

*abstract.* Applicants interested in contributing to the use and enhancement of community policing to address crime and related problems in communities across the country. Applicants may include individuals, public agencies, colleges or universities, nonprofit organizations, and profit-making organizations willing to waive their fees.

The COPS Visiting Fellowship Program is intended to offer researchers, law enforcement professionals and legal experts an opportunity to undertake independent research, program development activities and policy analysis designed to (1) improve police-citizen cooperation and communication; (2) to enhance police relationships within the criminal justice system, as well as at all levels of local government; (3) to increase police and citizens' ability to innovatively solve community problems; (4) to facilitate the restructuring of agencies to allow the fullest use of departmental and community resources; (5) to promote the effective flow and use of information both within and outside an agency; and (6) to improve law enforcement responsiveness to members of the community. Visiting fellows study a topic of mutual interest to the Fellow and the COPS Office for up to 12 months. While in residence with the COPS Office, Fellows contribute to the development of community policing programs that are national in scope.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* COPS Visiting Fellowship Program Application Form: Approximately 15 respondents, at 22 hours per respondent (including record-keeping).

(6) *An estimate of the total public burden (in hours) associated with the collection.* Approximately 330 hours.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street NW., Washington, DC 20530.

Dated: August 19, 1998.

**Brenda E. Dyer,**

*Department Deputy Clearance Officer, United States Department of Justice.*

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BILLING CODE 4410-AT-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Gary C. Hassmann, M.D.; Denial of Application

On January 13, 1998, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Gary C. Hassmann, M.D. of Tulsa, Oklahoma, notifying him of an opportunity to show cause as to why DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), for reason that such registration would be inconsistent with the public interest. Specifically, the Order to Show Cause alleged that:

1. Between February 1987 and August 1987, [Dr. Hassmann] met with DEA undercover agents on at least five occasions for the purpose of investing in a cocaine smuggling operation. During that period, [Dr. Hassmann] supplied the agents with \$99,200.00 to finance the purchase of approximately fourteen kilograms of cocaine for distribution in the United States.

2. On February 19, 1988, in the United States District Court, Western District of Texas, [Dr. Hassmann] pled guilty to one felony count of traveling in interstate and foreign commerce for the purpose of distributing the proceeds of an unlawful activity. [Dr. Hassmann was] sentenced to five years imprisonment.

3. As a result of [his] conviction, on September 24, 1998, the Texas State Board of Medical Examiners revoked [his] license to practice medicine in that state. Effective February 1, 1991, the Oklahoma State Board of Medical Licensure and Supervision placed [his] state license to practice medicine on probation for a period of five years. In addition, on March 18, 1991, the New Jersey State Board of Medical Examiners revoked [his] license to practice medicine in that state.

4. [Dr. Hassmann] materially falsified [his] December 23, 1995, application for [a] DEA Certificate of Registration by failing to indicate the revocation of [his] licenses to practice medicine in Texas and New Jersey and the imposition of probation on [his] Oklahoma medical license.

5. On [his] December 23, 1995, application for [a] DEA Certificate of Registration, [Dr. Hassmann] applied for controlled substance authority in Schedules II through V. Subsequently, [he] entered into a written stipulation with the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, effective September 1, 1996, in which it was agreed that [he] would be granted a limited narcotics registration on a probationary status for a period of five years. It was further agreed that during the five-year probationary period, [his] state narcotic registration would be limited to controlled substance authority in Schedules III, IV and V. Therefore, [Dr. Hassmann is] currently without authorization to handle Schedule II controlled substances in the State of Oklahoma. 21 U.S.C. 824(a)(3).

The order also notified Dr. Hassmann that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived. The DEA received a signed receipt indicating that Dr. Hassmann received the order on February 4, 1998. No request for a hearing or any other reply was received by the DEA from Dr. Hassmann or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Hassmann is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Deputy Administrator finds that between February and August 1987, Dr. Hassmann met on at least five occasions with undercover DEA agents for the purpose of investing in a cocaine smuggling operation. Dr. Hassmann supplied the undercover agents with \$99,200.00 to finance the purchase of approximately 14 kilograms of cocaine for distribution in the United States. Dr. Hassmann indicated that he intended to take the profits from the sale of the cocaine and reinvest the money in the purchase of an additional 40 kilograms. On August 11, 1987, Dr. Hassmann was arrested and charged with attempted possession with intent to distribute cocaine in violation of 21 U.S.C. 841(a)(1).

Ultimately, Dr. Hassmann was charged in a one count information in the United States District Court for the Western District of Texas with the use of interstate facilities to commit a crime in violation of 18 U.S.C. 1952(a)(1). The information charged that Dr. Hassmann traveled in interstate and foreign commerce with money from the Bahamas to the United States and distributed the money with intent to facilitate the attempted purchase and possession for distribution of a quantity of cocaine. Pursuant to a plea agreement filed on February 19, 1998, Dr. Hassmann pled guilty to the information and agreed to surrender his DEA and state controlled substance privileges. On March 24, 1998, Dr. Hassmann was sentenced to five years imprisonment and fined \$25,000.00.

On September 24, 1988, the Texas State Board of Medical Examiners revoked Dr. Hassmann's license to practice medicine in that state based upon his conviction and his failure to practice medicine in an acceptable

manner. Therefore, the New Jersey Board of Medical Examiners revoked Dr. Hassmann's license to practice medicine in New Jersey on March 18, 1991, based upon his conviction and the revocation of his Texas medical license.

On February 21, 1991, the Oklahoma Medical Board granted Dr. Hassmann a probationary license to practice medicine in that state subject to various conditions for five years, one of which was to refrain from alcohol and drug consumption. In 1994, upon Dr. Hassmann's request, the term regarding abstinence from alcohol was lifted. One month later, he was arrested and charged with first degree residential burglary and driving under the influence of alcohol. Dr. Hassmann pled guilty to the charges and received a one year deferred sentence. On September 6, 1996, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control granted Dr. Hassmann a limited license to handle controlled substances in Schedules III through V only, and placed him on probation until September 2001.

On March 23, 1995, Dr. Hassmann submitted an application for registration with DEA. On the application, Dr. Hassmann answered "No" to a question (hereinafter referred to as the liability question) which asks whether "the applicant ever had a State professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation?" Dr. Hassmann provided this response despite the revocation of his medical licenses in Texas and New Jersey in 1988 and 1991 respectively, and the granting of a probationary medical license in Oklahoma in 1991.

Pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny an application for a DEA Certificate of Registration if he determines that such registration would be inconsistent with the public interest. In determining the public interest, the following factors are considered:

- (1) The recommendation of the appropriate State licensing board or professional disciplinary authority.
- (2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.
- (3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.
- (4) Compliance with applicable State, Federal, or local laws relating to controlled substances.
- (5) Such other conduct which may threaten the public health and safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. See Henry J. Schwarz, Jr., M.D., 54 FR 16,422 (1989).

Regarding factor one, Dr. Hassmann's state medical licenses in Texas and New Jersey have been revoked. He is now applying for DEA registration in Oklahoma. While he is currently authorized to practice medicine and handle Schedule III through V controlled substances in Oklahoma, such authorization is not dispositive of whether he should be issued a DEA registration in that state. The recommendation of the state licensing authority is only one of the factors to be considered in determining the public interest.

As to factor two, there is no evidence before the Acting Deputy Administrator regarding Dr. Hassmann's experience in dispensing or conducting research with controlled substances.

Regarding factor three, Dr. Hassmann was ultimately convicted of the use of interstate facilities to commit a crime, however this conviction related to the unlawful distribution of cocaine.

As to Dr. Hassmann's compliance with controlled substance laws, it is undisputed that he participated in a scheme to illegally distribute large quantities of cocaine in violation of 21 U.S.C. 841(a)(1). In addition, under 21 U.S.C. 843(a)(4)(A), it is "unlawful for any person knowingly or intentionally—to furnish false or fraudulent material information in, or omit any material information from, any application, report, record, or other document required to be made, kept, or filed under this subchapter of subchapter II of this chapter." Answers to the liability questions on applications for registration are material, since DEA relies upon such answers to determine whether an investigation is needed prior to granting the application. See Ezzat E. Majd Pour, M.D., 55 FR 47,547 (1990). The Acting Deputy Administrator concludes that Dr. Hassmann materially falsified his application for registration by answering "No" to the question which asks in part whether he had even had a state license revoked or placed on probation, when his licenses in Texas and New Jersey were revoked, and his Oklahoma license was placed on probation.

Based upon the above, the Acting Deputy Administrator concludes that Dr. Hassmann's registration with DEA

would be inconsistent with the public interest. Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for registration, executed by Gary C. Hassmann, M.D., be, and it hereby is, denied. This order is effective September 24, 1998.

Dated: August 14, 1998.

**Donnie R. Marshall,**

*Acting Deputy Administrator.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 27, 1998, National Center for Development of Natural Products, The University of Mississippi, 135 Cox Waller Complex, University, Mississippi 38677, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Marihuana (7360) .....	I
Tetrahydrocannabinols (7370) .....	I

The firm plans to bulk manufacture for product development.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 26, 1998.

Dated: August 14, 1998.

**John H. King,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

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