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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
TAURENCE MINIKWU, LMAC) Case No. 20-MA-0089
License #186)
)
Respondent)
_____)
Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 14 day of July, 2020, 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. Taurence Minikwu ("Respondent") was at all times relevant, a Licensed Masters Addiction Counselor ("LMAC"), having been issued LMAC License No. 186 within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. On or about October 18, 2019, Respondent was indicted by a grand jury with one count of Distribute or Possess with the Intent to Distribute, Marijuana, less than 25 grams [K.S.A. 21-5705(a)(4),(d)(2)(A)], a level 4 severity drug felony; and one count of Unlawful Use of Drug Paraphernalia [K.S.A. 21-5709(b)(1)], a level 5 severity drug felony.

3. On or about November 20, 2019, Respondent pleaded *nolo contendere*, and was found guilty of one count of Distribute or Possess with the Intent to Distribute, Marijuana, less than 25 grams [K.S.A. 21-5705(a)(4),(d)(2)(A)], a level 4 severity drug felony.

4. Further, Respondent was placed on twenty-four months of post-release supervision related to the aforementioned felony conviction.

APPLICABLE LAW

5. Pursuant to K.S.A. 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.

6. Pursuant to K.S.A. 65-6608(d): "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

7. 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

8. Respondent is in violation of K.S.A. 65-6615(a)(2), in that Respondent has been convicted of a felony, Distribute or Possess with the Intent to Distribute, Marijuana, less than 25 grams.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by 65-6615(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LMAC license of Respondent Taurence Minikwu should be and is hereby **PUBLICALLY CENSORED** for his violations of the Kansas Addiction Counselor Licensure Act.

IT IS SO ORDERED ON THIS 8th DAY OF July 2020.



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 14 day of July, 2020, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Pantaleon Florez, Jr.
Attorney for Respondent
933 S. Kansas Ave.
Topeka, Kansas 66612

and by email to: jane.weiler@ag.ks.gov

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Cindy D'Ercole
For the Board