

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

IN RE: THE MATTER OF

WILLIAM A. GESSLER
License No. 1-09463
936 Morrison
Derby, Kansas 67037

STIPULATION OF FINDING OF FACT AND ORDER

This matter comes before the State Board of Pharmacy for the State of Kansas, this 30th day of January, 1998.

The State Board of Pharmacy appears by Barry Sarvis, President and Presiding Officer; Lori Moore, Vice-President; Dan Katzer, Pharmacist; Vicki Schmidt, Pharmacist; Karla Kneebone, Pharmacist; and Dr. Dan Upson, Consumer Representative. Also appearing are Larry Froelich, Executive Secretary, and the attorney for the Board, Dana W. Killinger. William A. Gessler appears personally and by Counsel, William Fortenbury.

William A. Gessler states that he has been advised of his procedural rights under the Pharmacy Practice Act and Administrative Procedure Act, wherein counsel for the Board advised William A. Gessler of his rights to a formal hearing wherein he has a right to be represented by counsel, call witnesses on his behalf, cross-examine the Board's witnesses and other procedural rights. Counsel further advised William A. Gessler of the statutory sections of the law which were allegedly violated and the statute

giving the Board jurisdiction in this matter. Whereupon William A. Gessler waived his right to a Formal Hearing.

William A. Gessler further states that no issue of fact exists and wishes to stipulate to the following findings of fact and accepts the order of the State Board of Pharmacy, to-wit:

1. That William A. Gessler is a licensed pharmacist in the State of Kansas, having License No. 1-09463.

2. That William A. Gessler became the pharmacist in Charge at Walgreens RXpress # 3116, Registration No. 2-08948, located at 3031 E. Central, Wichita, Kansas 67214, on or about December 5, 1994 and is still Pharmacist in Charge.

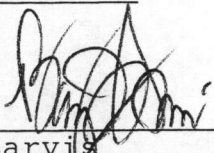
3. That said William A. Gessler was employed as Pharmacist in Charge at Walgreens RXpress #3116, located at 3031 E. Central, Wichita, Kansas owned and operated by Walgreen Company, 300 Wilmot Road, Deerfield, Illinois 60015.

4. That during the year 1997, and prior years, large quantities of controlled substances were being diverted illegally from said Walgreens Rexpress # 3116. As Pharmacist in Charge of said pharmacy said William A. Gessler failed to meet the requirements placed on him as a Pharmacist in Charge. Violations of K.A.R. 68-7-12(c) and K.A.R. 68-7-12(h).

The State Board of Pharmacy for the State of Kansas pursuant to K.S.A. 65-1627(a)(8) has jurisdiction and power to revoke, suspend or place on probation and pursuant to K.S.A. 65-1658, fine said William A. Gessler.

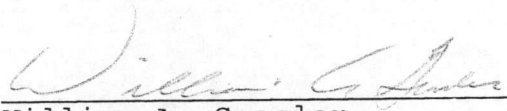
IT IS THEREFORE ORDERED that William A. Gessler, License No. 1-09463, be fined \$500 for each violation for a total of \$1,000. In addition, William A. Gessler may not serve as Pharmacist in Charge for 90 days, to commence 30 days from the Presiding Officer signing and dating this Stipulation.

Dated this 3rd day of March, 1998.



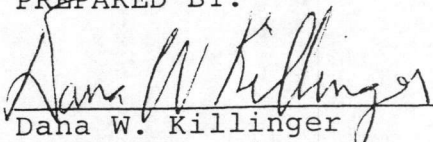
Barry Sarvis
President and Presiding Officer
State Board of Pharmacy
for the State of Kansas

I, William A. Gessler, have hereby read the foregoing Stipulation and Order and fully understand the violations of which I am stipulating to and understand the terms of this Stipulation.



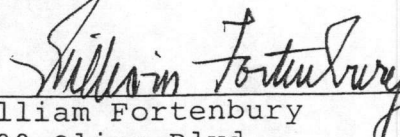
William A. Gessler

PREPARED BY:



Dana W. Killinger
1505 SW Harrison St.
Topeka, KS 66612-1811
(785) 232-9616
Attorney for the State
Board of Pharmacy
for the State of Kansas

APPROVED:



William Fortenbury
9300 Olive Blvd.
St. Louis, MO 63132
(314) 569-2002
Attorney for William A.
Gessler

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ADDENDUM TO STIPULATION OF FINDING OF FACT AND ORDER

This document is an addendum to the document entitled "Stipulation of Finding of Fact and Order", pursuant to informal hearing, January 30, 1998, and said stipulation is incorporated herein by reference.

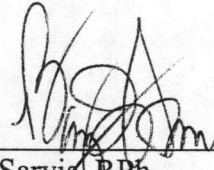
- (1) William Fortenbury, Attorney at Law, Missouri Bar #34526, associated with Thomas Stein, Attorney at Law, Kansas Bar #17081, appears as counsel for Brenda Combs.
- (2) All fines payable by Ms. Combs under the stipulation shall be paid by check or money order payable to "Kansas State Board of Pharmacy", and delivered to the following address within thirty days of the date the stipulation is signed by the presiding officer.

Kansas State Board of Pharmacy
Attn: Larry Froelich, RPh, Executive Secretary
Landon State Office building
900 SW Jackson Street, Room 513
Topeka, KS 66612-1231

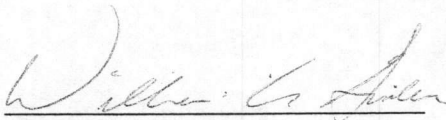
- (3) Paragraph #2 of the original stipulation is hereby amended to read as follows: William A. Gessler ceased being Pharmacist In Charge of Walgreen RXPress #3116 in December, 1997, and since that time has been

Pharmacist In Charge of Walgreen RXPress #3054, at 5611 E. Harry,
Wichita, KS 67218.

Dated this 3rd day of March, 1998.

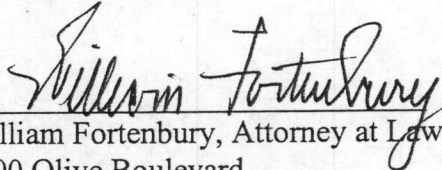


Barry Sarvis, RPh.
President and Presiding Officer
State Board of Pharmacy
For the State of Kansas



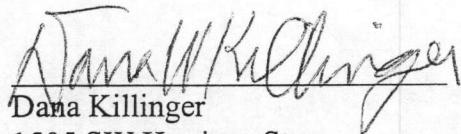
William A. Gessler

PREPARED BY:



William Fortenbury, Attorney at Law
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St. Louis, MO 63132
(314) 569-2002
Attorney for William Gessler

APPROVED:



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