at *Info_Coll@fws.gov,* or by telephone at (703) 468–8211. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of July 24, 2026, in FR document 2026–14995, on page 46796, in the first column, correct the **ADDRESSES** caption to read:

ADDRESSES:

Comment submission: All submissions must include the docket number FWS–HQ–NWRS–2026–2641 which identifies this document. You must submit comments using one of the following methods:

- *Electronic submission:* Federal eRulemaking Portal at: *https://www.regulations.gov.* In the Search box, enter FWS–HQ–NWRS–2026–2641, which is the docket number for this action. Then click the Search button. On the resulting page, you may submit a comment by clicking on ''Comment.'' Please ensure that you have found the correct document before submitting your comments.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–NWRS–2026–2641, Policy and Regulations Branch, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

Comments submitted through any method not authorized in this document, or sent to an address not listed here, will not be considered. We will not accept comments via email, fax, or hand delivery. We are not required to consider comments that are submitted after the comment period ends or that are submitted via a method outside of these instructions. Comments containing profanity, vulgarity, threats, or other inappropriate content will not be considered.

We will post all comments at *https://www.regulations.gov.* You may request that we withhold personal identifying information from public review; however, we cannot guarantee that we will be able to do so.

Jillian Eanett,

Acting Chief, Policy and Regulations Branch, U.S. Fish and Wildlife Service.

[FR Doc. 2026–15209 Filed 7–24–26; 11:15 am]

BILLING CODE 4333–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Kerri Zavota, DVM; Decision and Order

On December 15, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Kerri Zavota, D.V.M., of South Daytona, Florida (Registrant).[1] OSC, at 1, 7. The OSC proposes the revocation of Registrant's two DEA certificates of registration (registration), FZ5603952 and FZ2291451, and the denial of any pending application to renew or modify either of those registrations ''because . . . [Registrant] materially falsified . . . [her] DEA renewal applications'' and because her ''continued registration is inconsistent with the public interest.'' *Id.* at 1 (citing 21 U.S.C. 824(a)(1) and 21 U.S.C. 824(a)(4), in conjunction with 21 U.S.C. 823(g)(1)). More specifically, the OSC alleges that Registrant ''materially falsified five DEA . . . [certificate of registration applications]'' and ''administered or dispensed controlled substances without maintaining complete and accurate records and inventories.'' [2] OSC, at 4.

I. Adequacy of Service Analysis

The matter is before the Agency due to the Government's Request for Final Agency Action (RFAA) dated February 3, 2026. In its RFAA, the Government states that a DEA Diversion Investigator (DI) personally served the OSC on Registrant on December 18, 2025. RFAA, at 1. In support of that statement, the Government attaches to its RFAA a completed and signed Form DEA–12. RFAA, Exhibit 2, Attachment A. According to a Declaration that the DI signed under penalty of perjury, the DI ''witnessed'' Registrant sign the DEA–12 on December 18, 2025, ''to acknowledge receipt of the OSC.'' Exhibit 2, at 1. For the above reasons, the Agency concludes that service of the OSC on Registrant is legally sufficient and took place on December 18, 2025.

II. Application of the Default Rule

Under 21 CFR 1301.43, a registrant or applicant entitled to a hearing who fails to file a timely hearing request ''within 30 days after the date of receipt of the [OSC] . . . shall be deemed to have waived their right to a hearing and to be in default'' unless ''good cause'' is established for the failure. 21 CFR 1301.43(a), (c)(1). In the absence of a demonstration of good cause, a registrant or applicant who fails to timely file an answer also is ''deemed to have waived their right to a hearing and to be in default.'' 21 CFR 1301.43(c)(2).

The OSC notified Registrant of her deadline to file a written request for hearing and answer, and that if she failed to file such a request and answer, she would be deemed to have waived her right to a hearing and be in default. OSC, at 6 (citing 21 CFR 1301.43). The Government represents in its RFAA that, as of the date of the RFAA, February 3, 2026, Registrant ''has not filed a request for hearing or an answer.'' RFAA, at 2. Based on the record before the Agency, consisting solely of the RFAA and its attachments, the Agency finds that more than thirty days passed since personal service of the OSC on Registrant and that Registrant did not submit a request for a hearing. *Id.* Accordingly, the Agency finds substantial record evidence, indeed uncontroverted record evidence, that Registrant did not timely request a hearing and is in default. 21 CFR 1301.37(d)(1); *id.* 1301.43(c)(1).

Further, the Agency notes that more than forty-five days have passed since Registrant received the OSC, yet the Administrator has not received a motion by Registrant to be excused from default. 21 CFR 1301.43(c)(1) (''Any person who has failed to timely request a hearing under paragraph (a) of this section may seek to be excused from the default by filing a motion with the Office of Administrative Law Judges establishing good cause to excuse the default no later than 45 days after the date of receipt of the order to show cause. Thereafter, any person who has failed to timely request a hearing under paragraph (a) of this section and seeks to be excused from the default shall file such motion with the Office of the Administrator, which shall have exclusive authority to rule on the motion.''), *see also id.* 1301.43(f)(3).

''A default, unless excused, shall be deemed to constitute a waiver of the [registrant's] right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e). Accordingly, based on the record before the Agency, the Agency finds that Registrant is in unexcused default and, therefore, is deemed to have waived her right to a hearing and to have admitted the factual allegations in the OSC. *Id.* 1301.43(e).

III. The Controlled Substances Act

The main objectives of the Controlled Substances Act (CSA), according to the Supreme Court, are to ''conquer drug

[1] The default rule, whose effective date is December 14, 2022, therefore, applies.

[2] Here, the evidence establishing the material falsification allegation so strongly favors revocation that the Agency deems it unnecessary to analyze the public interest allegation.

abuse and to control the legitimate and illegitimate traffic in controlled substances.'' *Gonzales* v. *Raich,* 545 U.S. 1, at 12 (2005). Given these objectives, the Supreme Court states, particular congressional concerns included ''the need to prevent the diversion of drugs from legitimate to illicit channels.'' *Id.* at 12–13. Further, according to the Supreme Court, to accomplish these goals in the CSA, ''Congress devised a closed regulatory system making it unlawful to . . . dispense[ ] or possess any controlled substance except in a manner authorized by'' the statute. *Id.* at 13. Accordingly, the Supreme Court states, the ''CSA and its implementing regulations set forth strict requirements regarding registration . . . and recordkeeping.'' *Id.* at 14.

The Government has the burden of proof in this proceeding. 21 CFR 1301.44. As such, the Agency next analyzes whether the OSC's factual allegations set out a *prima facie* case for revocation of Registrant's registrations based on material falsification.

IV. The Material Falsification Allegations

Under the CSA, the Attorney General is authorized to suspend or revoke a registration ''upon a finding that the registrant . . . has materially falsified any application filed pursuant to or required by [the CSA].'' 21 U.S.C. 824(a)(1); *Frank Joseph Stirlacci, M.D.,* 85 FR 45229 (2020). To present a *prima facie* case for material falsification, the Government's record evidence must show (1) the submission of an application, (2) containing a false statement and/or omitting information that the application requires, (3) when the submitter knew or should have known that the statement is false and/or that the omitted information existed and the application required its disclosure, and (4) the false statement and/or required but omitted information is material, that is, it ''connect[s] to at least one of [the section 823] factors that, according to the CSA, [the Administrator] 'shall' consider'' when analyzing ''whether issuing a registration 'would be inconsistent with the public interest.' '' *Frank Joseph Stirlacci, M.D.,* 85 FR at 45238 (citing 21 U.S.C. 823 and *Kungys* v. *United States,* 485 U.S. 759, 771 (1988)). The Government must establish material falsification with record evidence that is clear, unequivocal, and convincing. *Kungys,* 485 U.S. at 772, *Frank Joseph Stirlacci, M.D.,* 85 FR at 45230–39.

First, the Government must prove that the applicant or registrant submitted an application for registration pursuant to the CSA. 21 U.S.C. 824(a)(1), *see also* 21 U.S.C. 822 (persons required to register) and 21 U.S.C. 823(g)(1) (registration requirements).

Second, the Government must prove that the application contained a false statement or omitted information that the application required, either of which may constitute a material falsity. *See, e.g., Emed Medical Company LLC and Med Assist Pharmacy,* 88 FR 21719, 21720 (2023) (applicant falsely answered ''no'' to Liability Question 3 on seventeen applications when the true answer was ''yes''); *Richard J. Settles, D.O.,* 81 FR 64940, 64945–46 (2016) (applicant failed to disclose an interim consent agreement restricting his license based on findings that he issued controlled substance prescriptions without federal or state legal authority to do so). In making this assessment, the Agency will examine the entire application, including registrant's ''yes/no'' answers to the liability questions and any follow-up response(s). *Daniel A. Glick, D.D.S.,* 80 FR 74800, 74802, 74,808–09 (2015). To establish an omission, the Government must show both that omitted information existed and that the application required inclusion of that information. *See, e.g., Richard A. Herbert, M.D.,* 76 FR 53942, 53956 (2011) (omission of a probation which the application required to be identified); *Michel P. Toret, M.D.,* 82 FR 60041, 60042 (2017) (Voluntary Surrender Form alone is insufficient evidence to find material falsification based on registrant's ''no'' answer to the question regarding ''surrender[s] (for cause).'')

Third, the Government must prove that the applicant or registrant knew or should have known that the statement is false and/or that the omitted information existed and the application required its disclosure. *John J. Cienki, M.D.,* 63 FR 52293, 52295 (1998) (''[I]n finding that there has been a material falsification of an application, it must be determined that the applicant knew or should have known that the response given to the liability question was false.''); *Samuel Arnold, D.D.S.,* 63 FR 8687, 8688 (1998) (''It is also undisputed that Respondent knew that his Ohio dental license had previously been suspended.''); *Bobby Watts, M.D.,* 58 FR 46995, 46995 (1993) (''Respondent knew that the Tennessee Board of Medical Examiners had suspended his medical license on May 7, 1987, and had placed his state medical license on probation on May 2, 1988.''); *see also Frank Joseph Stirlacci, M.D.,* 85 FR at 45236–37 & nn. 22–23 (collecting cases).

Fourth, the Government must prove that the false statement and/or required but omitted information is ''material.'' *Kungys* holds that a statement is material if it is ''predictably capable of affecting, *i.e.,* had a natural tendency to affect, the [Agency's] official decision,'' or stated differently, ''had a natural tendency to influence the decision.'' *Kungys,* 485 U.S. at 771–72. As already discussed, materiality, for the purposes of the CSA, is tied to the factors that the Administrator ''shall'' consider when determining whether issuance of a registration ''would be inconsistent with the public interest.'' 21 U.S.C. 823; *Kungys,* 485 U.S. at 771–72; *Frank Joseph Stirlacci,* 85 FR at 45234, 45238.

V. The Order To Show Cause Material Falsification Factual Allegations

As already discussed, Registrant's unexcused default means that she is deemed to admit the factual allegations in the OSC. *Supra* section III. The Agency finds, due to Registrant's deemed factual admissions, that the OSC-alleged material falsification-related facts are proven by substantial evidence, indeed, proven incontrovertedly and unequivocally, as well as clearly and convincingly, as follows:

Liability Question No. 3 on DEA's application asks: ''Has the applicant ever surrendered (for cause) or had a state professional license or controlled substance registration revoked, suspended, denied, restricted, or placed on probation, or is any such action pending?'' [3] OSC, at 4. On July 6, 2019, Registrant submitted an application for a DEA COR as a practitioner in Schedules II through V (Application Control Number W19073512C). *Id.* Registrant answered ''Yes'' to Liability Question 3, and went on to explain that on June 1, 2018, she was ''[b]rought before board for apparently only removing only one testicle from a dog during a neuter at a spay/neuter clinic. No recollection of specific SX. Never saw PT for recheck, was seen by another vet, photos taken and complaint filed.'' *Id.* Registrant further stated that she was ''[p]laced on one year nonreporting probation, completed June 2019.'' *Id.*

Indeed, on January 22, 2018, the State of Florida, Department of Business and Professional Regulations (DBPR) filed an administrative complaint against Registrant. *Id.* Then, on July 9, 2018, the DBPR issued a final order, imposing

[3] The Agency interprets OSC paragraph 6.a. as setting out the text of the third liability question for each of Registrant's submitted renewal applications at issue.

various penalties, including placement on one-year probation.[4] *Id.*

On March 25, 2020, Registrant withdrew her DEA Application dated July 6, 2019. *Id.* Registrant's July 6, 2019, Application demonstrates that Registrant was ''aware of the duty to answer affirmatively to the Liability Question #3 regarding [her] state license probation.'' *Id.*

Despite this awareness, on April 6, 2019, Registrant submitted a renewal application for registration number FZ2291451. *Id.* On this renewal application, Registrant responded ''no'' to Liability Question No. 3. *Id.* Second, on May 15, 2021, Registrant submitted a renewal application for registration number FZ5603952. OSC, at 5. On this renewal application, Registrant responded ''no'' to Liability Question No. 3. *Id.* Third, on May 2, 2022, Registrant submitted a renewal application for registration number FZ2291451. *Id.* On this renewal application, Registrant responded ''no'' to Liability Question No. 3. *Id.* And finally, on May 24, 2024, Registrant submitted a renewal application for registration number FZ5603952. *Id.* On this renewal application, Registrant responded ''no'' to Liability Question No. 3. *Id.*

The Agency finds that the OSC's factual allegations present four *prima facie* cases of material falsification: Registrant's registration renewal applications dated April 6, 2019, May 15, 2021, May 2, 2022, and May 24, 2024.[5] *Supra; see also infra* section V. (''materiality'' analysis). The deemed-admitted facts state that the DBPR issued its final Order on July 9, 2018. The Agency, accordingly, finds that Registrant knew that the DBPR placed her state license on probation on July 9, 2018. *Supra.* As such, a true response to Liability Question No. 3 on the above four dates calls for an affirmative answer, not the false answer that Registrant is deemed to admit that she provided.[6] *Supra.*

VI. Discussion

As already discussed, the CSA authorizes the Attorney General to revoke a registration ''upon a finding that the registrant . . . has materially falsified any application filed pursuant to or required by this subchapter.'' 21 U.S.C. 824(a)(1); *Frank Joseph Stirlacci, M.D.,* 85 FR 45229 (2020). Further, the Agency has found that Registrant submitted four registration applications containing false responses to Liability Question No. 3. *Supra* section V.

The Agency has long considered any false response to a Liability Question to be ''material'' under *Kungys. Frank Joseph Stirlacci, M.D.,* 85 FR at 45238 (collecting cases). Specifically, 21 U.S.C. 824(a)(3) requires the Administrator to consider whether the applicant has had a state license or registration suspended, revoked, or denied by state authority. Liability Question 3, in other words, is tethered to provisions which the Administrator is required by statute to consider when reviewing applications for registration. *Hil Rizvi, M.D.,* 90 FR 48435, at 43438 (2025) (*citing Stirlacci,* 85 FR at 45,238). The Agency continues to apply that legal analysis and, therefore, concludes that Registrant's false answer to the third Liability Question in the four above-identified registration applications satisfies the legal requirement of materiality. 21 U.S.C. 824(a)(1).

In sum, the Agency finds clear, unequivocal, and convincing record evidence that Registrant's responses to Liability Question 3 on four occasions were materially false for failure to disclose the probation of her Florida medical license. 21 U.S.C. 824(a)(1). The Agency further concludes that the Government has established a *prima facie* case of material falsification, and that Applicant did not rebut that *prima facie* case. Indeed, there is even more than clear, unequivocal, and convincing record evidence of material falsification as Registrant is deemed to admit the record evidence. 21 CFR 1301.43(e).

Thus, the Agency concludes that there is uncontroverted and unequivocal record evidence supporting the revocation of Registrant's registrations.[7] 21 U.S.C. 824(a)(1).

VII. Sanction

Where, as here, (1) Registrant is deemed to have admitted factual allegations in the OSC, (2) the deemed-admitted facts are substantial evidence, indeed clear, convincing, and unequivocal evidence, proving legal violations alleged to support revocation based on material falsification, (3) the Government met its *prima facie* burden of showing that Registrant submitted materially false registration applications, and (4) Registrant did not rebut the Government's *prima facie* case, the burden shifts to Registrant to show why she can be entrusted with a registration. *Morall* v. *Drug Enf't Admin.,* 412 F.3d 165, 174 (D.C. Cir. 2005); *Jones Total Health Care Pharmacy* v. *Drug Enf't Admin.,* 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.,* 83 FR 18882 (2018).

The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by Registrant. *Jeffrey Stein, M.D.,* 84 FR 46968, 46972 (2019); *see also Jones Total Health Care Pharmacy,* 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, the Agency has required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that she will not engage in future misconduct. *Jones Total Health Care Pharmacy,* 881 F.3d at 833 (citing authority including *Alra Labs., Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995) (''An agency rationally may conclude that past performance is the best predictor of future performance.'')), *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 820 (10th Cir. 2011) (''[Whether the registrant will change his behavior in the future] is vital to whether continued registration is in the public interest.''). A registrant's acceptance of responsibility must be unequivocal. *Jones Total Health Care Pharmacy,* 881 F.3d at 830–31.

Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 and n.4. The Agency has also considered the need to deter similar acts

[4] The Agency interprets the meaning of OSC paragraph 7 to include that the DBPR's issuance of its final order means that it notified Registrant of the content of its final Order on July 9, 2018.

[5] These four instances meet the elements of material falsification violations. *Supra* section IV.A. First, in all four instances, the OSC alleges that Registrant submitted an application for registration pursuant to the CSA on a specific date. Second, the OSC alleges that Registrant's submitted applications contain a false statement, omitting information that the application requires, to wit, that her State professional license had been placed on probation. Third, the OSC alleges that Registrant knew that her State professional license had been placed on probation due to the DBPR's issuance of its final Order on July 9, 2018, and due to her statements on her July 6, 2019 registration application concerning Liability Question No. 3. Fourth, the OSC alleges that Registrant's false statement/omission of required information is ''material,'' a mixed question of fact and of law, based on the Supreme Court's definition of ''material'' in *Kungys.*

[6] For the same reasons, the Agency finds that the renewal application for registration number FZ5603952 that the OSC alleges that Registrant submitted on April 13, 2018 does not present a *prima facie* case of material falsification. The April 13, 2018 renewal application was submitted before July 9, 2018, the date that the DBPR issued the final order imposing probation on Registrant. *Supra.* Further, the Agency finds no factual allegation in the OSC or record evidence from which it may conclude that Registrant knew or should have known that probation was a possible outcome of the Florida administrative complaint filed on January 22, 2018. *Frank Joseph Stirlacci, M.D.,* 85 FR at 45237 (collecting cases).

[7] In this case, the Agency finds that any one of the four material falsification findings, standing alone, would be a sufficient basis for the Agency to revoke Registrant's registration.

by Registrant and by the community of registrants. *Jeffrey Stein, M.D.,* 84 FR at 46972–73.

Regarding these matters, there is no record evidence that Registrant takes responsibility, let alone unequivocal responsibility, for the founded violations. As such, Registrant has not presented any evidence showing that she can be entrusted with a registration. Accordingly, the record supports the imposition of a sanction.

The interests of specific and general deterrence weigh in favor of revocation given the egregiousness of the founded violations, violations that go to the heart of the CSA and of this Agency's law enforcement mission. *E.g., Jones Total Health Care Pharmacy,* 881 F.3d at 834 and n.4; *Garrett Howard Smith, M.D.,* 83 FR at 18910 (collecting cases); *supra* sections IV.A., V., and VI. In addition, as Registrant has not unequivocally accepted responsibility for the founded violations, it is not reasonable to believe that Registrant's future controlled substance-related actions will comply with legal requirements. *Supra.* Further, given the foundational nature and number of Registrant's violations, a sanction less than revocation would send a message to the existing and prospective registrant community that compliance with the law is not essential to maintaining a registration.

Accordingly, the Agency shall order the revocation of Registrant's registrations.

Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificates of Registration Nos. FZ5603952 and FZ2291451 issued to Kerri Zavota, D.V.M. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby deny any pending application of Kerri Zavota, D.V.M., to renew or modify either of these registrations, as well as any other pending application of Kerri Zavota, D.V.M., for registration in Florida. This Order is effective August 27, 2026.

Signing Authority

This document of the Drug Enforcement Administration was signed on July 21, 2026, by DEA Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–15199 Filed 7–27–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Gene M. Koop, D.D.S.; Decision and Order

On November 17, 2025, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Gene M. Koop, D.D.S., of Edmond, Oklahoma (Registrant). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 2, at 1, 3. The OSC proposed the revocation of Registrant's Certificate of Registration No. BK1369633, alleging that Registrant is ''currently without authority to prescribe, administer, dispense, or otherwise handle controlled substances in the State of Oklahoma, the state in which [he is] registered with DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3)).

The OSC notified Registrant of his right to file a written request for hearing, and that if he failed to file such a request, he would be deemed to have waived his right to a hearing and be in default. *Id.* at 2–3 (citing 21 CFR 1301.43). Here, Registrant did not request a hearing, and the Agency finds him to be in default. RFAA, at 2–3.[1] ''A default, unless excused, shall be deemed to constitute a waiver of the registrant's/applicant's right to a hearing and an admission of the factual allegations of the [OSC].'' 21 CFR 1301.43(e).

Further, ''[i]n the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] 1316.67.'' *Id.* at 1301.43(f)(1). Here, the Government has requested final agency action based on Registrant's default pursuant to 21 CFR 1301.43(c), (f), 1301.46. RFAA, at 1; *see also* 21 CFR 1316.67.

Findings of Fact

The Agency finds that, in light of Registrant's default, the factual allegations in the OSC are deemed admitted. According to the OSC, on December 31, 2023, Registrant's Oklahoma dentistry license expired by its own terms. RFAAX 2, at 2. Further, on October 31, 2024, Registrant's Oklahoma Bureau of Narcotics and Dangerous Drug (OBNDD) license expired by its own terms. *Id.* According to Oklahoma online records, of which the Agency takes official notice,[2] Registrant's OBNDD registration is inactive. OBNDD, Registrant Search, *https://obnddc.us.thentiacloud.net/webs/obnddc/register* (last visited date of signature of this Order).[3] Accordingly, the Agency finds that Registrant is not licensed to practice dentistry nor to handle controlled substances in Oklahoma, the state in which he is registered with DEA.[4]

[1] Based on the Government's submissions in its RFAA dated March 24, 2026, the Agency finds that service of the OSC on Registrant was adequate. The included declaration from a DEA Diversion Investigator (DI) indicates that on November 19, 2025, the DI emailed a copy of the OSC to Registrant's registered email address, and the email was not returned as undeliverable. RFAAX 1, at 2; *see also id.,* Appendix A. On the same day, the DI mailed a copy of the OSC to Registrant's provided mailing address. *Id.* at 2. Here, the Agency finds that Registrant was successfully served the OSC by email and that the DI's efforts to serve Registrant by other means were '' 'reasonably calculated, under all the circumstances, to apprise [Registrant] of the pendency of the action.' '' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)). Therefore, due process notice requirements have been satisfied. *See Mohammed S. Aljanaby, M.D.,* 82 FR 34552, 34552 (2017) (finding that service by email satisfies due process where the email is not returned as undeliverable and other methods have been unsuccessful); *Emilio Luna, M.D.,* 77 FR 4829, 4830 (2012) (same).

[2] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979).

[3] Registrant admits that he previously held a State of Oklahoma Board of Dentistry license that expired by its own terms on December 31, 2023. According to Oklahoma online records, of which the Agency takes official notice, Registrant's name and state license number no longer appear in the database of registered dentists. Oklahoma Board of Dentistry, Verify A Dentist, *https://oklahoma.gov/dentistry/license-verification/verify-a-dentist.html* (last visited date of signature of this Order).

[4] Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' The material fact here is that Registrant, as of the date of this Order, is not licensed to practice dentistry or to handle controlled substances in Oklahoma. Accordingly, Registrant may dispute the Agency's finding by filing a properly supported motion for reconsideration of findings of fact within fifteen calendar days of the date of this Order. Any such motion and response shall be filed and served by email to the other party and to the DEA Office of the Administrator, Drug Enforcement Administration, at *dea.addo.attorneys@dea.gov.*