



FOLEY & LARDNER LLP

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DEPARTMENT OF HEALTH

15 DEC 11 AM 11:40 December 11, 2015

OFFICE OF THE CLERK

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VIA HAND DELIVERY

Agency Clerk
Office of General Counsel
Florida Department of Health
2585 Merchants Row Blvd., Suite 110
Tallahassee, FL 32399

Re: *Daniel Banks v. State of Florida, Department of Health;
Petition for Formal Administrative Hearing regarding the
Department of Health's agency action relating to level 2
background screening decision*

Dear Agency Clerk,

Enclosed please find a petition, pursuant to sections 120.569 and 120.57, Florida Statutes, and Rule 28-106.201, Florida Administrative Code, challenging the November 23, 2015 notice issued by the Department of Health, Office of Compassionate Use, determining that Daniel Banks did not pass level 2 background screening pursuant to section 435.04, Florida Statutes.

If you have any questions regarding the enclosed, please contact our office.

Sincerely,

James A. McKee

cc:

Department of Health General Counsel
Mike Glazer
Steve Menton

BOSTON
BRUSSELS
CHICAGO
DETROIT

JACKSONVILLE
LOS ANGELES
MADISON
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STATE OF FLORIDA
DEPARTMENT OF HEALTH

RECEIVED
DEPARTMENT OF HEALTH
15 DEC 11 AM 11:40
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DANIEL BANKS,

Petitioner,

vs.

STATE OF FLORIDA, DEPARTMENT OF
HEALTH, OFFICE OF COMPASSIONATE
USE,

Respondent.

_____ /

PETITION FOR FORMAL ADMINISTRATIVE HEARING

Petitioner, Daniel Banks ("Mr. Banks"), by and through his undersigned attorneys, and pursuant to sections 120.569 and 120.57, Florida Statutes, and Rule 28-106.201, Florida Administrative Code ("F.A.C."), files this Petition for Formal Administrative Hearing challenging the November 23, 2015 notice issued by the Florida Department of Health, Office of Compassionate Use (the "Office") determining that Mr. Banks record includes a disqualifying offense under section 435.04, Florida Statutes, and that Mr. Banks has accordingly not passed a level 2 background screening. *See Exhibit A.* In support of this Petition, Mr. Banks states as follows:

THE PARTIES

1. Mr. Banks is an individual currently residing in the State of Colorado. Mr. Banks was to serve as the R&D Director for San Felasco Nurseries, Inc. ("San Felasco") if San Felasco was selected to receive a dispensing organization license pursuant to the Office's competitive licensure process for low-THC cannabis dispensing organizations. In conjunction with San

Felasco's application for such license, Mr. Banks submitted to a level 2 background screening conducted by the Office pursuant to section 435.04, Florida Statutes.

2. For purposes of this proceeding, Mr. Banks' address is that of the undersigned attorneys.

3. Respondent, the Department of Health, Office of Compassionate Use is an agency of the State of Florida with its principal business address located at 2585 Merchants Row Boulevard, Tallahassee, Florida 32399.

PROCEDURAL BACKGROUND

4. This proceeding arises from a level 2 background screening conducted by the Office in conjunction with the Office's competitive licensure process intended to award one license in each of five regions authorizing the license recipient to operate as a dispensing organization for low-THC, medical use cannabis in the region in which it receives a license.

5. The statutory scheme applicable to licensure for low-THC cannabis dispensing organizations includes certain requirements, including the requirement: "[t]hat all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04." § 381.986(5)(b), Fla. Stat.

6. A level 2 background screening pursuant to section 435.04 requires specified employees to be fingerprinted for a criminal history records check, and provides that:

The security background investigations under this section must ensure that no persons subject to the provisions of this section have been arrested for and are awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the [enumerated] provisions of state law or similar law of another jurisdiction[.]

§ 435.04(2), Fla. Stat. Section 435.04 then includes an enumerated list of the offenses deemed to be “disqualifying” under a level 2 background screening pursuant to the statute. *Id.* If an applicant has been arrested and is awaiting final disposition, has been found guilty, has entered a plea of nolo contendere or guilty, or has been adjudicated delinquent for any of the enumerated disqualifying offenses, the applicant is deemed “disqualified” and does not pass the background screening. If the record of the applicant reveals a qualifying offense, but the record has been sealed or expunged, the applicant is not disqualified. *Id.*

7. In accordance with section 381.986, the Office adopted certain rules setting forth the process by which applications to serve as dispensing organizations would be selected, reviewed and evaluated, and the process by which the ultimate licensees would be selected. These rules are set forth in chapter 64-4, Florida Administrative Code.

8. Following the receipt of applications, the Department’s rules provided that the Office would first review the applications to determine whether the applicant satisfied the mandatory minimum requirements set forth in section 381.986(5)(b), Florida Statutes, and would then score the applications which satisfied those requirements. Rule 64-4.002(4), Florida Administrative Code, states:

Failure to submit the \$60,063.00 application fee or documentation sufficient to establish the Applicant meets the requirements of Section 381.986(5)(b), F.S., **shall result in the application being denied prior to any scoring** as contemplated in Section (5) of this rule.

(Emphasis added). The Application likewise recognizes that applications failing to provide the information required would result in disqualification prior to scoring, stating:

The following information must be submitted and is required by the Statute. A failure to submit the information required by Part II will result in the application being denied **prior** to any scoring as contemplated in rule 64-4.002(5), F.A.C.

(Emphasis added).

9. Pursuant to the Department's rules, the Office reviewed the qualifications of each applicant for licensure. On or around July 29, 2015, the Office transmitted letters to certain applicants requesting additional information concerning the applications, identifying issues with certain applications which were to be cured, and requesting clarification from certain applicants.

10. The Office's July 29th letter to San Felasco requested additional information necessary to complete the level 2 background screenings for certain individuals identified in San Felasco's application, including Mr. Banks. San Felasco provided such information to the Office and additionally requested information to be transmitted directly to the Office from the appropriate clerks of court. In each of the letters sent from San Felasco to the Office, San Felasco specifically requested that the Office advise if any deficiency remained with regard to its application or if any additional information was required.

- A. In correspondence dated September 4, 2015, San Felasco provided the requested information regarding Mr. Banks and requested that the Office "[p]lease confirm that this deficiency has been resolved."
- B. In an email to counsel for the Office dated September 15, 2015, counsel for San Felasco requested "an update of what deficiencies (if any) still remain" and requested "a list of which individuals still need clarity on their Level 2 clearances" while stating that San Felasco believed that the information needed to clear up the background screening of the individual in question had been provided.
- C. In correspondence dated September 24, 2015, San Felasco stated that it understood that its application had been deemed complete and that any

deficiencies had been resolved, and specifically requested that the Office “advise [it] immediately” if that understanding was incorrect.

11. Counsel for San Felasco followed up on these contacts via telephone. However, the Office never indicated to San Felasco that any of the individuals listed in its application had not passed level 2 background screening.

12. At some time on or before September 16, 2015, the Office deemed applications complete and advanced those applications that had satisfied the statutory minimum requirements, including San Felasco’s application, to the scoring phase. Accordingly, in compliance with the Department’s rules, the Office determined that San Felasco complied with the requirements of section 381.986(5)(b), including the requirement that all owners and managers pass a level 2 background screening. Stated differently, the Office’s actions in advancing San Felasco to scoring confirmed that the Office had concluded that all owners and managers for San Felasco had passed level 2 background screening, as San Felasco would not have been permitted under the Office’s rules to advance to the scoring phase absent such a determination.

13. On November 23, 2015, San Felasco, the highest ranked applicant in the Northeast Region, received a letter reciting that the Office had previously requested additional information from San Felasco regarding certain individuals necessary to complete the level 2 background screening for those individuals, and that San Felasco “did not cure the deficiency and therefore failed to meet the mandatory requirements of section 381.986(5)(b), Florida Statutes. Specifically, Daniel Banks failed to pass the level 2 background screening as an owner and/or manager, therefore your application is denied.”

14. As indicated above, however, San Felasco timely provided to the Office the information it requested, and further requested in repeated follow-up letters, electronic

correspondence, and telephone calls that the Office advise if any deficiency remained. The Office did not indicate to San Felasco or Mr. Banks that any deficiency remained, and never advised San Felasco or Mr. Banks that Mr. Banks, or any other individual, had failed to pass a level 2 background screening. Instead, the Office advanced San Felasco to the scoring phase after receipt of the requested information, thus evidencing that the Office had determined San Felasco to meet the requirements of section 381.986(5)(b). San Felasco prevailed at the scoring phase.

15. Also by letter dated November 23, 2015, the Department advised Mr. Banks that he purportedly failed to pass a level 2 background screening, as the Office had reviewed his background screening information and determined that a June 3, 2004 Kansas misdemeanor charge of Possession of Depressant/Stimulants/Hallucinogenics/Steroids constituted an offense that is disqualifying under section 435.04, Florida Statutes, and therefore Mr. Banks had not passed the level 2 background screening. The letter further stated that the Office of Compassionate Use has no discretion in the determination of which crimes constitute a disqualifying offense, and included a notice of rights providing that the determination was agency action for purposes of section 120.569, Florida Statutes, which could be challenged within 21 days of receipt of the letter.

16. This Petition is timely filed within the time frame for seeking a formal administrative hearing set forth in the Notice of Rights.

SUBSTANTIAL INTERESTS

17. As an employee subjected to level 2 background pursuant to section 435.04 as a condition of employment as an owner or manager of a low-THC dispensing organization, who must be either terminated or re-positioned from an employment position requiring level 2

background screening in the event that he is deemed disqualified from employment pursuant to the statutes, *see* section 435.06(2)(c), Florida Statutes, Mr. Banks' substantial interests are affected by the Office's erroneous conclusion that his record includes a disqualifying offense. By virtue of the Office's erroneous and legally incorrect conclusion, Mr. Banks has been barred from holding employment in this State, including potential employment as an owner or manager of a low-THC cannabis dispensing organization, that requires passage of a level 2 background screening as a condition of employment.

STATEMENT OF ULTIMATE FACTS ALLEGED

18. Based upon the statutes governing the Office in conducting level 2 background screenings, and the process actually followed by the Office in conducting such screenings, the decision by the Office to deem Mr. Banks disqualified from employment pursuant to a level 2 background screening was legally incorrect. Mr. Bank's record does not contain any disqualifying offenses under section 435.04, Florida Statutes, as the Kansas nolo contendere plea to a misdemeanor charge of "Possession of Depressant/Stimulants/Hallucinogenics/Steroids" does not constitute a disqualifying offense under the statute. Moreover, Mr. Banks records relating to the misdemeanor charge in question have been expunged such that, even if the charge could somehow properly be deemed a disqualifying offense (which, as set forth below, it could not), the charge would not be disqualifying under the plain language of the statute as the records related thereto have been expunged.

19. The Office's July 29, 2015, correspondence notified San Felasco that additional information was required as to certain individuals, including Mr. Banks, in connection with the level 2 background screening of those individuals. In addition, Mr. Banks received correspondence directly from the Office dated August 7, 2015, stating that the Office was

“unable to complete its review” because a charge of “Possession of Depressant/ Stimulants/ Hallucinogenics/ Steroids” from Junction City, Kansas was “on the record and the level is unclear or no disposition is reported.” The letter further requested that Mr. Banks “provide documentation and explanation of each charge and the final disposition,” with documentation being required to “come directly to the Office from the agency or court that has the charge record or disposition,” and requested that Mr. Banks “address the following in your explanation: the level of the offense and the final disposition.”

20. In response to this letter, San Felasco and Mr. Banks provided an explanation stating that the level of the offense was a misdemeanor, and the final disposition was a plea of nolo contendere, and provided a copy of the disposition records to the Office. San Felasco and Mr. Banks additionally requested that the final disposition be sent directly to the Office from the clerk of the District Court of Geary County, Kansas. San Felasco and Mr. Banks thus fully complied with both the July 29th and August 7th requests. In addition, San Felasco repeatedly asked the Office if additional information was needed to resolve any level 2 background screening issues, to identify what, if any, level 2 background screening issues remained, and to identify whether any individuals still required clarity on their level 2 background screenings. At no time prior to the issuance of the Office’s intended licensing decisions on November 23, 2015, was San Felasco or Mr. Banks advised that Mr. Banks had not passed a level 2 background screening.

I. Disqualification was Improper Because There was no Level 2 Disqualifying Offense

21. Pursuant to section 435.04(2), Florida Statutes, an individual is disqualified in a level 2 background screening only if they “have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the [specifically

enumerated] provisions of state law **or similar law of another jurisdiction.** § 435.04(2), Fla. Stat. (Emphasis added).

22. The only enumerated offenses in section 435.04(2) even remotely resembling the charge identified regarding Mr. Banks is set forth at section 435.04(2)(ss): “Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.” § 435.04(2)(ss), Fla. Stat. As section 435.04(2)(ss) makes clear, however, a violation of chapter 893 is a disqualifying offense “**only if the offense was a felony.**” *Id.* (emphasis added).

23. While Mr. Banks plead nolo contendere to a charge arising under K.S.A. 65-4162(a)(1), the article of the public health chapter of the Kansas Statutes relating to controlled substances, as the disposition expressly states, and as the explanation provided to the Office make clear, the offense was a misdemeanor. As 435.04(2)(ss) provides that a violation of chapter 893 (or a “similar law of another jurisdiction”) is a disqualifying offense “only if the offense was a felony,” Mr. Banks’ plea to a misdemeanor charge does not constitute a disqualifying offense within the meaning of section 435.04, Florida Statutes. Accordingly, the Office’s determination that Mr. Banks “ha[d] not passed the level 2 background screening” was incorrect and contrary to law.

24. While section 435.04 appears to provide unambiguously that a violation of chapter 893 or a similar law of another jurisdiction is disqualifying only if the offense “was a felony,” at most the statute would be ambiguous. Were the statute ambiguous, the rule of lenity would apply to dictate that the statute be narrowly construed to exclude only offenses where the conviction or plea was actually to a felony.

25. In Florida, the rule of lenity is statutorily set forth in section 775.021, Florida Statutes, providing in relevant part that: “The provisions of this code **and offenses defined by other statutes shall be strictly construed; when the language is susceptible of differing constructions, it shall be construed most favorably to the accused.**” § 775.021(1), Fla. Stat. (emphasis added). As the Florida Supreme Court has made clear, the rule of lenity is applicable not only in the criminal law context, but likewise applies when a civil case turns upon the interpretation of a criminal statute (such as chapter 893 of the Florida Statutes or K.S.A. 65-4162). *See North Carillon, LLC v. CRC*, 135 So. 3d 274, 280-281 (Fla. 2014) (“The rule of lenity . . . is a rule of statutory construction whose purpose is to help give authoritative meaning to statutory language. It is not a rule of administration calling for courts to refrain in criminal cases from applying statutory language that would have been held to apply if challenged in civil litigation.”) (quoting *United States v. Thompson/Ctr. Arms Co.*, 504 U.S. 505, 518 n.10 (1992)). This principle has likewise been set forth by the United States Supreme Court, which applied the rule of lenity to determine that a Florida conviction for DUI causing serious bodily injury did not constitute a “crime of violence” so as to render a permanent resident alien deportable. *See Leocal v. Ashcroft*, 543 U.S. 1, 11 n.8 (2004) (“Even if § 16 lacked clarity on this point, we would be constrained to interpret any ambiguity in the statute in petitioner’s favor . . . it has both criminal and noncriminal applications. Because we must interpret the statute consistently, whether we encounter its application in a criminal or noncriminal context, the rule of lenity applies.”).

26. Moreover, the Division of Administrative Hearings has seen fit to apply the rule of lenity in other situations when determining whether an act would serve to bar an applicant from licensure. *See Arroyo v. Comm’r of Educ.*, Case No. 11-2799 at ¶ 109 (Fla. DOAH May

31, 2012) (applying rule of lenity in determining whether applicant was guilty of a disqualifying act of moral turpitude that would bar issuance of teaching certificate to conclude that “any statutory ambiguity should be resolved in favor of Petitioner.”). In addition, certain of Florida’s sister jurisdictions have seen fit to apply the rule of lenity in determining whether an offense constitutes a disqualifying offense for purposes of licensure. *See Haywood v. State*, 193 P.3d 1203, 1206 (Alaska App. 2008) (applying rule of lenity to determine if offense constituted an offense that would result in disqualification from holding commercial driver’s license).

II. Even if the Offense Could Constitute a Level 2 Disqualifying Offense, the Record Was Expunged and is Therefore Not a Disqualifying Offense.

27. Even if the cited offense constituted a disqualifying offense, the offense was expunged from Mr. Banks’ record, and therefore cannot be considered for level 2 background screening purposes. Section 435.04(2) expressly includes as disqualifying offenses only offenses for which the record has not been sealed or expunged. Because the Kansas Court expunged Mr. Banks’ record with regards to the offense cited by the Department, as demonstrated by the expungement order attached hereto as Exhibit B, the offense cannot be considered a disqualifying offense pursuant to section 435.04.

28. Pursuant to the Kansas statutory scheme governing Mr. Banks’ expungement, Mr. Banks – subject to limited exceptions not applicable here – is to “be treated as not having been arrested, convicted or diverted of the crime[.]” K.S.A. 21-6614(i). Indeed, Mr. Banks, at the time the Office informed him that he had been deemed disqualified, would have been entirely within his rights under Kansas law to affirmatively state in “any application[s] for employment, licensure or other civil right or privilege” (including his background screening pursuant to

section 435.04) that “[he] has never been arrested, convicted or diverted of such crime.” K.S.A. 21-6614(k)(1).¹

29. Had the Office informed Mr. Banks or San Felasco that it believed the Kansas nolo contendere plea constituted a disqualifying offense, Mr. Banks and San Felasco could have, and would have, readily provided a copy of the expungement order to the Office had they known that it was necessary to do so. However, because the offense was a misdemeanor that does not facially constitute a disqualifying offense, and because the Office had in fact affirmatively advised counsel for San Felasco via email on September 18, 2015, that the application “ha[d] been deemed complete and no further information is required,” Mr. Banks and San Felasco were lulled into a false sense of security that the Office had correctly determined that Mr. Banks had no disqualifying offense and had passed his level 2 background screening such that the expungement order was not necessary to resolve the issue and that the application of San Felasco was being advanced to the scoring phase.

DISPUTED ISSUES OF MATERIAL FACT

30. Mr. Banks incorporates Paragraphs 1-29 as fully stated herein. Disputed issues of material fact in this proceeding include, but are not necessarily limited to, those alleged above and the following:

A. Whether the Department complied with section 435.04;

¹ Indeed, pursuant to the terms of the Kansas Statutes, had the level 2 background screening been run after the date that the expungement order was entered, the level 2 background screening would not have indicated any offense in the first instance, as Kansas law bars the custodian of the arrest and conviction records from disclosing the existence of such records subject to certain exceptions not applicable here. K.S.A. 21-6614(l). This fact further highlights the impropriety of the Office relying on an expunged charge to disqualify Mr. Banks, as the offense would not have even been reportable to Florida had a background screening been conducted at the time the disqualification determination was apparently made.

B. Whether Mr. Banks' level 2 background screening demonstrated a disqualifying offense pursuant to section 435.04, Florida Statutes;

C. Whether the charge of "Possession of Depressant/ Stimulants/ Hallucinogenics/ Steroids" from Junction City, Kansas is a level 2 background screening disqualifying offense;

D. Whether Mr. Banks' record was expunged.

BASIS FOR RELIEF; REMEDY REQUESTED

31. Mr. Banks is entitled to relief pursuant to sections 120.569 and 120.57, and chapter 435 of the Florida Statutes together with the established decisional law of the Florida courts and state agencies.

32. Mr. Banks reserves the right to amend this Petition as additional bases for challenge may hereafter become apparent through discovery.

WHEREFORE, based upon the foregoing, Mr. Banks respectfully requests:

A. That the Office immediately cease relying upon its erroneous proposed determination that Mr. Banks' record reveals a disqualifying offense;

B. That the Office withdraw its erroneous proposed determination that Mr. Banks' record reveals a disqualifying offense and notice a new decision determining that Mr. Banks' record does not contain a disqualifying offense and that he has thus passed a level 2 background screening;

C. That the Office refer this Petition to the Division of Administrative Hearings to conduct a formal administrative hearing; and

D. That Mr. Banks be granted such other and further relief as is just and proper.

Respectfully submitted this 11th day of December, 2015,

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(850) 561-6475 (Fax)

Counsel for Daniel Banks

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via
hand delivery this 11th day of December, 2015 to:

General Counsel
Office of the General Counsel
Florida Department of Health
2585 Merchants Row Blvd
Tallahassee, FL 32399

Counsel for the Respondent

Agency Clerk
Office of the General Counsel
Florida Department of Health
2585 Merchants Row Blvd, Suite 110
Tallahassee, FL 32399



James A. McKee

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

November 23, 2015

PERSONAL AND CONFIDENTIAL

Daniel Banks
10836 Pearl Street
Northglenn, CO 80233

In re: Level 2 Criminal History Records Check

Dear Mr. Banks,

The Office of Compassionate Use ("Office") has reviewed the background screen you submitted. Your criminal history records check from the Florida Department of Law Enforcement revealed the following criminal charges:

- Charge: Possession of Depressant/Stimulants/Hallucinogenics/Steroids
Arresting Agency: Junction City Police Department
Date: 06/03/2004

The history contains an offense/offenses that are disqualifying under section 435.04, Florida Statutes. Therefore, you have not passed the level 2 background screening pursuant to section 435.04, Florida Statutes. The Office of Compassionate Use has no discretion in the determination of which crimes constitute a disqualifying offense.

This notice is agency action for purposes of section 120.569, Florida Statutes. You have twenty-one (21) days from the date of your receipt of this notice to petition for an administrative hearing pursuant to section 120.57, Florida Statutes, by sending a petition to the Agency Clerk, Department of Health, 4052 Bald Cypress Way, BIN #A-02, Tallahassee, FL 32399-1703 or by delivering a petition to the Agency Clerk, Department of Health, 2585 Merchants Row Blvd., Prather Building, Suite 110, Tallahassee, FL. Such petition must be filed in conformance with Florida Administrative Code Rules 28-106.201 or 28-106.301, as applicable. Mediation is not available. Failure to file a petition within 21 days shall constitute a waiver of the right to a hearing on this agency action.

Sincerely,

Christian J. Bax, Director
Office of Compassionate Use

CB/jb

EXHIBIT A

Florida Department of Health
Office of Compassionate Use
4052 Esplanade Way, Bin #A-06
Tallahassee, FL 32399-3265
PHONE: 850/245-4657 • FAX 850/245-4748

www.FloridaHealth.gov
TWITTER: HealthyFLA
FACEBOOK: FLDepartmentofHealth
YOUTUBE: fidoH
FLICKR: HealthyFla
PINTEREST: HealthyFla

EXHIBIT B

2. The circumstances and behavior of the Defendant warrant the expungement.

3. The expungement is consistent with the public welfare.

4. The Defendant has paid his debt to society, has been a law abiding citizen since discharge from the sentence imposed herein, and the expungement can be of benefit to Defendant.

IT IS THEREFORE BY THE COURT ORDERED THAT:

1. The judgment of arrests and/or convictions entered herein shall be expunged pursuant to K.S.A. 21-6614.

2. The following information is provided as required by K.S.A. 21-6614(i):

A. Full name: Daniel Banks

B. Full name at time of arrest and convictions: Daniel Banks

C. Sex, race and date of birth:

Male; White; xx/xx/1986

D. The crimes for which Defendant was arrested and convicted:

Count I - Possession of a Depressant Drug-Phenobarbital

E. Date of Defendant's arrest:

June 3, 2004

F. The date of the Defendant's conviction:

August 17, 2004

G. Court/County of Conviction:

Geary County

H. Court Order Release OR Discharged from Parole:

Unsupervised twelve-month probation – August 17, 2005

3. All court and restitution costs from the original action have been paid and satisfied in full.


4. The Clerk of the District Court of Geary County, Kansas, shall send a certified copy of this Order of Expungement to the Kansas Bureau of Investigation, which shall notify the Federal Bureau of Investigation, the Secretary of Corrections for the State of Kansas, and any other criminal justice agency which may have a record of the arrest or conviction pursuant to K.S.A. 21-6614.

IT IS SO ORDERED.



Charles M. Zimmerman
District Magistrate Judge

WEARY DAVIS, L.C.
Attorneys for Defendant



David P. Troup

#09304



CERTIFICATE OF CLERK OF THE DISTRICT COURT
The above is a true and correct copy of the original
instrument which is on file and of record, in this Court.

Done this 15 day of OCT 2015



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Weary Davis, L.C.
819 N. Washington
P.O. Box 187
Junction City, KS
66441

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