clearly has mishandled controlled substances in the past, and failed to comply with laws relating to controlled substances. See Robert A. Leslie, 64 FR 25908 (1999).

With regard to factor three, as previously set forth, Dr. Nelson pleaded guilty on or about December 28, 1999, in the Court of Common Pleas in Shelby County, Ohio, to one felony count of Attempted Corrupting Another With Drugs; three felony counts of Trafficking in Drugs; and one felony count of Theft of Drugs; and was sentenced to serve six years incarceration.

With regard to factor five, the Administrator finds especially egregious in this matter that Dr. Nelson's array of convictions include one that is especially heinous in light of her purported role as medical healer: her guilty plea to the crime of Attempted Corrupting Another With Drugs. The Administrator finds that the investigative file contains evidence that Dr. Nelson abused her DEA Registration by knowingly feeding and encouraging the addiction of at least one of her patients, and that she subsequently used that patient's minor son as an excuse and a conduit to continue to feed that patient's addiction. Such conduct on the part of a medical professional is as vile as it is disgraceful, and the Administrator denounces such conduct in the strongest possible terms.

The Administrator therefore concludes that it would be inconsistent with the pubic interest to continue Dr. Nelson's registration, and therefore grounds exist to revoke her DEA registration pursuant to 21 U.S.C. 824(a)(4).

Accordingly, the 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 orders that the DEA Certificate of Registration, BN0504894, previously issued to Trudy J. Nelson, M.D., be, and it hereby is, revoked, and any pending applications for renewal or modification of said registration be, and they hereby are, denied. This order is effective November 19, 2001.

Dated: October 10, 2001.

Asa Hutchinson,

Administrator.

[FR Doc. 01–26179 Filed 10–17–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

William Peterson, M.D.; Revocation of Registration

On October 31, 2000, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to show Cause (OTSC) by certified mail to William Peterson, M.D., (Respondent) notifying him of an opportunity to show cause as to why the DEA should not revoke his DEA Certificate of Registration AP1632810, pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of this registration, pursuant to 21 U.S.C. 824(a)(4) and 823(f), for the reasons that Respondent's license to practice medicine in the jurisdiction in which Respondent practices, North Carolina, was suspended by the North Carolina Medical Board (Board). The Order to Show Cause further alleged that the Board made a finding that, on numerous occasions, the Respondent prescribed controlled substances to individuals for no legitimate medical reason.

By letter filed November 16, 2000, Respondent, *pro se,* requested a hearing in this matter.

On November 22, 2000, Administrative Law Judge Gail A. Randall issued an order for Prehearing Statements. Judge Randall also mailed a letter to Respondent, informing him of his right to representation at his own expense, and enclosed therein a copy of the regulation explaining that right, 21 CFR 1316.50 (2000). On December 13, 2000, the Government filed a motion seeking summary disposition, arguing that Respondent's license to practice medicine, and therefore, to handle controlled substances in the jurisdiction of his DEA registration, was suspended. Since the Government has not received any information that the suspension has been lifted, the Government asserts that the Respondent's registration cannot be maintained.

The Government attached to its motion a sworn Certificate of Registration Status, signed by the Chief of the Registration Unit of the DEA and certifying the Certificate's authenticity; a copy of Respondent's DEA Certificate of Registration, AP1632810, currently assigned to the Respondent in North Carolina, with an expiration date of March 31, 2002; and a Notice of Charges and a copy of an Order of Summary Suspension of License, both of which are signed by the President of the Board and dated August 2, 1999.

By an Order dated December 13, 2000, Judge Randall stayed the proceedings pending the resolution of the Government's motion, and she allowed the Respondent until January 3, 2000, to respond to the Government's motion. No response has been received as of this date.

The Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Administrator adopts in full the Opinion and Recommended Decision of the Administrative Law Judge.

The DEA does not have the statutory authority pursuant to the Controlled Substances Act to issue or to maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he or she practices. See 21 U.S.C. §§ 802(21), 823(f), and 824(a)(3). This prerequisite has been consistently upheld in prior DEA cases. See Graham Travers Schuler, M.D., 65 FR 50,570 (2000); Romeo J. Perez, M.D., 62 FR 16193 (1997); Demetris A. Green, M.D., 61 FR 60728 (1996); Dominick A. Ricci, M.D., 58 FR 51104 (1993).

In the instant case, the Administrator finds the Government has presented evidence demonstrating that the Respondent is not authorized to practice medicine in North Carolina, and therefore, the Administrator infers that Respondent is also not authorized to handle controlled substances in North Carolina, where he conducts his business, according to the address listed on his DEA Certificate of Registration. The Administrator finds that Judge Randall allowed Respondent ample time to refute the Government's evidence, and that Respondent has submitted no evidence or assertions to the contrary. Thus, there is no genuine issue of material fact concerning Respondent's lack of authorization to practice medicine in North Carolina or to handle controlled substances in that State.

The Administrator concurs with Judge Randall's finding that it is well settled that when there is no question of material fact involved, there is no need for plenary, administrative hearing. Congress did not intend for administrative agencies to perform meaningless tasks. See Michael G. Dolin, M.D., 65 FR 5661 (2000); Jesus R. Juarez, M.D., 62 FR 14945 (1997); *see also Philip E. Kirk, M.D.,* 48 FR 32887 (1983), aff'd sub nom. Kirk v. Mullen, 749 F.2d 297 (6th Cir. 1984).

Accordingly, the 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 orders that DEA Certificate of Registration AP1632810, issued to William Peterson, M.D., be, and it hereby is, revoked; and that any pending applications for the renewal or modification of said Certificate be denied. This order is effective November 19, 2001.

Dated: October 10, 2001.

Asa Hutchinson,

Administrator.

[FR Doc. 01–26181 Filed 10–17–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Lionel Resnick, M.D.; Revocation of Registration

The Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC), dated February 6, 2001, by certified mail to Lionel Resnick, M.D., (Respondent) notifying him of an opportunity to show cause as to why the DEA should not revoke his DEA Certificate of Registration AR9599309, pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for renewal or modification of this registration, pursuant to 21 U.S.C. 823(f). The OTSC alleged that Respondent's license to practice medicine in the jurisdiction in which Respondent practices, the State of Florida, was suspended effective October 19, 1999, by the Florida Department of Health based upon Respondent's convictions of eighteen felony counts of mail fraud, in violation of 18 U.S.C. 1341, by the United States District Court, Southern District of Florida. By letter filed March 21, 2001, Respondent requested a hearing in this matter.

On April 2, 2001, the Government filed a Motion for *inter alia* Summary Disposition, on the grounds that Respondent is not currently authorized to handle controlled substances in the jurisdiction in which he is currently registered with DEA. On April 3, 2001, Administrative Law Judge Mary Ellen Bittner issued a Memorandum to Counsel and Order allowing Respondent until April 24, 2001, to respond to the Government's motions, and holding a previously-issued Order for Prehearing Statements in abeyance pending a ruling on the Government's motions.

The Government attached to its Motion a copy of an Administrative Complaint issued by the Department of Health, State of Florida, and signed by the Secretary and Chief Medical Attorney for the Board of Medicine, and also a document from the Florida Department of Health, Health Licensee Information website, dated July 21, 2000, indicating Respondent's license status as suspended. In light of these attachments, the Government asserts that Respondent does not have a valid license to practice medicine or to handle controlled substances in Florida, the jurisdiction of his practice as indicated on his DEA Certificate of Registration. As of this date, the investigative file contains no response from Respondent nor anyone purporting to represent him.

Judge Bittner rendered her Opinion and Recommended Ruling on May 16, 2001, recommending that Respondent's DEA registration be revoked, and any pending applications for renewal or modification be denied. On June 18, 2001, Judge Bittner transmitted the record of these proceedings to the Office of the Deputy Administrator.

The Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Administrator adopts in full the Opinion and Recommended Decision of the Administrative Law Judge.

The DEA does not have the statutory authority pursuant to the Controlled Substances Act to issue or to maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he or she practices. See 21 U.S.C. 823(f) and 824(a)(3). This prerequisite has been consistently upheld in prior DEA cases. See Graham Travers Schuler, M.D., 65 FR 50570 (2000); Romeo J. Perez, M.D., 62 FR 16193 (1997); Demetris A. Green, M.D., 61 FR 60728 (1996); Dominick A. Ricci, M.D., 58 FR 51104 (1993).

In the instant case, the Administrator finds the Government has presented evidence demonstrating that the Respondent is not authorized to practice medicine in Florida, and therefore, the Administrator concluded that Respondent is also not authorized to handle controlled substances in Florida, where he conducts business, according to the address listed on his DEA Certificate of Registration. The Administrator finds that Judge Bittner allowed Respondent ample time to refute the Government's evidence, and that Respondent has submitted no evidence or assertions to the contrary. Thus, there is no genuine issue of material fact concerning Respondent's lack of authorization to practice medicine in Florida or to handle controlled substances in that State.

The Administrator concurs with Judge Bittner's finding that it is well settled that when there is no question of material fact involved, there is no need for a plenary, administrative hearing. Congress did not intend for administrative agencies to perform meaningless tasks. See Michael G. Dolin, M.D., 65 FR 5661 (2000); Jesus R. Juarez, M.D., 62 FR 14945 (1997); see also Philip E. Kirk, M.D., 48 FR 32887 (1983), aff'd sub nom. *Kirk* v. *Mullen,* 749 F.2d 297 (6th Cir. 1984).

Accordingly, the 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 orders that DEA Certificate of Registration AR 9599309, issued to Lionel Resnick, M.D., be, and it hereby is, revoked; and that any pending applications for the renewal or modification of said Certificate be denied. This order is effective November 19, 2001.

Dated: October 10, 2001.

Asa Hutchinson,

Administrator.

[FR Doc. 01–26182 Filed 10–17–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

In the Matter of James Jay Rodriguez, M.D.; Revocation of Registration

On or about October 31, 2000, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to James Jay Rodriguez, M.D., 156 South Second Street, Selmer, Tennessee 38375, notifying him of an opportunity to show cause as to why the DEA should not revoke his DEA Certificate of Registration, BR4717370, pursuant to 21 U.S.C. 824(a)(3), and deny any pending applications for renewal of said registration, pursuant to 21 U.S.C. 824(a)(4) and 823(f), for the reason that, on December 20, 1999, the Tennessee Department of Health, Board of Medical Examiners (Board) issued an Order of Summary Suspension of License with respect to his state license to practice medicine. The order also notified Dr. Rodriguez that, should no request for hearing be filed within 30 days, the right to a hearing would be waived.

The OTSC was received at Dr. Rodriguez's address November 24, 2000, as indicated by the signed postal return receipt. To date, no response has been