

## **From March 2017 Meeting Minutes**

### **6. Application for Pharmacist – Reciprocity – Appearance**

Kenneth J. Pettengill

Kenneth Pettengill appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pettengill stated that he is currently employed as a pharmacist for Wells Pharmacy Network in Florida. He added that he is applying for a Nevada Pharmacist License because his employer would like a pharmacist licensed in each state, and mentioned that Wells Pharmacy Network is working on expanding into the state in the future.

Mr. Pettengill explained that he indicated that he had past disciplinary actions and issues with law enforcement in other states.

The Board questioned Mr. Pettengill regarding his past DUI and drug charges.

Mr. Pettengill described his charges and arrests and stated that since then he has completed a two year drug court program, random drug tests, a five year PRN-PRN contract and a ninety-six hour assessment. He stated that after his completion of these programs and treatments both Georgia and Idaho approved his pharmacist license in their states.

The Board expressed concern regarding the wide time table that Mr. Pettengill's issues with law enforcement occurred. The Board questioned Mr. Pettengill regarding his current involvement in treatment and employment.

Mr. Pettengill stated that he is currently active in AA.

The Board offered Mr. Pettengill the option to table his application to be evaluated by PRN-PRN in Nevada.

The Board tabled Mr. Pettengill's application for Nevada Pharmacist at his request.

NEVADA STATE BOARD OF PHARMACY  
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440

APPLICATION BY RECIPROCATION AS A PHARMACIST

If you are requesting licensure by reciprocatation (i.e. you have a current pharmacist license from another state and wish to transfer license information and only need to take the Nevada MPJE), complete this application:

Total Fee: \$330.00 (non-refundable, money order or cashier's check only, no cash)

Money Order or Cashier's Check made payable to: Nevada State Board of Pharmacy

Complete Name (no abbreviations):

First: Kenneth Middle: James Last: Pettengill

Mailing Address: PO Box 140360

City: Gainesville State: FL Zip Code: 32614

Telephone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: Tampa, FL

Social Security Number: \_\_\_\_\_ Sex:  M or  F

Original State of Licensure you are reciprocating from must be active and issued by exam;

State: Florida Date of Issuance: 8/07/92

College of Pharmacy Information

Graduation Date: 5/01/91  
(mm/dd/yy)

Degree Received:  PharmD  BS in Pharmacy  Other (check one)

Name of Pharmacy School: University of Florida

Location of School: Gainesville, FL

If you are a **foreign graduate** you must attach a copy of your FPGE certificate to THIS APPLICATION.  
You also need to complete the college of pharmacy information

**Board Use Only**

Received: 12-12-16 Amount: \$330.00 Entity #: 95052

Laws \_\_\_\_\_ MPJE \_\_\_\_\_

Other states where you are (or were) licensed as a pharmacist or print "none"

State	Lic #	Is the license active?	State	Lic #	Is the license active?
_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>

\*\*Attach separate sheet if needed *see attached form*

	Yes	No
Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or physical condition that would impair your ability to perform the essential functions of your license?.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state?.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Been the subject of an administrative action whether completed or pending in <u>any</u> state?.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you marked **YES** to any of the numbered questions (1-3) above, please include the following information and provide an expiration or documents:

Board Administrative Action:	State	Case #:
Criminal Action:	State	Court
	/ /	

*see attached forms*

**FEDERALLY MANDATED REQUIREMENTS**

In response to Federally mandated requirements, the Nevada Legislature and Attorney General require that we include this questions as part of all applications.

4. Are you the subject of a court order for the support of a child?.....Yes  No

**4a. If you marked Yes, to the question 4,** are you in compliance with the court order?.....Yes  No

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. I hereby authorize the Nevada State Board of Pharmacy, it's agents, servants and employees, to conduct any investigation(s) of my business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

No liability of any sort or kind shall attach to the said Nevada State Board of Pharmacy, it's members, servants or employees because or by reason of the use of the authorization.

*Ken Pottengill*  
Original Signature, no copies or stamps accepted

*11-15-16*  
Date

Other states where you are (or were) licensed as a pharmacist or print "none"

Alabama 18706

active exp: 12-31-18

Arkansas PD13032

active exp: 12-31-17

Florida PS27736

active exp: 9-30-17

Georgia RPH028954

active exp: 12-31-18

Maryland 23315

active exp: 5-31-17

Oklahoma 17164

active exp: 5-31-17

Tennessee 40277

active exp: 8-31-18

West Virginia RP0009773

active exp: 6-30-18

*Ken Pottinger RPh  
11-15-16*

Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or physical condition that would impair your ability to perform the essential functions of your license

1. Been charged, arrested or convicted of a felony or misdemeanor in any state?
2. Been the subject of an administrative action whether completed or pending in any state?
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?

If you marked YES to any of the numbered questions (1-3) above, please include the following information and provide an expiration or documents:

In July 1984 a sworn complaint was filed against me for making a harassing phone call. The case was dismissed with no action taken.

I have absolutely no memory of ever doing something like this. The only thing I can recall is that I first found out this was on my record in 2002 in a meeting with attorneys who were handling my 2002 DUI arrest. There was no information available to me about the incident, and it was too late to fight it and get it removed from my record.

In September 1987 I was cited for sale of alcohol to a minor. The case was dismissed with a pretrial intervention and community service.

I was working a part time college job at a beer and wine drive thru business called Pablo's Tunnel. I remember a man driving thru in a white pick up truck and purchasing a single miller light beer. He looked like an over weight adult, and even had a mustache. I assumed he was over 21 and I never asked for his ID. He was part of a local police sting operation in the area and I was cited with what they called a technical arrest. I was new in the job and simply did not ask the customer for an ID because I thought he was legal age. The police officer who cited me had told me it would have been worse if I had asked for the ID, saw he was underage, and then sold it to him anyway. But since I never asked for the ID, they considered it more of an omission than a deliberate sale to a minor, and I was given a citation instead of being taken to jail. I consider this whole incident to be an accident on my part, and not something done deliberately.

In October 2002 I was convicted of misdemeanor DUI and given probation.

I had been home sick from work for a couple of days. I had a nasty cold or flu. I was drinking heavily at home as a form of self medicating and in an effort to feel better. In the evening one night I was feeling hungry and well enough to drive for food. I spilled some food and swerved and was pulled over. I was given field sobriety tests and failed and was arrested for DUI. I was not drinking while driving. I had been drinking heavily earlier in the day and it was all still in my system when I got behind the wheel. I am very ashamed of this incident.

In March 2007 I was arrested for trafficking and possession of illegal drugs and narcotic equipment. The case was dismissed following successful completion of Drug Court diversion.

I had quit my job with Walgreens at the end of November 2006. I was living on my savings and not working. My amount and frequency of drinking had increased. During this time I met a woman who showed romantic interest in me and who offered me cocaine. She moved into my house and we spent late December until March 2007 using in my home. One night she went out for a few hours and she was stopped by the police. She then brought them back to my house and let them in to search. They found cocaine and accessories for using and placed us both under arrest. A more extensive search turned up a supply of marijuana that was stored in a back bedroom closet. This had been a gift from our drug suppliers to us to use. It was not used and instead was stored and forgotten about until found by the police.

In September 2007 a sworn complaint was filed against me for failure to redeliver leased property (a rental car). The case was dismissed after restitution was made and as part of successful completion of Drug Court diversion.

I had rented a car for personal use. An acquaintance had taken the car from me to use for a few weeks. This prevented me from returning the car on time. Due to my recent legal trouble and incapacitated state I was afraid to report that the car had been taken from me. Eventually the rental car was returned but had suffered significant damage and a sworn complaint was filed. I subsequently made full restitution for the damage to the car.

In December 2007 a sworn complaint was filed against me for worthless checks. The case was dismissed after restitution was made.

In 2007 debit/ATM cards were not in widespread use. Checks were the most common way to pay for groceries. I had added an authorized user to the credit card that provided overdraft protection to my checking account. I did not realize that the credit card had been maxed out by myself and my authorized user and thus was unable to provide overdraft protection to the checks I wrote at a local grocery store. I should have checked the balance on my credit card but it had a very large line of credit and I did not think it possible that it could be maxed out. The checks were accepted for payment. I did not know there was a problem until I was notified of sworn complaints about the checks not clearing. I then made full restitution on the checks and the matter was dismissed.

Following my arrest in 2007 I subsequently self reported myself to the Florida Board of Pharmacy. I accepted a voluntary surrender of my pharmacist license.

With the help of attorneys I was given a chance to enter Alachua County Drug Court. This was a 2 year program that included daily reporting with drug and alcohol testing and various forms of counseling. I was required to appear in court weekly then monthly for status hearings on my progress. During this time in Drug Court I was allowed to enter a residential treatment program called Metamorphosis, which

is located in Alachua County, FL. This residential program took 11 months to complete. I then successfully completed the Drug Court program and all of the charges against me were dismissed with a nolle prosequi.

I was then allowed to enter the Florida PRN program for impaired professionals and accepted a 5 year monitoring contract that included random testing. My license was reinstated on probation in 2009. At the completion of my PRN contract in 2014 the probation on my license was successfully terminated.

I have been clean and sober since April 17, 2008

*Ken Pittengill RPh*  
*11-15-16*

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Angel Sanders*  
DATE JUL 09 2014

STATE OF FLORIDA  
BOARD OF PHARMACY

DEPARTMENT OF HEALTH, PETITIONER,	
vs.	CASE NO.:
KENNETH J. PETTENGILL, RPH, RESPONDENT.	LICENSE NO.:

**ORDER TERMINATING PROBATION**

This matter appeared before the Board of Pharmacy (hereinafter Board) at a duly-noticed public meeting held on June 11, 2014, in Kissimmee, Florida, upon Respondent's request to terminate probation. Upon consideration it is **ORDERED**:

Respondent's probation is hereby, **TERMINATED**, successfully.

This Order shall become effective upon filing with the Clerk of the Department of Health.

BOARD OF PHARMACY

*Patrick Kennedy*  
Patrick Kennedy, Executive Director  
for Jeffrey J. Mesaros, PharmD, Chair

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Final Order has been provided by US Mail to **Kenneth J. Pettengill, RPh**, 2015 North West 19th Lane, Gainesville, Florida 35605 and by electronic mail to **David D. Flynn**, Assistant Attorney General, Department of Legal Affairs, david.flynn@myfloridalegal.com this 9<sup>th</sup> day of July, 2014.

*Angel Sanders*  
DEPUTY AGENCY CLERK





# CLERK OF THE CIRCUIT & COUNTY COURT

Alachua County Courthouse - Family & Civil Justice Center

201 East University Avenue

Gainesville, Florida 32601

Telephone (352) 374-3636 • Fax 352.338.3201

J.K. Irby - Clerk

[www.alachuaclerk.org](http://www.alachuaclerk.org)

Date: November 7, 2016

TO: Kenneth J Pettengill  
P.O. Box 140360  
Gainesville, FL 32614

RE:

Dear Mr. Pettengill,

The above referenced case file has reached its retention time and has been destroyed. I have attached a copy of the Progress Docket for your information. If I can be of any further assistance please let me know.

Sincerely,

Katherine Stevens  
Deputy Clerk  
Alachua County Clerk of Court  
Archives Division  
201 East University Avenue  
Gainesville, FL 32601  
352-384-3173  
352-384-3185 (Fax)



1 attachment

Alachua County Clerk of the Court  
 J.K. Irby - Clerk of the Court  
 General Index Search

### Case Summary

01 1982 CT 003114 A \*\* INACTIVE CASE \*\*

**Defendant Information**

Full Name PETTENGILL, KENNETH JAMES  
 DOB 05/28/1963  
 SPN 1982003648

**Charge Information**

Chg. #	Offense Date	Disp.	Disp. Date	Statute #	Charge
001	05/26/1982	DISMISSED	06/17/1982	322.03	OPERATE MOTOR VEHICLE WITH LICENSE EXPIRED

**Docket Information**

NO VALID DL  
 05/26/1982 139-616Q/052582/1120/30G/74/PONT /118 /WEAVER  
 05/26/1982 SET FOR 1:30 ARRAIGN- 06-17-82  
 05/26/1982 STATE ATTORNEY: CLARK, DAN /A324  
 06/17/1982 DISMISSED ON PROOF OF VLAID DL  
 06/18/1982 \*\*\* CASE TERMINATED WITH ACCJIS \*\*\*  
 09/05/1992 -----> CASE FILE DESTROYED <-----



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2016  
 J. K. Irby, Clerk, Circuit and County Court  
 By [Signature]  
 Deputy Clerk



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J.K. Irby - Clerk

[www.alachuaclerk.org](http://www.alachuaclerk.org)

Date: November 7, 2016

TO: Kenneth J Pettengill  
P.O. Box 140360  
Gainesville, FL 32614

RE: 1984-MM-4903A

Dear Mr. Pettengill,

The above referenced case file has reached its retention time and has been destroyed. I have attached a copy of the Progress Docket for your information. If I can be of any further assistance please let me know.

Sincerely,

Katherine Stevens  
Deputy Clerk  
Alachua County Clerk of Court  
Archives Division  
201 East University Avenue  
Gainesville, FL 32601  
352-384-3173  
352-384-3185 (Fax)



1 attachment

Alachua County Clerk of the Court  
 J.K. Irby - Clerk of the Court  
 General Index Search

### Case Summary

01 1984 MM 004903 A \*\* INACTIVE CASE \*\*

**Defendant Information**

Full Name PETTENGILL, KENNETH JAMES  
 DOB 05/28/1963  
 SPN 1982003648

**Charge Information**

Chg. #	Offense Date	Disp.	Disp. Date	Statute #	Charge
001	07/23/1984	NO INFORMATION	09/20/1984	365.16	MAKE HARASSING PHONE CALL

**Docket Information**

HARASSING PHONE CALLS 365.16  
 07/23/1984 SWORN COMPLAINT  
 07/23/1984 AGENCY REPORT # GPD /84-10639  
 07/23/1984 STATE ATTORNEY: YAWN, THERON A. III /A452  
 09/20/1984 NO INFORMATION (STATE ATTORNEY) 1B  
 09/24/1984 \*\*\* CASE TERMINATED WITH ACCJIS \*\*\*  
 09/06/1992 -----> CASE FILE DESTROYED <-----



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2016

J. K. Irby, Clerk, Circuit and County Court  
 By [Signature]  
 Deputy Clerk



# CLERK OF THE CIRCUIT & COUNTY COURT

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Gainesville, Florida 32601  
Telephone (352) 374-3636 • Fax 352.338.3201  
J.K. Irby - Clerk  
[www.alachuaclerk.org](http://www.alachuaclerk.org)

Date: November 7, 2016

TO: Kenneth J Pettengill  
P.O. Box 140360  
Gainesville, FL 32614

RE: 1987-MM-8531A

Dear Mr. Pettengill,

The above referenced case file has reached its retention time and has been destroyed. I have attached a copy of the Progress Docket for your information. If I can be of any further assistance please let me know.

Sincerely,

Katherine Stevens  
Deputy Clerk  
Alachua County Clerk of Court  
Archives Division  
201 East University Avenue  
Gainesville, FL 32601  
352-384-3173  
352-384-3185 (Fax)



1 attachment

Alachua County Clerk of the Court  
 J.K. Irby - Clerk of the Court  
 General Index Search

## Case Summary

01 1987 MM 008531 A \*\* INACTIVE CASE \*\*

### Defendant Information

**Full Name** PETTENGILL, KENNETH JAMES  
**DOB** 05/28/1963  
**SPN** 1982003648

### Charge Information

Chg. #	Offense Date	Disp.	Disp. Date	Statute #	Charge
001	09/10/1987	NOLLE PROSSED	05/10/1988	562.11	FILED AS: SALE OF ALCOHOL TO A MINOR 562.11(1)

### Docket Information

FILED AS: SALE OF ALCOHOL TO A MINOR 562.11(1)

09/10/1987 DEFENDANT NOTICED ON 09-08-87

09/10/1987 AGENCY REPORT # DABT/

09/10/1987 STATE ATTORNEY: WHITE, WADE D. /S0051

09/10/1987 SET FOR 1:30 ARRAIGN- 10-01-87

09/11/1987 NOTICE OF 1:30 ARRAIGNMENT

09/30/1987 INFORMATION FILED 01/562.11

10/01/1987 B. AFFIDAVIT OF INDIGENCY

10/01/1987 C. ORDER APPOINTING PUBLIC DEFENDER

10/01/1987 PUBLIC DEFENDER : PUBLIC DEFENDER /P0001

10/01/1987 DEF. ENTERED A PLEA OF NOT GUILTY /ORAL

10/01/1987 SET FOR JURY TRIAL ON 11-16-87

10/08/1987 NOTICE OF 9:00 JURY TRIAL

10/09/1987 DEMAND FOR DISCOVERY AND INSPECTION OF EVIDENCE

10/19/1987 MOTION TO WITHDRAW

10/20/1987 ORDER GRANTING MOTION TO WITHDRAW/JUDGE TOMLINSON

10/20/1987 ANSWER TO DEMAND FOR DISCOVERY

10/20/1987 DEMAND FOR RECIPROCAL DISCLOSURE

10/22/1987 NOTICE OF APPEARANCE

10/22/1987 PRIVATE ATTORNEY: VIPPERMAN, LLOYD L., JR. /A0119

10/22/1987 DEF. ENTERED A PLEA OF NOT GUILTY /WRITTEN

10/22/1987 DEMAND FOR DISCOVERY AND INSPECTION OF EVIDENCE

10/22/1987 SET FOR JURY TRIAL ON 11-16-87

10/22/1987 NOTICE OF 9:00 JURY TRIAL

11/10/1987 SET FOR JURY TRIAL ON 12-21-87

12/21/1987 SET FOR JURY TRIAL ON 01-19-88

12/23/1987 ORDER TO CONTINUE TO 01-11-88 JUDGE TOMLINSON

12/23/1987 NOTICE OF 9:00 JURY TRIAL

12/23/1987 MOTION TO CONTINUE

01/13/1988 DEFERRED PROSECUTION 90 DAYS

01/13/1988 1. PERFORMANCE OF 50 HOURS OF COMMUNITY SERVICE.

01/13/1988 2. PAYMENT OF COURT COSTS

04/11/1988 COMPLETED 50.25 HOURS COMMUNITY SERVICE

04/11/1988 PAID \$100.00

05/10/1988 REACTIVATE CASE

05/10/1988 NOLLE PROSSED 1K/BY LETTER

05/10/1988 \*\*\* CASE TERMINATED WITH ACCJIS \*\*\*

08/09/1994 -----> CASE FILE DESTROYED <-----



J. K. Irby, Circuit and County Court Clerk, Alachua County, Florida, certifies this is a true copy of the document of record in this office, which may have been redacted as required by law. Witness my hand and seal on November 7, 2016

J. K. Irby, Clerk, Circuit and County Court  
 By [Signature]  
 Deputy Clerk