

§ 1316.48

period permitted for filing, file a request for a hearing that complies with the following format (see the Table of DEA Mailing Addresses in §1321.01 of this chapter for the current mailing address):

(Date) _____
Drug Enforcement Administration, Attn:
Hearing Clerk/OALJ
(Mailing Address) _____
Subject: Request for Hearing
Dear Sir:

The undersigned _____ (Name of the Person) hereby requests a hearing in the matter of: _____ (Identification of the proceeding).
(State with particularity the interest of the person in the proceeding.)

All notices to be sent pursuant to the proceeding should be addressed to:

(Name) _____
(Street Address) _____
(City and State) _____
Respectfully yours,
(Signature of Person) _____

(b) A party shall file an answer as required under §§1301.37(d) or 1309.46(d) of this chapter, as applicable. The presiding officer, upon request and a showing of good cause, may grant a reasonable extension of the time allowed for filing the answer.

[87 FR 68045, Nov. 14, 2022]

§ 1316.48 Notice of appearance.

Any person entitled to a hearing and desiring to appear in any hearing, shall, if he or she has not filed a request for hearing, file within the time specified in the notice of proposed rule-making, a written notice of appearance in the following format (see the Table of DEA Mailing Addresses in §1321.01 of this chapter for the current mailing address):

(Date) _____
Drug Enforcement Administration, Attn:
Hearing Clerk/OALJ
(Mailing Address) _____
Subject: Notice of Appearance
Dear Sir:

Please take notice that _____ (Name of person) will appear in the matter of: _____ (Identification of the proceeding).

(A) (State with particularity the interest of the person in the proceeding.).

(B) (State with particularity the objections or issues, if any, concerning which the person desires to be heard.).

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(C) (State briefly the position of the person with regard to the particular objections or issues.).

All notices to be sent pursuant to this appearance should be addressed to:

(Name) _____
(Street Address) _____
(City and State) _____
Respectfully yours,
(Signature of Person) _____

[81 FR 97041, Dec. 30, 2016]

§ 1316.49 Waiver of hearing.

In proceedings other than those conducted under part 1301 or part 1309 of this chapter, any person entitled to a hearing may, within the period permitted for filing a request for hearing or notice of appearance, file with the Administrator a waiver of an opportunity for a hearing, together with a written statement regarding his position on the matters of fact and law involved in such hearing. Such statement, if admissible, shall be made a part of the record and shall be considered in light of the lack of opportunity for cross-examination in determining the weight to be attached to matters of fact asserted therein.

[36 FR 7820, Apr. 24, 1971, as amended at 87 FR 68045, Nov. 14, 2022]

§ 1316.50 Appearance; representation; authorization.

Any person entitled to appear in a hearing may appear in person or by a representative in any proceeding or hearing and may be heard with respect to matters relevant to the issues under consideration. A representative must either be an employee of the person or an attorney at law who is a member of the bar, in good standing, of any State, territory, or the District of Columbia, and admitted to practice before the highest court of that jurisdiction. Any representative may be required by the Administrator or the presiding officer to present a notarized power of attorney showing his authority to act in such representative capacity and/or an affidavit or certificate of admission to practice.

[36 FR 7820, Apr. 24, 1971, as amended at 36 FR 13387, July 21, 1971. Redesignated at 38 FR 26609, Sept. 24, 1973]