

this title to \* \* \* dispense a controlled substance \* \* \* may be suspended or revoked by the Attorney General upon a finding that the registration—(1) has materially falsified any application filed pursuant to or required by this subchapter or subchapter II of this chapter.” DEA has previously held that in finding that there has been a material falsification for purposes of 21 U.S.C. 824(a)(1), it must be determined that the applicant knew or should have known that the response given to the liability question was false. See, *Martha Hernandez, M.D.*, 62 FR 61,145 (1997); *Bobby Watts, M.D.*, 58 FR 4699 (1993); *Herbert J. Robinson, M.D.*, 59 FR 6304 (1994).

Here, it is undisputed that Respondent's Ohio dental license had been suspended and placed on probation, yet Respondent answered “no” to the question asking whether he had “ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation.” It is also undisputed that Respondent knew that his Ohio dental license had previously been suspended. Therefore, the Acting Deputy Administrator concurs with Judge Bittner's conclusion “that Respondent materially falsified his application, and that therefore there are grounds to revoke Respondent's DEA registration.”

The question then becomes whether revocation is the appropriate sanction in light of the facts and circumstances of this case. Respondent argues that although he was aware that his Ohio dental license had been suspended, he did not understand the liability question. However, DEA has previously held that such an explanation does not relieve the applicant of the “responsibility to carefully read the question and to honestly answer all parts of the question.” *Martha Hernandez, M.D.*, 62 FR 61,145, 61,147 (1997).

Nevertheless, in exercising his discretion in determining the appropriate remedy in this case, the Acting Deputy Administrator finds it significant that Respondent presented the testimony of two individuals who overheard Respondent telephoning someone before executing the application. The Acting Deputy Administrator concurs with Judge Bittner's finding “that the telephone call indicates that Respondent attempted to comply with the applicable laws and regulations related to maintaining a DEA registration.” While this telephone call does not relieve Respondent of the responsibility for falsifying his application, it does indicate an effort on

his part to answer the question correctly.

Also, in considering the appropriate remedy in this matter, the Acting Deputy Administrator has considered that the suspension of Respondent's Ohio dental license did not relate to his handling of controlled substances. While DEA has revoked registrations in the past based upon the material falsification of an application that was not related to the mishandling of controlled substances, the Acting Deputy Administrator has previously concluded that he must consider all of the facts and circumstances of a particular case. See *Id.* at 61,148. Here, Respondent apparently attempted to get guidance on the appropriate response to the liability question, the office manager and dental technician both testified that Respondent was very cautious in his prescribing of controlled substances, and Judge Bittner was favorably impressed with “the manner in which (Respondent) conducted himself at the hearing.” Therefore, the Acting Deputy Administrator agrees with Judge Bittner's conclusion that revocation would be too severe a sanction given the facts and circumstances of this case.

However, the Acting Deputy Administrator is troubled by Respondent's failure to correctly answer the liability question on the application. DEA relies on the truthfulness of the responses to the questions on the application. Therefore, the Acting Deputy Administrator finds that it is appropriate to reprimand Respondent for his failure to accurately respond to the liability question on his application for a DEA Certificate of Registration.

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 CFR 0.100(b) and 0.104, hereby reprimands Samuel Arnold, D.D.S., for failing to properly complete his DEA registration application. The Acting Deputy Administrator further orders that DEA Certificate of Registration BA4089620, issued to Samuel Arnold, D.D.S., be continued, and any pending applications be granted. This order is effective February 20, 1998.

Dated: February 12, 1998.  
[FR Doc. 98-4359 Filed 2-19-98; 8:45 am]  
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## FOREIGN CLAIMS SETTLEMENT COMMISSION

[F.C.S.C. Meeting Notice No. 5-98]

### Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

**DATE AND TIME:** Wednesday, February 25, 1998, 9:30 a.m. to 5:00 p.m.; Friday, February 27, 1998, 9:30 a.m. to 5:00 p.m.; Monday, March 2, 1998, 9:30 a.m. to 5:00 p.m.; Wednesday, March 4, 1998, 9:30 a.m. to 5:00 p.m.; Friday, March 6, 1998, 9:30 a.m. to 5:00 p.m.

**SUBJECT MATTER:** (1) Oral Hearings and Hearings on the Record on Objections to Individual Proposed Decisions on Claims of Holocaust Survivors Against Germany; (2) Issuance of Individual Final Decisions on Claims of Holocaust Survivors Against Germany.

**STATUS:** Closed.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, N.W., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616-6988.

Dated at Washington, DC February 17, 1998.

**Delissa A. Ridgway,**

*Chair.*

[FR Doc. 98-4469 Filed 2-18-98; 12:14 pm]

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[INS No. 1895-97]

#### Direct Mail Program for the New Orleans District Office and the Louisville and Memphis Suboffices; Form N-400

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** This notice announces that the Immigration and Naturalization Service (INS or Service) is expanding its Direct Mail Program to include the New Orleans District Office and the Louisville and Memphis Suboffices on