

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-582 and 731-TA-1377 (Final)]

Ripe Olives From Spain; Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that an industry in the United States is materially injured by reason of imports of ripe olives from Spain, provided for in subheadings 2005.70.02, 2005.70.04, 2005.70.50, 2005.70.60, 2005.70.70, and 2005.70.75 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce ("Commerce") to be sold in the United States at less than fair value ("LTFV") and to be subsidized by the government of Spain.²

Background

The Commission, pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)), instituted these investigations effective June 22, 2017, following receipt of a petition filed with the Commission and Commerce by the Coalition of Fair Trade in Ripe Olives, consisting of Bell-Carter Foods, Walnut Creek, CA, and Musco Family Olive Company, Tracy, CA. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of ripe olives from Spain were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on February 22, 2018 (83 FR 7774). The hearing was held in Washington, DC, on May 24, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections

705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on July 25, 2018. The views of the Commission are contained in USITC Publication 4805 (July 2018), entitled *Ripe Olives from Spain: Investigation Nos. 701-TA-582 and 731-TA-1377 (Final)*.

By order of the Commission.

Issued: July 25, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018-16283 Filed 7-30-18; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Craig S. Morris, DDS; Dismissal of Proceeding

On November 13, 2017, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Craig S. Morris, DDS (Respondent), of Texas. The Show Cause Order proposed the revocation of Respondent's Certificates of Registration FM5300582 and FM5293294 on the ground that he "materially falsified [his] applications for [his] DEA Certificates of Registration." Order to Show Cause, Government Exhibit (GX) A-8 to Request for Final Agency Action (RFAA), at 1 (citing 21 U.S.C. 824(a)(1)).

With respect to the Agency's jurisdiction, the Show Cause Order alleged that Respondent was registered at that time in schedules II through V, pursuant to DEA Certificates of Registration Nos. FM5300582 and FM5293294 at the addresses of 19121 West Lake Houston Parkway, Humble, TX, and 25130 Grogans Park Drive, The Woodlands, TX, respectively.¹ *Id.* at 1-2. The Order also alleged that these registrations would each expire on January 31, 2018. *Id.*

As substantive grounds for the proceeding, the Show Cause Order alleged that on February 9, 2015, Respondent "submitted applications to the DEA for the above-referenced Certificates of Registration" but materially falsified the application when he "provided a 'no' response to Liability Question 3, which asked, '[h]as the applicant ever surrendered (for cause) or had a state professional license

or controlled substances registration revoked, *suspended*, denied, restricted or *placed on probation*, or is any such action pending?"' *Id.* at 2. The Order further alleged that, when he "submitted his applications to the DEA and provided a 'no' answer to Liability Question 3, [his] Nevada license to practice dentistry had been placed on probation and was currently suspended." *Id.* Based on Respondent's alleged "material falsification of [his] applications to the DEA," the Order asserted that "DEA must revoke" his registrations. *Id.* at 3.

The Show Cause Order notified Respondent of his right to request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedure for electing either option, and the consequence of failing to elect either option. *Id.* (citing 21 CFR 1301.43). The Show Cause Order also notified Respondent of his right to submit a corrective action plan. *Id.* at 3-4 (citing 21 U.S.C. 824(c)(2)(C)).

The Government represents that on November 20, 2017, a DEA Diversion Investigator (DI) served a copy of the Show Cause Order on Respondent by electronic mail to an email address that the DI had previously used to correspond with Respondent in April 2017 and that Respondent had provided to DEA as a "contact email" in connection with his DEA Certificates of Registration. RFAA, at 3-4 (citing Declaration of DI, attached as GX A to RFAA, at 3). There is no dispute that timely service occurred because the Government states that DEA's Diversion Control Division received Respondent's written submissions in connection with the Show Cause Order on December 19, 2017. RFAA, at 4 (citing the Diversion Control Division's Acting Assistant Administrator's December 20, 2017 letter to Respondent, attached as GX C to RFAA, at 1).

Although Respondent's submissions included a letter (dated December 12, 2017) entitled "*Corrective Action Plan*," the letter stated that it was "being submitted in response to the Order to Show Cause levied against me by your office" and attached an affidavit in support signed by Respondent and notarized on December 15, 2017. Respondent's Written Submissions (hereinafter "Respondent's Statement" or "Resp. Stat."), attached as GX B to RFAA, at 1. Respondent did not, however, request a hearing. *See generally id.* Based on Respondent's submission, I find that he waived his right to a hearing on the allegations. 21 CFR 1301.43(c). However, pursuant to 21 CFR 1301.43(c), I deem Respondent's submission to be his "written statement

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

² Commissioner Meredith M. Broadbent dissenting. Commissioner Jason E. Kearns did not participate in these investigations.

¹ The record establishes that Respondent was registered as a "practitioner" with respect to each of the above DEA registrations. Certifications of Registration History for FM5300582 and FM5293294, GXs A-1 at 1, 3; A-2, at 1, 3.