

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

In the Matter of)

David J. Brown, LAC #100)

Case No. 23-AC-0121

Respondent)

Pursuant to K.S.A. 77-537)

SUMMARY PROCEEDING ORDER OF REVOCATION

Now, on this 18 day of May, 2023, 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. David J. Brown ("Respondent") was a Licensed Addiction Counselor ("LAC") within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto. The Board issued Respondent's original LAC No. 100 on approximately July 18, 2011. This license was scheduled to expire on July 31, 2019.
2. On or about December 31, 2018, Respondent's LAC license was suspended by the Board. At the present time, his LAC license remains suspended.
3. On or about November 21, 2022, Respondent plead guilty to Aggravated Sexual Battery.
4. On or about January 31, 2023, Respondent was sentenced, after being found guilty of Aggravated Sexual Battery, a severity level 5 person felony.

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 the 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 standard 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. K.S.A. 65-6608(c): "Licensed 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 shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

7. K.S.A. 65-6615 Refusal to grant licensure; other licensure actions; grounds; procedure; licensure of applicant with felony conviction, requirements.

(a) 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:

(2) 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 has been found guilty of Aggravated Sexual Battery, a severity level 5 person felony. Respondent's felony conviction demonstrates that he does not presently warrant the public trust. This is a violation of K.S.A. 65-6615(a)(2).

SANCTION

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6615 and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas Licensed Addiction Counselor license of Respondent should be and is hereby **REVOKED** on the effective date of this Summary Proceeding Order as set forth in the Notice of Relief and the Certificate of Service below, and until such further order of the Board.

IT IS SO ORDERED ON THIS 18 DAY OF May, 2023.



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 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:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603

This written request must be filed within fifteen (15) calendar days of the date listed in the Certificate of Service below. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date shown in Certificate of Service below 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 that 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.

The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison, Suite 420
Topeka, Kansas 66603

CERTIFICATE OF SERVICE

This is to certify that on this 18 day of May 2023, a true and correct copy of the above and foregoing Summary Proceeding Order of Revocation was placed in the U.S. mail, first-class postage prepaid, addressed to:

David J. Brown



And by e-mail to: Jeremy.Dorsey@ks.gov

Jeremy Dorsey
Disciplinary Counsel for the Board of the Behavioral Sciences Regulatory Board
503 S. Kansas Ave.
Topeka, KS 66603
785-296-0378

Lindy D'Enrole
Staff,
Kansas Behavioral Sciences Regulatory Board