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Alexandra Blasi, Executive Secretary

Laura Kelly, Governor

September 27, 2023

Brian Mooney
216 N. Lincoln Street
Olathe Kansas 66061

RE: Case No. 23-251

Dear Brian Mooney:

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.

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

3. In conjunction with Applicant's Application, Applicant submitted a signed S-150 statement that stated the following: "N/A Not required according to instructions. Filled out in error."

4. The Board received information regarding a May 2012 driving under the influence offense, and a July 2019 disorderly conduct offense against Applicant.

5. On March 2, 2023, the Board mailed Applicant a letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

6. On March 30, 2023, the Board mailed Applicant a second letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

7. On April 27, 2023, the Board mailed Applicant a final letter requesting a completed Form S-150, as well as certified copies of the court pleadings from each case.

8. On or about May 17, 2023, the Board received the requested documentation, which confirmed the aforementioned offenses and indicated Applicant completed a 12-month diversion for the 2012 DUI offense and pleaded guilty to the 2019 disorderly conduct charge and was placed on probation for one year.

CONCLUSIONS OF LAW

1. That pursuant to K.S.A. 65-1663, the Board may 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.

2. Pursuant to K.S.A. 65-1627(a)(1), the Board may deny 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 deny 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 pharmacy technician registration 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.

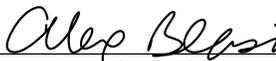
9/27/2023
Date


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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27th day of September 2023, 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:

Brian Mooney
216 N. Lincoln Street
Olathe Kansas 66061



Kansas Board of Pharmacy Staff