

to Show Cause to John Paul King, M.D., of Reynoldsburg, Ohio, notifying him of an opportunity to show cause as to why DEA should not deny his application, dated August 28, 1995, for a DEA Certificate of Registration as a practitioner pursuant to 21 U.S.C. 823(f), for reason that this registration would be inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

“(1) In December 1991, the DEA conducted an inspection of [Dr. King’s] controlled premises which revealed recordkeeping violations including failure to maintain a biennial inventory, failure to maintain receipt and dispensing records, failure to properly maintain Schedule II records, and illegal import and export of controlled substances. In addition, an audit revealed a shortage of approximately 19,000 dosage units of Schedule II, III and IV controlled substances.

(2) Subsequently, in a civil proceeding against [Dr. King] for violations of the Controlled Substances Act, the United States District Court for the Southern District of Ohio issued a Summary Judgment in favor of the Government on August 24, 1993. In February 1994, [Dr. King] agreed to a settlement in which [he] paid a \$14,000 civil fine and agreed to certain restrictions with regard to [his] DEA registration to handle controlled substances. [Dr. King] also agreed to surrender [his] DEA Certificate of Registration if later [he was] found to be in violation of any provision of the agreement.

(3) In March 1994, DEA conducted an inspection of [Dr. King’s] controlled premises and found regulatory violations related to [his] inventory records. In August 1994, DEA conducted another inspection of [his] premises in which it was determined that [he] failed to maintain a proper dispensing log, failed to maintain a record of inventory, maintained certain controlled substances in stock contrary to the settlement agreement, and improperly maintained Schedule II records. An audit of [his] records indicated an overage of the Schedule II controlled substance, Demerol. Consistent with the earlier settlement agreement, on September 20, 1994, [Dr. King] voluntarily surrendered [his] DEA Certificate of Registration, AK2838766.

(4) In November 1994, the Ohio Pharmacy Board provided DEA with a captured prescription which indicated that on October 20, 1994 [Dr. King] had prescribed Restoril, a Schedule IV controlled substance, to a patient without being registered to do so, in

violation of 21 U.S.C. 841(a)(1) and 843(a)(3).”

The Order to Show Cause also notified Dr. King that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived. The DEA received a signed receipt indicating that the order was received on August 19, 1997. No request for a hearing or any other reply was received by the DEA from Dr. King or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. King is deemed to have waived his hearing right. After considering the relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 C.F.R. 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that subsequent to the issuance of the Order to Show Cause, DEA learned that by Order dated June 26, 1997, the State Medical Board of Ohio (Board) permanently revoked Dr. King’s license to practice medicine and surgery in the State of Ohio based upon *inter alia*, Dr. King’s improper handling of controlled substances. A letter from the Board to DEA dated September 23, 1997, indicates that Dr. King has appealed the Board’s order, and that pending the appeal, the Franklin County Court of common Pleas granted Dr. King a partial stay, “permitting him to perform [Federal Aviation Administration] flight physicals only.” The Acting Deputy Administrator concludes that the partial stay of the Board’s permanent revocation of Dr. King’s medical license does not extend to his handling of controlled substances, and therefore, Dr. King is not currently authorized to handle controlled substances in the State of Ohio.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the application or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21) 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez*, M.D., 62 FR 16,193 (1997); *Demetris A. Green*, M.D., 61 FR 60,728 (1996); *Dominick A. Ricci*, M.D., 58 FR 51,104 (1993).

The Acting Deputy Administrator concludes that Dr. King is not currently authorized to handle controlled substances in the State of Ohio, where he has applied for registration with

DEA. Therefore, Dr. King is not entitled to a DEA registration in that state. The Acting Deputy Administrator further concludes that since Dr. King is not entitled to a DEA registration in Ohio, it is unnecessary to address whether his registration would be inconsistent with the public interest, as alleged in the Order to Show Cause.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 C.F.R. 0.100(b) and 0.104, hereby orders that the application, submitted by John Paul King, M.D., on August 28, 1995, for a DEA Certificate of Registration, be, and it hereby is, denied. This order is effective February 5, 1998.

Dated: December 24, 1997.

James S. Milford,

Acting Deputy Administrator.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA Number 170M2]

Task Force on Suspicious Orders Meeting

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Suspicious Orders Task Force will be held on February 04–05, 1998. The panel will meet from 9:00 a.m. to 5:00 p.m. both days at San Diego California Federal Building, 880 Front Street, San Diego, California. All proceedings will be held in the Sixth Floor Auditorium.

This meeting will be open to the public on a space available basis. Any interested person may observe meetings or portions thereof and shall be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Designated Federal Official (DFO) in attendance.

In addition to presenting limited verbal statements, interested parties shall be permitted to file written statements with Task Force members. Written statements will be taken at any time during the meeting and distributed to the Task Force as soon as feasible. Presenters of written statements are requested to provide 25 copies of the

statement to expedite distribution to the Task Force members. If the presenter does not/can not provide the requested copies, the DFO will arrange for the copies and the Task Force will consider the statement when the copies are available. Verbal comments may be limited in time by the DFO to insure adequate opportunity for testimony by as many presenters as possible. Any person wishing to submit agenda items or desiring to present formal testimony should contact the DFO at least ten (10) days prior to the meeting.

DATES: February 4, 5, 1998.

FOR FURTHER INFORMATION CONTACT:

Michael Leser, Program Analyst, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 307-4026, Facsimile (202) 307-8570.

SUPPLEMENTARY INFORMATION: If you need special accommodations due to a disability, please contact the Office of Diversion Control, Drug Enforcement Administration, 600 Army Navy Drive, Arlington, Virginia, 22202, (202) 307-4026 at least seven (7) days prior to the meeting.

Dated: December 30, 1997.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control.

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DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Acting Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the

determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 16, 1998.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 16, 1998.

The petitions filed in this case are available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 8th day of December, 1997.

Grant D. Beale,

Acting Director, Office of the Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted On 12/08/97]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
34,062	Can Corp. of America (Wkrs)	Blandon, PA	11/01/97	Metal Cans.
34,063	Giorgio Foods, Inc (Co.)	Temple, PA	11/01/97	Process Mushrooms.
34,064	Masco (Wkrs)	Jacksboro, TN	11/22/97	Grills, Register & Diffusers—Heat & Air.
34,065	General Workers Corp (Wkrs)	Albany, GA	11/17/97	Automotive Generators.
34,066	Johnstown Wire Tech. (Wkrs)	Buffalo, NY	11/24/97	Wire Coils.
34,067	Duracell North Atlantic (Wkrs)	Waterbury, CT	11/21/97	Rechargeable Batteries.
34,068	International Wire (Co.)	Bourbon, IN	11/07/97	Automotive PVC Insulation Wire.
34,069	Franklin Disposables (Wkrs)	Columbus, OH	11/24/97	Hair nets and Beard Restraints.
34,070	American Fabrics (The) (Wkrs)	Picayune, MS	11/18/97	Tablecloths, Curtains.
34,071	Kessler Industries, Inc (Co.)	El Paso, TX	11/06/97	Metal Furniture.
34,072	Greenfield Industries (Co.)	South Deerfield, MA	11/26/97	Lawn Tools, Drill Bits.
34,073	Greenfield Industries (Co.)	Anaheim, CA	11/26/97	Lawn Tools.
34,074	Greenfield Industries (Co.)	Greensboro, NC	11/26/97	Lawn Tools, Drill Bits.
34,075	Sutersville Lumber (Wkrs)	Sutersville, PA	11/26/97	Window and Door Units.
34,076	Hanes Printables (Co.)	Maxton, SC	11/24/97	Men's & Boys' T-Shirts.
34,077	Pikes Peak Greenhouse (Co.)	Colorado Spring, CO	12/02/97	Flowers.

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