

auxiliary aid or service because of insufficient time to arrange it.

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Authority: Section 114 of the HEA of 1964, as amended (20 U.S.C. 1011c).

Christopher McCaghren,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 2025–19619 Filed 10–20–25; 8:45 am]

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FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Meeting of the Employee Thrift Advisory Council

DATES: November 6, 2025 at 10:00 a.m.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426. Code: 588 229 53#; or via web: <https://www.frtib.gov/>.

FOR FURTHER INFORMATION CONTACT: James L. Kaplan, Director, Office of External Affairs, (202) 864–7150.

SUPPLEMENTARY INFORMATION:

ETAC Meeting Agenda

1. Approval of the minutes of the May 28, 2025, Joint Board/ETAC Meeting
2. Executive Director Remarks
3. Office of Investments Report
4. Office of Participant Experience Report
5. Office of Planning and Risk Report
6. Office of External Affairs Report
7. New Business

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, interested parties may submit written statements in response to the stated agenda of the meeting, or to

the Employee Thrift Advisory Council (ETAC), in general. Individuals may submit their comments to ETACComments@frtib.gov. Written comments or statements received less than 5 days before ETAC’s meeting may not be provided to the Committee until its next meeting.

Authority: 5 U.S.C. 552b(e)(1).

Dated: October 17, 2025.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2025–19610 Filed 10–20–25; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 23–13]

Mert Kivanc, D.O.; Decision and Order

On November 28, 2022, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Mert Kivanc, D.O., of Dunn Loring, Virginia (Applicant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1, 5. The OSC proposed the denial of Applicant’s application for DEA registration, Control No. W22078481C, alleging that he “materially falsified [his] application for registration and because [his] registration would be inconsistent with the public interest.”¹ *Id.* at 1 (citing 21 U.S.C. 823(g)(1),² 824(a)(1), (a)(4)).

I. Procedural History

The OSC notified Applicant of his right to request a hearing or to submit a written statement while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. RFAAX 2, at 4–5 (citing 21 CFR 1301.43).

On December 19, 2022, Applicant timely requested a hearing and the case was assigned to an Administrative Law Judge (ALJ) who initiated prehearing proceedings.³ RFAAX 4. On February

¹ Because lack of state authority to handle controlled substances provides a sufficient basis to support denial of Applicant’s application for registration under 21 U.S.C. 824(a)(3), the Agency need not address the material falsification and public interest allegations raised in the OSC.

² Effective December 2, 2022, the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117–215, 136 Stat. 2257 (2022) (Marijuana Research Amendments or MRA), amended the Controlled Substances Act (CSA) and other statutes. Relevant to this matter, the MRA redesignated 21 U.S.C. 823(f), cited in the OSC, as 21 U.S.C. 823(g)(1).

³ Based on the Government’s submissions in its RFAA dated February 26, 2025, the Agency finds

16, 2023, the ALJ terminated proceedings. RFAAX 8. The ALJ terminated proceedings based in part⁴ on Applicant’s noncompliance with the ALJ’s orders, finding that Applicant’s failure to comply with the ALJ’s “numerous orders” to file a compliant prehearing statement and an answer to the OSC constituted an implied waiver of his hearing request. *See id.* at 1–3 (noting that Applicant filed three noncompliant prehearing statements); *see id.* at 3 (“[G]iven that [Applicant] has failed to file an answer, as required by the [Order for Prehearing Statements] . . . [Applicant] is deemed to have waived his right to a hearing . . .”); *see also* RFAAX 4, at 4 (informing Applicant in the Order for Prehearing Statements that failure to timely file a compliant prehearing statement “may result in . . . a waiver of hearing and an implied withdrawal of a request for hearing”).

The ALJ’s termination of proceedings on this basis was a reasonable exercise of discretion. *See* 5 U.S.C. 556(c) (granting the ALJ power to “regulate the course of the hearing” and “dispose of procedural requests or similar matters”); *see also* *Robert L. Carter, D.D.S.*, 90 FR 9631, 9632 (2025) (finding the ALJ “acted within his authority” and “did not error in using his discretion to find that Respondent’s failure to file a compliant prehearing statement amounted to an implied waiver of his hearing request”); *David H. Betat, M.D.*, 87 FR 21175, 21176, 21180 (2022) (deferring to the ALJ’s finding that the registrant waived his right to a hearing by failing to respond to the ALJ’s orders); *Care Point Pharmacy, Inc.*, 86 FR 40621, 40621 n.3 (2021) (“Agency precedent is clear that the unwillingness or inability of a party to comply with the directives of the [ALJ] may support an implied waiver of that party’s right to a hearing.”) (internal quotations removed and collecting cases).

II. Newly Raised Allegation of Lack of State Authority

On February 26, 2025, the Government submitted a Request for

that service of the OSC on Applicant was adequate. Specifically, the Declaration from a DEA Group Supervisor (GS) indicates that on November 30, 2022, GS served a copy of the OSC to Applicant’s registered email address and that on December 3, 2022, a copy of the OSC was delivered to Applicant’s registered mailing address. RFAAX 3, at 5–6. Applicant’s timely request for a hearing further demonstrates that he had been properly served a copy of the OSC. RFAAX 4, at 1.

⁴ The ALJ also terminated proceedings based in part on application of the default regulations. RFAAX 8, at 3 (citing “DEA’s newly amended regulations”). However, as discussed in more detail below, *see infra* n.5, the default regulations were not in effect when the OSC was issued.