviewing the criminal judgment, the Board’s records and being otherwise duly advised in the premises, the Board’s Executive Secretary 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. The Kansas Board has previously issued Licensee Kansas License #1-15646 (“Kansas License”). At all times relevant hereto, Licensee held a current license to engage in the practice of pharmacy in the State of Kansas.

2. On December 7, 2021, the Kansas Board approved a Stipulation and Consent Order with Licensee suspending his Kansas License for a period of not less than one year from

*Matter of Benjamin C. Dandurand, R.Ph.*, No. 21-051 (Kan. Bd. of Pharmacy)

**SUMMARY ORDER OF REVOCATION**

enrollment in the KsPRN program, participation in the KsPRN program for no less than five (5) years, probation after completion of the suspension and a permanent restriction from serving as a Pharmacist-in-Charge (“PIP”) or preceptor. A true and correct copy of the Stipulation and Consent Order is attached as Exhibit A and incorporated herein by reference.

3. On June 20, 2022, after conducting an administrative hearing on June 2, 2022 and finding Licensee complied with the provisions of the Consent Order, the Kansas Board issued a Final Order releasing Licensee from the suspension imposed in the December 7, 2021 Stipulation and Consent Order, subject to the remaining terms, conditions and restrictions set forth in the Stipulation and Consent Order. A true and correct copy of the Final Order is attached as Exhibit B and incorporated herein by reference.

4. On January 18, 2024, the United States District Court, District of Kansas, entered Judgment in criminal case #2:22CR20009-001 against Licensee finding him guilty of two felony charges of tampering with a consumer product and possession of oxycodone hydrochloride by deception and subterfuge and requiring Licensee to forfeit his Kansas Pharmacy License #1-15646. A true and correct copy of the above referenced Criminal Judgment is attached as Exhibit C and incorporated herein by reference.

#### CONCLUSIONS OF LAW

5. Pursuant to K.S.A. 65-1627(a)(2), the Kansas Board may limit, condition, revoke, suspend or place in probationary status the license of any pharmacist upon finding that the Licensee has been convicted of any felony and the Licensee fails to show that the Licensee has been sufficiently rehabilitated to warrant the public trust.

6. Pursuant to K.S.A. 65-1627(a)(5), the Kansas Board may limit, condition, revoke, suspend or place in probationary status the license of any pharmacist upon finding that the

*Matter of Benjamin C. Dandurand, R.Ph.*, No. 21-051 (Kan. Bd. of Pharmacy)

**SUMMARY ORDER OF REVOCATION**

Licensee has violated a provision of the federal or state food, drug and cosmetic act, the federal or state Uniform Controlled Substances Act, or any rule and regulation adopted under any such act.

7. Licensee's two felony convictions and the mandatory forfeiture of his Kansas Pharmacy License constitutes the basis to revoke Licensee's license.

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, Licensee's license #1-15646 is hereby REVOKED as of entry of the January 18, 2024 Criminal Judgment.

#### NOTICES

The Licensee is hereby notified as follows:

8. The Licensee 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.

9. If a hearing is not requested as described above, this Summary Order revoking Licensee's license shall become a final order of the Kansas Board, effective upon the expiration of the time to request a hearing.

10. 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.

11. 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:

*Matter of Benjamin C. Dandurand, R.Ph., No. 21-051 (Kan. Bd. of Pharmacy)*

**SUMMARY ORDER OF REVOCATION**

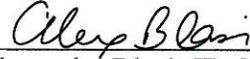
Page 3 of 5

Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

2/14/2024

Date



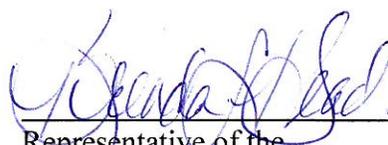
Alexandra Blasi, JD, MBA  
Executive Secretary  
Kansas Board of Pharmacy

**CERTIFICATE OF SERVICE**

I hereby certify that I did, on the 14<sup>th</sup> day of February, 2024, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Revocation, properly addressed to the following:

Benjamin C. Dandurand  
2900 W. 93<sup>rd</sup> Terr.  
Leawood, KS 66206

and via email to:  
[bdandur2@gmail.com](mailto:bdandur2@gmail.com)



\_\_\_\_\_  
Representative of the  
Kansas Board of Pharmacy

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 ) Case No. 21-051  
BENJAMIN C. DANDURAND, R.Ph. )  
Kansas License No. 1-15646 )

**STIPULATION AND CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Benjamin C. Dandurand, R.Ph. ("Respondent") as follows:

1. The Board is represented herein by its attorney, Brenda L. Head of Frieden & Forbes, 1414 SW Ashworth Place, Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by his attorney, \_\_\_\_\_

\_\_\_\_\_.

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. The Respondent is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued him Kansas license number 1-15646 ("Kansas License"). At all times relevant hereto, the Respondent has held a current license to engage in the practice of pharmacy in the State of Kansas.

4. The Board's Investigation Member has received certain information, investigated and determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of K.S.A. 65-1627(a) which would justify the revocation or imposition of other disciplinary action against his 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 KS.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. While Respondent was the Pharmacy Compounding Clinical Coordinator at University of Kansas Hospital Southlake Retail Pharmacy (#2-103873), he had access to the drugs and to change the computer inventory adjustments to cover diversion of drugs. The November 3, 2020 Amended DEA-106 shows the quantity of drugs that were unaccounted for and alleged to be diverted by Respondent as follows:

Tramadol 50mg	670 tablets
Zolpidem 10 mg	115 tablets
Zaleplon 10 mg	2 capsules
Oxycodone 5 mg. solution	2500

Additionally, the DEA-106 shows generic ultram (1) tablet and sonata (2) capsules were found in Respondent's office.

B. The Respondent admits to diverting controlled substances to himself who did not have a valid prescription for the drugs on multiple occasions. In October, 2020, during a phone interview with his employer, Respondent admitted to the wrongful diversion of multiple controlled substances, including zolpidem and tramadol for his own personal use over an extended time period. Additionally, in a written statement to the Board on December 17, 2020, Respondent admitted to the wrongful diversion of multiple controlled substances, including zolpidem, tramadol and oxycodone to himself over an extended period of time.

C. The Respondent does not have the patient or prescription records required by the Pharmacy Law.

D. Diverting controlled substances to an individual who does not have a prescription for the drug poses a serious health risk to that individual and other individuals who may come into possession of the drugs.

Upon motion duly made, seconded and passed, the Board finds and concludes that Respondent's conduct, as described above, violates the Act and such conduct warrants the imposition of appropriate disciplinary action against Respondent's Kansas License pursuant to K.S.A. 65-1627(a)(3), (4), (5), (8) and (13).

6. The Respondent agrees and consents and the Board finds concludes and orders that the following disposition is just and appropriate under the circumstances:

A. **SUSPENSION.** Respondent hereby agrees and consents to the Board's entry of an order whereby his license to practice pharmacy in the State of Kansas is suspended for a period of not less than one (1) year from Respondent's enrollment in the Committee on Impaired Practice Program ("CIPP") which requires one (1) year of clean drug tests before Respondent may request reinstatement from the Board. If Respondent commits an act during the suspension period that constitutes a violation of the Pharmacy Practices Act or the Board's regulations or fails to meet any condition set out in this stipulation the period of suspension continues.

B. **KsPRN REQUIREMENT.**

1. The Respondent, if he has not already done so, shall immediately enter into a *Statement of Understanding* agreement with the Kansas Pharmacists Association ("KPhA") and the Committee on Impaired Pharmacy Practice Program ("CIPP") which

operates the Kansas Pharmacist Recovery Network (“KsPRN”) for a period of no less than five (5) years. Respondent shall fully cooperate with the recommendations and requirements of the persons managing and implementing the evaluation and treatment program recommended and requested by the KsPRN Agreement and the further requirements of the Board. Respondent shall, at all times, be in full compliance with the requirements of the KsPRN Agreement and other requirements placed upon him by the KsPRN, *including, but not limited to, full and continued compliance with the requirement to cooperate with requests for random body fluid drug screens as provided in the KsPRN Agreement.*

2. The Respondent shall authorize KsPRN and any provider of evaluation or treatment programs he engages in to provide full and complete documentation and information regarding the Respondent’s involvement in the programs, his evaluations and treatment, including, but not limited to, records and medical reports.

C. PROBATION. The Respondent agrees and the Board orders that the Respondent’s Kansas License will be placed on a status of probation after the reinstatement from suspension and during the period of time of his enrollment in KsPRN.

D. PERMANENT LICENSE RESTRICTIONS. The Respondent agrees and the Board orders that Respondent shall not ever serve as Pharmacist-in-Charge or Preceptor.

E. NOTIFICATIONS. The Respondent agrees and the Board orders that Respondent shall:

- i. Require any pharmacy or drug-related employer to acknowledge receipt of this Stipulation and Consent Order;
- ii. Notify the Board of all contact information and employment changes within ten (10) days; and

- iii. Notify the Board of any criminal arrest and/or charges within ten (10) days.

F. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Consent Order he must, and the Board further orders the Respondent to:

1. Comply fully with this Stipulation and Consent Order; and
2. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to Kansas pharmacies.

7. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and or its attorney regarding the investigation which lead 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 the Respondent or his attorney. In the event that this Stipulation and Consent Order is not accepted and approved by the Board, the 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 member's 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. The Respondent acknowledges that the approval of the Board's Investigation Member or its attorney shall not

constitute the approval of the Board or bind the Board to approve this Stipulation and Consent Order.

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

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

11. The Respondent acknowledges that he 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 Procedure Act, K.S.A. 77-501 *et seq.* and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against him to those provided for herein. The Respondent further waives the right to seek

reconsideration or appeal or otherwise contest this Stipulation and Consent Order and the Consent Order provided for herein.

12. The Respondent acknowledges that he enters into this Stipulation and Consent Order freely and voluntarily after consultation with or an opportunity to consult with counsel of his choosing. The Respondent further acknowledges that he has read this Stipulation and Consent Order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are 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 action against him. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Consent Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Consent Order.

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. The Respondent acknowledges that he has been advised by the Board that he 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 Kansas Board of Pharmacy by serving Alexandra Blasi, JD, MBA, its Executive Secretary at 800 SW Jackson St., Suite 1414, Topeka, KS 66612. The Respondent hereby waives those rights.

**ENTERED AND EFFECTIVE** this 7<sup>th</sup> day of December, 2021.

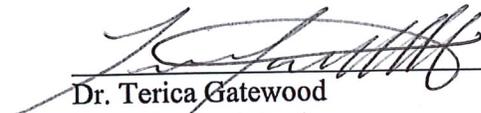
KANSAS BOARD OF PHARMACY

By:   
DR. JONATHAN BRUNSWIG, PharmD  
President

AGREED AND APPROVED BY:

  
\_\_\_\_\_  
Benjamin C. Dandurand, R.Ph.

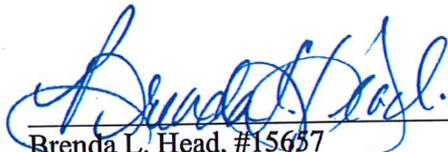
11-12-2021  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Dr. Terica Gatewood  
Investigation Member

12/2/21  
\_\_\_\_\_  
Date

\_\_\_\_\_  
**Respondent's Attorney**

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Brenda L. Head, #15657  
FRIEDEN & FORBES, LLP  
1414 SW Ashworth Place, Suite 201  
Topeka, KS 66604  
(785) 354-1100  
[bhead@fflawllp.com](mailto:bhead@fflawllp.com)  
**Counsel for the Kansas Board of Pharmacy**

11-15-2021  
\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND CONSENT ORDER was served by depositing same in the United States mail, postage prepaid, this 7<sup>th</sup> day of December, 2021 addressed to:

Brenda L. Head  
FRIEDEN & FORBES, LLP  
1414 SW Ashworth Place, Suite 201  
Topeka, KS 66604

Benjamin C. Dandurand, R.Ph.  
2900 W. 93<sup>rd</sup> Terrace  
Leawood, KS 66206



\_\_\_\_\_  
Representative of the  
KANSAS BOARD OF PHARMACY

**BEFORE THE KANSAS BOARD OF PHARMACY**

In the Matter of

Case No. 21-051

**Benjamin C. Dandurand, R.Ph.**

Pharmacist Licensee 1-11143

**FINAL ORDER**

**Decision**

Having heard the testimony of the witness(es), considered the evidence presented, reviewed the applicable statutes, regulations and policies, and otherwise being duly and fully informed in the premises of this matter, it is the decision of the Kansas Board of Pharmacy (Board) that Benjamin C. Dandurand (Dandurand) be released from the suspension placed on his Kansas Pharmacists license. All other terms and conditions remain in place.

**Statement of Case**

On June 2, 2022 the Board of Pharmacy (Board) convened a hearing to review Dandurand's request to have the suspension placed on his Kansas Pharmacist license lifted.

Appearing for the Board were: Jonathan Brunswig, PharmD, President; and members; Bill Walden, RPh; Terica Gatewood, PharmD; Tiffany Strohmeyer, PharmD; Erick Axcell, Pharm D; Andrew Truong, Pharm D; and, Lucinda Noches Talbert, Public Member.

Dandurand appeared on his own behalf, without counsel.

Brenda Head appeared as Disciplinary Counsel for the Board.

Loren F. Snell, Jr., Administrative Law Judge, was appointed and served as the Presiding Officer over the evidentiary hearing.

**Evidentiary Rulings**

The Board offered Exhibits 1 through 6 for admission as evidence. Dandurand had no objection to admission of Exhibits 1 through 6. The Board's Exhibits 1 through 6 were admitted.

## Findings of Fact

1. On or about December 7, 2021 Dandurand entered into a Stipulation and Consent Order (Consent Order) with the Board due to conduct by Dandurand involving diversion of prescription medications, including controlled substances, which belonged to a Kansas pharmacy and were ultimately consumed by Dandurand. (Exhibit 1). As part of the Consent Order, Dandurand's Kansas Pharmacist license was suspended for a minimum period of one (1) year. Dandurand was required to maintain one (1) year of clean drug tests before seeking release from the suspension. Dandurand agreed to enter into the Statement of Understanding with the Kansas Pharmacist Recovery Network (KsPRN) and be in full compliance with the KsPRN Statement of Understanding requirements, as well as any other KsPRN requirements, for a period of no less than five (5) years from the date of the Consent Order. Dandurand agreed that upon reinstatement of his Kansas Pharmacist license from suspension, his Kansas license will be placed on probation status during the period of time of his enrollment in KsPRN. Dandurand further agreed he shall never serve as a Pharmacist-in-Charge (PIC) or a Preceptor, will require any pharmacy related employer to acknowledge receipt of the Consent Order, will notify the Board of contact or employment changes within ten (10) days, and notify the Board of criminal arrests and/or charges within ten (10) days

2. On January 27, 2022 the Committee on Impaired Pharmacy Practice (CIPP) met to discuss Dandurand's request that his license be released from suspension. CIPP provided a letter to the Board, dated January 28, 2022, in which the Board was advised that Dandurand had met all requirements and been in full compliance during his time in the KsPRN program. (Exhibit 2). The CIPP recommended that Dandurand's Kansas Pharmacist license be released from suspension under the KsPRN guidelines requiring he work no more than 40 hours per week, not act as a PIC or Preceptor, and comply with the KsPRN Statement of Understanding.

3. Dandurand has been charged criminally on February 9, 2022 in the United States District Court, District of Kansas. Alexandra Blasi (Blasi), Executive Director of the Kansas Board of Pharmacy, testified that her review of the Indictment revealed that the charges stemmed from the activities that led to the December 7, 2021 Consent Order and that it did not involve any new activity by Dandurand.

4. Blasi acknowledged Dandurand had complied with the KsPRN Statement of Understanding and had satisfied the Consent Order requirements for seeking release from the suspension imposed against his Kansas Pharmacist license. Blasi recommended to the Board that Dandurand be released from the suspension, noting that all other conditions of the Consent Order should remain in place.

5. Dandurand provided testimony to the Board. Dandurand testified he is currently employed but not in a pharmacist capacity and does not plan to get back into a dispensing role as a pharmacist.

### Applicable Statutes, Regulations and Policies

“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.”<sup>1</sup>

### Decision

The Board considered Dandurand’s request, finding that he had complied with the provisions of the December 7, 2021 Consent Order necessary for requesting a release from having his Kansas Pharmacist license suspended. Based upon his compliance with the Consent Order, the Board voted 5 in favor and none opposed, with 2 abstentions, to release Dandurand from the suspension imposed on his Kansas Pharmacist license by the Consent Order, subject to the remaining terms, conditions and restrictions set forth in the Consent Order. The Board included a requirement that Dandurand notify the Board of any changes in the current criminal case pending or if any new criminal cases are initiated against him.

Jun 20, 2022

Date

Dr. Jonathan W. Brunswig, PharmD

Dr. Jonathan W. Brunswig, PharmD (Jun 20, 2022 11:56 CDT)

Jonathan Brunswig, PharmD, President  
Kansas Board of Pharmacy

---

<sup>1</sup> K.S.A. 65-1663(f)(1).

### Notices

1. This is a Final Order and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration.<sup>2</sup>
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court.<sup>3</sup> Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

---

<sup>2</sup> K.S.A. 77-529.

<sup>3</sup> K.S.A. 77-613.

**Certificate of Service**

On June 20, 2022, a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Benjamin Dandurand  
2900 W. 93<sup>rd</sup> Terr.  
Leawood, KS 66206

Brenda Head  
Frieden, Unrein & Forbes  
1414 SW Ashworth Pl, Ste. 201  
Topeka, KS 66604

and, I further certify that I caused a copy of the foregoing to be hand-delivered to:

Alexandra Blasi  
Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244



\_\_\_\_\_  
Staff Person  
Kansas Board of Pharmacy

**United States District Court  
 District of Kansas**

UNITED STATES OF AMERICA  
 v.  
 Benjamin Dandurand

**JUDGMENT IN A CRIMINAL CASE**

Case Number: 2:22CR20009 - 001  
 USM Number: 88943-509  
 Defendant's Attorney: John E. Rapp  
 Jesse Gutierrez  
 Dionne M. Scherff

**THE DEFENDANT:**

- pleaded guilty to count(s): 1 and 4 of the Indictment.
- pleaded nolo contendere to count(s) \_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1365(a)	Tampering with a Consumer Product, a Class C Felony	10/23/2020	1
21 U.S.C. § 843(a)(3) 21 U.S.C. § 843(d)	Possession of Oxycodone Hydrochloride by Deception and Subterfuge, a Class E Felony	10/23/2020	4

The defendant is sentenced as provided in pages 1 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_.
- Counts 2 and 3 are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of material changes in economic circumstances.

01/18/2024  
 \_\_\_\_\_  
 Date of Imposition of Judgment

/s/ Holly L. Teeter  
 \_\_\_\_\_  
 Signature of Judge

Honorable Holly L. Teeter, U.S. District Judge  
 \_\_\_\_\_  
 Name & Title of Judge

January 18, 2024  
 \_\_\_\_\_  
 Date

DEFENDANT: Benjamin Dandurand  
CASE NUMBER: 2:22CR20009 - 001

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of Ct 1: 14 months, Ct. 4: 14 months, to run concurrently.

- The Court makes the following recommendations to the Bureau of Prisons:
  - Designation to a facility as close as possible to the Kansas City area is recommended.
  - Participation in the RDAP program is recommended.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district.
  - at \_\_\_ on \_\_\_.
  - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
  - before \_\_\_ on \_\_\_.
  - as notified by the United States Marshal.
  - as notified by the Probation or Pretrial Services Officer.

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

DEFENDANT: Benjamin Dandurand  
CASE NUMBER: 2:22CR20009 - 001

## SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of Ct. 1: 2 years, Ct. 4: 1 year, to run concurrently.

## MANDATORY CONDITIONS

1. You must not commit another federal, state, or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight (8) drug tests per month.
  - The above drug testing condition is suspended based on the court's determination that you pose a low risk of future substance abuse. *(Check if applicable.)*
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(Check if applicable.)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(Check if applicable.)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(Check if applicable.)*
7.  You must participate in an approved program for domestic violence. *(Check if applicable.)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Benjamin Dandurand  
CASE NUMBER: 2:22CR20009 - 001

## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or Tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may, after obtaining court approval, require you to notify the person about the risk and you must comply with that instruction.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at the [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_ Date \_\_\_\_\_

DEFENDANT: Benjamin Dandurand  
CASE NUMBER: 2:22CR20009 - 001

### SPECIAL CONDITIONS OF SUPERVISION

1. You must not engage in an occupation, business, profession, or volunteer activity that would require or enable you to have access to narcotic drugs without the prior approval of the U.S. Probation Officer.
2. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.
3. You must successfully participate in and successfully complete an approved program for substance abuse, which may include urine, breath, or sweat patch testing, and/or outpatient treatment, and share in the costs, based on the ability to pay, as directed by the Probation Office. You must abstain from the use and possession of alcohol and other intoxicants during the term of supervision.

#### ACKNOWLEDGMENT OF CONDITIONS:

I have read or have had read to me the conditions of supervision set forth in this judgment; and I fully understand them. I have been provided a copy of them. I understand upon finding of a violation of probation or supervised release, the Court may (1) revoke supervision, (2) extend the term of supervision and/or (3) modify the conditions of supervision.

Defendant's Signature \_\_\_\_\_ Date \_\_\_\_\_

USPO Signature \_\_\_\_\_ Date \_\_\_\_\_

DEFENDANT: Benjamin Dandurand  
 CASE NUMBER: 2:22CR20009 - 001

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the Schedule of Payments set forth in this Judgment.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
<b>TOTALS</b>	\$200	None	None	Not applicable	Not applicable

- The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
<b><u>TOTALS</u></b>	<b>\$</b>	<b>\$</b>	

- Restitution amount ordered pursuant to plea agreement \$\_\_\_\_\_.
- The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options set forth in this Judgment may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
  - the interest requirement is waived for the  fine and/or  restitution.
  - the interest requirement for the  fine and/or  restitution is modified as follows:

\*Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.  
 \*\*Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.  
 \*\*\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Benjamin Dandurand  
CASE NUMBER: 2:22CR20009 - 001

## SCHEDULE OF PAYMENTS

Criminal monetary penalties are due immediately. Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows, but this schedule in no way abrogates or modifies the government's ability to use any lawful means at any time to satisfy any remaining criminal monetary penalty balance, even if the defendant is in full compliance with the payment schedule:

- A  Lump sum payment of \$\_\_ due immediately, balance due  
 not later than \_\_, or  
 in accordance with  C,  D,  E, or  F below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in monthly installments of not less than 5% of the defendant's monthly gross household income over a period of \_\_ years to commence \_\_ days after the date of this judgment; or
- D  Payment of not less than 10% of the funds deposited each month into the inmate's trust fund account and monthly installments of not less than 5% of the defendant's monthly gross household income over a period of \_\_ years, to commence \_\_ days after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:

If restitution is ordered, the Clerk, U.S. District Court, may hold and accumulate restitution payments, without distribution, until the amount accumulated is such that the minimum distribution to any restitution victim will not be less than \$25.

Payments should be made to Clerk, U.S. District Court, U.S. Courthouse - Room 204, 401 N. Market, Wichita, Kansas 67202, or may be paid electronically via Pay.Gov.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount and corresponding payee, if appropriate.

**Case Number**

**Defendant and Co-Defendant Names  
(including defendant number)**

**Total Amount**

**Joint and Several  
Amount**

**Corresponding Payee,  
if appropriate**

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States. Payments against any money judgment ordered as part of a forfeiture order should be made payable to the United States of America, c/o United States Attorney, Attn: Asset Forfeiture Unit, 1200 Epic Center, 301 N. Main, Wichita, Kansas 67202.

A. Kansas Pharmacy License 1-15646

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.