

January 26, 2022

SHELBY GUNN  
511 W 15<sup>th</sup>  
LARNED, KS 67550

RE: Case No. 22-019

Dear Ms. Gunn:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at [Pharmacy.Compliance@ks.gov](mailto:Pharmacy.Compliance@ks.gov).

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
 )  
Shelby Gunn )  
 )  
Applicant )

Case No. 22-019

**SUMMARY ORDER OF DENIAL**

NOW, on this 26th day of January 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Shelby Gunn (“Applicant”), for application for a Kansas pharmacy technician registration.

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, the Board makes the following findings, conclusions and order.

**FINDINGS OF FACT**

1. On October 28, 2021, 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 her 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.* The application directs that if an applicant gives an answer of “YES”, they must also provide a Personal History: Form S-150 (“S-150”).

3. On her S-150, Applicant detailed an offense involving two counts of petty theft but included no supporting court documentation.

4. Subsequently, the Board received information regarding June 2013 charges laid against Applicant for burglary and for embezzlement.

5. On November 15, 2021, the Board mailed Applicant a letter requesting a more thorough S-150 to detail the 2013 offenses, as well as certified copies of the court pleadings from each case.

6. On November 19, 2021, Applicant emailed the Board to state that the 2013 offenses were charges that had been reduced instead to the petty theft counts noted in her S-150, and to seek assistance in which specific court records the Board wished her to submit.

7. On November 22, 2021, the Board responded to Applicant's email requesting court documentation relevant to the case in question.

8. On December 2, 2021, the Board received from Applicant several court documents which detailed that, following her plea of guilty to both counts, Applicant had been placed on a three-year probation, which included serving 60 days in custody with participation in the Work Release Program. The crime involved property stolen from Walmart, which Applicant noted was her place of work at the time of the incident. Applicant noted that she had a relationship with the person who was stealing, knew the thievery was taking place, and chose to turn a blind eye to it.

9. Applicant submitted no further court documentation regarding the success or failure of her probation or closure of the case, and provided no further statement on her involvement in the theft incidence.

## CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1663, the Board may deny an application for issuance 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 an application upon a finding that the licensee has been convicted of any felony or misdemeanor of gross immorality or moral turpitude, 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 an application of any pharmacist who has been found guilty of unprofessional conduct.

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

5. Applicant's counts of petty theft are a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(2), as she provided no probationary documentation and is therefore unable to show that she has been sufficiently rehabilitated to warrant the public trust at this time.

6. Applicant's petty theft incident is unprofessional conduct and a basis to deny Applicant's Application pursuant to K.S.A. 65-1627(a)(3). Of utmost concern is Applicant's note that she turned a blind eye to the theft of her employer by someone closest to her. When combined with the pharmacy setting, this conduct carries the potential for great risk to the public and the pharmacy community.

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application is hereby DENIED.

NOTICES


Applicant is hereby notified as follows:

1. 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.
2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.
3. 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.
4. 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.

1/26/2022  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 26th day of January 2022, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

SHELBY GUNN  
511 W 15<sup>th</sup>  
LARNED, KS 67550

  
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Kansas Board of Pharmacy Staff