

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of )  
FRANKLIN D PITTS )  
\_\_\_\_\_ )

Case No. 16-181

**SUMMARY ORDER OF DENIAL**

NOW on this 7<sup>th</sup> day of November, 2016, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the application of Franklin D Pitts (the "Applicant") for registration as a Kansas pharmacy technician.

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 Investigation Member enters this Summary Order of Denial in the above-captioned matter. After reviewing the application materials and being otherwise duly advised in the premises, 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. On or about September 14, 2016, the Board received Applicant's application for registration as a pharmacy technician in the State of Kansas ("Applicant's Application").
2. As part of Applicant's Application he answered "No" to the question: "Have you ever been convicted of (includes pleas of no guilty and 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”

3. The background report provided to the Board by the Kansas Bureau of Investigation reports that on or about April 4, 2004, Applicant entered a plea of guilty to distribution of cocaine and possession of cocaine, and was sentenced to forty-two months in prison.

4. As part of Applicant’s Application, he certified that the information provided was true, correct and complete and that he understood that withholding relevant information was grounds for denying his application.

5. On or about October 25, 2016, Applicant provided a statement and letter of recommendation in which he discussed his current life and intent of application, but failed to explain his offenses and did not sufficiently demonstrate rehabilitation.

#### CONCLUSIONS OF LAW

6. That pursuant to K.S.A. 65-1663, 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.

7. That pursuant to K.S.A. 65-1627(a)(2), the Board may deny the renewal of a license to a pharmacist if a licensee has been convicted of a felony and the licensee fails to show sufficient rehabilitation to warrant the public trust.

8. That pursuant to K.S.A. 65-1627(a)(3), the board may deny registration if the applicant is found by the board to be guilty of unprofessional conduct.

9. That pursuant to K.S.A. 65-1626(ccc)(5), unprofessional conduct means unlawful possession of drugs.

10. That pursuant to K.S.A. 65-1626(ccc)(7), unprofessional conduct means conduct likely to deceive, defraud or harm the public.

11. Applicant's conviction for and failure to disclose the felony of possessing and distributing cocaine and his lack of evidence of rehabilitation is a basis to deny Applicant's Application for failure to comply with K.S.A. 65-1627(a)(2) and (a)(3).

#### 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:

12. 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.

13. If a hearing is not requested as described above, the Order denying Applicant's Registration as a pharmacy technician shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

14. 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.

15. 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.


11/7/14  
Date

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

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 7 day of November, 2016, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order of Denial, properly addressed to the following:

FRANKLIN D PITTS  
1311 S 52<sup>nd</sup>  
KANSAS CITY, KS 66106

  
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Kansas Board of Pharmacy Staff