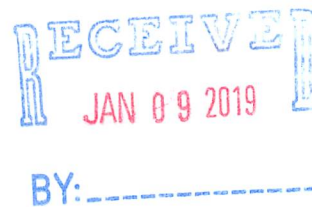


Jane E. Weiler, KS S. Ct. #25276
Assistant Attorney General
120 SW 10th Ave., Second Floor
Topeka, KS 66612
(785) 296-2215



BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of

**CHRISTINA MESSERSCHMIDT,
LAC #1134**

Respondent

Case No. 19-AC-0031

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER OF REVOCATION

NOW, on this 9 day of January, 2019, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (Board).

FINDINGS OF FACT

The Board finds that the following facts have been established by a preponderance of the evidence:

1. Christina Messerschmidt ("Respondent") was at all times relevant, a Licensed Addictions Counselor ("LAC") within the meaning of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. On or about November 15, 2017, Respondent pleaded guilty in the United States District Court in the District of Kansas to violating 18 U.S.C. §2113(a), Bank Robbery, a Class C Felony. This robbery occurred on approximately December 16, 2016.

3. Further, Respondent pleaded guilty in the United States District Court in the District of Kansas to violating 18 U.S.C. §1951, Robbery of a Commercial Enterprise, a Class C Felony. This robbery occurred on approximately June 13, 2017.

4. Additionally, Respondent pleaded guilty in the United States District Court in the District of Kansas to a second count of violating 18 U.S.C. §1951, Robbery of a Commercial Enterprise, a Class C Felony. This robbery occurred on approximately June 14, 2017.

5. Respondent was then sentenced to seven (7) years in federal prison for these aforementioned federal felonies. Respondent is presently an inmate at the Federal Correction Institution, in Aliceville, Alabama.

APPLICABLE LAW

6. Pursuant to K.S.A. 65-6615(c): Administrative proceedings and disciplinary actions regarding licensure under the Addiction Counselor Licensure Act shall be conducted in accordance with the Kansas Administrative Procedure Act.

7. Pursuant to K.S.A. 2017 Supp. 77-537(a) of the Kansas Administrative Procedure Act ("KAPA"), a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

8. Pursuant to K.S.A. 65-6608(c): "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance abuse disorders and who is licensed under this act.

9. Pursuant to K.S.A. 65-6615(a)(2): The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust.

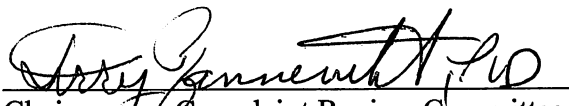
CONCLUSIONS OF LAW

10. Respondent has been found guilty of three (3) federal felonies involving three (3) separate occurrences. Respondent is presently incarcerated in a federal institution. Respondent's three (3) felony arrests and present incarceration demonstrate that she does not presently warrant public trust. This is a violation of K.S.A. 65-6615(a)(2).

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, Respondent Christina Messerschmidt's Kansas Licensed Addictions Counselor license should be and is hereby REVOKED pursuant to K.S.A. 65-6615(a)(2).

IT IS SO ORDERED ON THIS 3rd DAY OF January, 2019.


Chairperson, Complaint Review Committee
On behalf of the Behavioral Sciences
Regulatory Board

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Max Foster, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

This written request must be filed within fifteen (15) calendar days from the date indicated in the below Certificate of Service. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date indicated in the Certificate of Service and includes weekends and legal holidays. If the 15th day falls on a Saturday, Sunday, or legal holiday, then the 15-day period runs until 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

CERTIFICATE OF SERVICE

This is to certify that on this 9 day of January, 2019, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to:

Christina Messerschmidt
[REDACTED]

Christina Messerschmidt
[REDACTED]

and a copy delivered via interoffice mail to:

Jane E. Weiler, Esq.
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy Derrule
For the Board