

my nurse practitioners.”²² [Tr. 197]. In short, Respondent blamed other physicians, the DEA, and his own staff for his current predicament rather than take the responsibility himself.

Respondent also minimized the severity of his misconduct by suggesting that he thinks the requirements for prescribing Phentermine are too strict. For example, Respondent testified in these proceedings and at his criminal trial, “I mean, you can get a tummy tuck, a facelift, whatever you want, but you can’t get a—you can’t get a diet pill. Come on.” [Tr. 193; *see also* Tr. 198–99; Gov’t Exh. 11 at 115]. In his criminal trial, Respondent testified, “You can get phentermine over the internet from Canada. Nurses can write for it. It’s a Schedule IV drug like cough syrup. I mean, it’s so safe. The addiction potential is so low.” [Gov’t Exh. 11 at 119]. Additionally, Respondent testified in his criminal trial that BMI measurements are “worthless.” [Tr. 216; Gov’t Exh. 11 at 117]. In other words, rather than acknowledging his faults, Respondent opted to criticize the standards put in place by the medical community, the Board, and the DEA.

I also find it significant that Dr. Van Craig, the executive director of the Board, remembered Respondent as being “angry with the Board for disciplining him” and felt that Respondent believed he had received “rather harsh treatment from the Board because of what he was doing.” [Tr. 60, 61; *see also* Tr. 66]. Indeed, Respondent’s demeanor described by Dr. Van Craig is consistent with the hostile tone Respondent took during the hearings in these proceedings.²³

The above-noted examples do not reflect someone who feels remorse for his misconduct or understands the gravity of his mistakes. Rather, they illustrate that Respondent takes no responsibility for his actions, blames others for his improper prescribing methods, and disagrees with the rules regarding the dispensing of Phentermine. Additionally, other than a

²² I note that immediately following this remark, Respondent purported to take responsibility by saying, “Although, I’m responsible, so I take the cold blame for them myself.” [Tr. 197]. In context, however, I find this acceptance of responsibility to be disingenuous; he made this statement only after clearly placing blame on someone else.

²³ Respondent’s counsel, at the hearing, suggested that Respondent’s “loud and obnoxious” tone is a result of his hearing impairment rather than his lack of remorse or hostility toward the Board or the DEA. [Tr. 66]. During the hearing in these proceedings, I certainly noticed that Respondent’s hearing disability affected him. [*E.g.*, Tr. 225, 226]. But Respondent’s hearing did not appear to be what motivated his tone or his statements, discussed *supra*, which gave cause for concern regarding his remorse and acceptance of responsibility.

promise to comply with the Board’s order to refrain from treating weight loss patients, Respondent has offered no evidence of remedial measures he has taken to ensure that future violations will not occur. As such, I find that Respondent has not taken responsibility for his misconduct and therefore has failed to rebut the Government’s *prima facie* case.

VI. CONCLUSION AND RECOMMENDATION

Because the Government met its burden to prove that Respondent’s registration would be inconsistent with the public interest, and because Respondent failed to rebut the Government’s case, I recommend that the Deputy Administrator deny Respondent’s application.

Dated: April 16, 2014

s/Gail A. Randall,
Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on _____, 2013, caused a copy of the foregoing to be faxed and placed in the interoffice mail addressed to DEA Headquarters, Attn: Office of Chief Counsel/Michelle Gillice, Esq., 8701 Morrisette Drive, Springfield, VA 22152, Fax: (202) 307–4946, and a copy to be faxed and mailed to Respondent’s Counsel, Rodney A. Ray, Esq., P. O. Box 1018, Columbus, MS 39703, Fax: (662) 329–3522.

Carlene R. Thomas,
Secretary to The Honorable Gail A. Randall
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DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation (FBI), DOJ.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Federal Bureau of Investigation’s Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The FBI CJIS APB is a federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA). This meeting announcement is being published as required by Section 10 of the FACA.

The FBI CJIS APB is responsible for reviewing policy issues and appropriate technical and operational issues related

to the programs administered by the FBI’s CJIS Division, and thereafter, making appropriate recommendations to the FBI Director. The programs administered by the CJIS Division are the Next Generation Identification, Interstate Identification Index, Law Enforcement Enterprise Portal, National Crime Information Center, National Instant Criminal Background Check System, National Incident-Based Reporting System, National Data Exchange, and Uniform Crime Reporting.

This meeting is open to the public. All attendees will be required to check-in at the meeting registration desk. Registrations will be accepted on a space available basis. Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the Designated Federal Officer (DFO). Any member of the public may file a written statement with the Board. Written comments shall be focused on the APB’s current issues under discussion and may not be repetitive of previously submitted written statements. Written comments should be provided to Mr. R. Scott Trent, DFO, at least seven (7) days in advance of the meeting so that the comments may be made available to the APB for their consideration prior to the meeting.

Anyone requiring special accommodations should notify Mr. Trent at least seven (7) days in advance of the meeting.

DATES AND TIMES: The APB will meet in open session from 8:30 a.m. until 5 p.m., on December 3–4, 2014.

ADDRESSES: The meeting will take place at Hyatt Regency Jacksonville, 225 E. Coastline Drive, Jacksonville, Florida, 32202, telephone (904) 588–1234.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Skeeter J. Murray; Management and Program Analyst; CJIS Training and Advisory Process Unit, Resources Management Section; FBI CJIS Division, Module C2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0149; telephone (304) 625–3518, facsimile (304) 625–5090.

Dated: October 14, 2014.

R. Scott Trent,
CJIS Designated Federal Officer, Criminal Justice Information Services Division, Federal Bureau of Investigation.

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