

May 20, 2022

Daniel Marszalek
5720 N Manton Ave
Chicago IL 60646

RE: Case No. 22-112

Dear Mr. Marszalek:

Enclosed you will find an Amended Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety. In addition, a civil fine has been assessed totaling \$500. Please submit a check or money order made payable to the Kansas Board of Pharmacy and include your case number in the check memo.

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.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Daniel Marszalek)
)
License No. 1-116923)

Case No. 22-112

AMENDED SUMMARY ORDER

NOW, on this 20th day of May 2022, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Daniel Marszalek, (“Applicant”), for application for licensure as a Kansas pharmacist by reciprocity.

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 Amended Summary Order 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 January 6, 2022, the Board received Applicant’s application for licensure as a pharmacist by reciprocity in the State of Kansas (“Applicant’s Application”).
2. Applicant answered “No” to the following question on his application: “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?” The application directs that if the applicant answers yes, the applicant must provide details.

3. The Board received information regarding a June 2008 offense and an April 2013 DUI/Alcohol offense.

4. On January 10, 2022, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

5. On or about February 8, 2022, the Board received the requested documentation. Applicant's personal statement and court records documented that Applicant's 2008 offense was expunged from his record and the 2013 charges were ultimately dismissed. Applicant did not detail the arrests and charges but did apologize for the oversight of not including them in Applicant's Application. Applicant provided a narrative regarding his competency and a letter of recommendation.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1658, the Board may assess a civil fine not to exceed \$5,000, after notice and an opportunity to be heard, to any registrant for violation of the pharmacy act of the state of Kansas or any other rules or regulations of the state board of pharmacy.

2. Pursuant to K.S.A. 65-1627(a)(1), the Board may take action against the license of any pharmacist upon a finding that the licensee has obtained, renewed or reinstated, or attempted to obtain, renew or reinstate, a license by false or fraudulent means, including misrepresentation of a material fact.

3. Applicant's answer of "no" to the disciplinary question(s) on Applicant's Application was a misrepresentation of material fact on an application and a basis to take action against Applicant's Application as a violation of K.S.A. 65-1627(a)(1).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Applicant's Application for issuance of pharmacist license by reciprocity is hereby GRANTED but Applicant is ordered to pay a fine to the Board in the amount of \$500. Applicant has 30 days from the date of this order to pay the fine and the license shall be issued upon receipt.

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.

5/20/2022

Date



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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 20th day of May 2022, deposit in business mail a copy of the foregoing Amended Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Daniel Marszalek
5720 N Manton Ave
Chicago IL 60646



Kansas Board of Pharmacy Staff