

**DEPARTMENT OF THE INTERIOR****National Park Service****Flight 93 National Memorial Advisory Commission; Notice of meeting**

**AGENCY:** National Park Service.

**ACTION:** Notice of April 28, 2007 meeting.

**SUMMARY:** This notice sets forth the date of the April 28, 2007 meeting of the Flight 93 Advisory Commission.

**DATES:** The public meeting of the Advisory Commission will be held on Saturday, April 28, 2007 from 12 noon to 3 p.m. (Eastern) and 9 a.m. to 12 noon (Pacific). The Commission will meet jointly with the Flight 93 Memorial Task Force.

*Location:* The meeting will be held in Fort Mason, Building 201, Golden Gate National Parks, San Francisco, California 94123-0022. To access Fort Mason, please use the entrance at Franklin and Bay Streets.

The meeting will be connected to the East Coast via teleconference at the Flight 93 National Memorial Office, 109 West Main Street, Suite 104, Somerset, Pennsylvania 15501. The public is encouraged and welcome to attend either the west coast meeting or the east coast teleconference.

*Agenda:* The April 28, 2007 joint Commission and Task Force meeting will consist of:

- (1) Opening of Meeting and Pledge of Allegiance.
- (2) Review and Approval of Commission Minutes from January 27, 2007.
- (3) Reports from the Flight 93 Memorial Task Force and National Park Service. Comments from the public will be received after each report and/or at the end of the meeting.
- (4) Old Business.
- (5) New Business.
- (6) Public Comments.
- (7) Closing Remarks.

**FOR FURTHER INFORMATION CONTACT:**

Joanne M. Hanley, Superintendent, Flight 93 National Memorial, 109 West Main Street, Somerset, PA 15501, 814.443.4557.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning agenda items. Address all statements to: Flight 93 Advisory Commission, 109 West Main Street, Somerset, PA 15501.

Dated: March 23, 2007.

**Joanne M. Hanley,**

*Superintendent, Flight 93 National Memorial.*

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**BILLING CODE 4312-25-M**

**DEPARTMENT OF JUSTICE****Drug Enforcement Administration**

[Docket No. 06-68]

**Bourne Pharmacy, Inc.; Revocation of Registration**

On July 26, 2006, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Bourne Pharmacy, Inc., (Respondent) of Buzzards Bay, Massachusetts. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration, AB2802468, as a retail pharmacy, and to deny any pending applications for renewal or modification of the registration, on the ground that Respondent's continued registration would be inconsistent with the public interest. Show Cause Order at 1 (citing 21 U.S.C. 823(f) & 824(a)(4)).

The Show Cause Order alleged that on September 21, 2005, investigators from DEA and the Massachusetts Board of Pharmacy had executed an administrative inspection warrant at Respondent and found it to be in violation of various federal regulations. *See id.* at 2. Specifically, the Show Cause Order alleged that: (1) Respondent had failed to maintain a biennial inventory as required by 21 CFR 1304.11(c) and 1304.21, (2) had failed to maintain drug destruction records as required by 21 CFR 1304.21(a), (3) was storing controlled substances at a non-registered location in violation of 21 CFR 1304.04, and (4) was improperly storing order forms for Schedule II controlled substances. Show Cause Order at 2.

The Show Cause Order further alleged that on August 22, 2005, Dr. Michael Brown, a Massachusetts based physician, was arrested and charged with various drug offenses under state law, including conspiracy to violate drug laws and possession of various categories of controlled substances with the intent to distribute. *See id.* at 2. According to the Show Cause Order, investigators further determined that during the calendar year 2005, forty-five percent of the prescriptions for Schedule II controlled substances filled by Respondent were written by Dr. Brown; in the month of April 2005

alone, 92 of 168 Schedule II prescriptions filled by Respondent were written by Dr. Brown. *Id.* at 2-3.

Finally, the Show Cause Order alleged that on October 25, 2005, the Massachusetts Board of Pharmacy had issued a "Final Order of Summary Suspension," which suspended Respondent's state pharmacy permit and controlled substance registration, and that these suspensions remain in effect. *Id.* at 3. The Show Cause Order thus alleged that Respondent lacked authority under state law to handle controlled substances and that this authority is "a necessary prerequisite for DEA registration." *Id.*

Respondent, through its counsel, requested a hearing; the matter was assigned to Administrative Law Judge (ALJ) Mary Ellen Bittner. Shortly thereafter, the Government moved for summary disposition on the ground that the Massachusetts Board of Pharmacy had issued a Final Order of Summary Suspension against Respondent's state pharmacy permit and the pharmacist's license of its owner (Mr. Gerald Liberfarb) and pharmacist in charge. Mot. for Summ. Disp. at 2. Attached to the Government's motion was the State's summary suspension order, as well as a copy of Respondent's DEA registration (which does not expire until July 31, 2008). *See* Attachments 1 & 2 to Mot. for Summ. Disp.

Respondent opposed the Government's motion. Respondent contended that "on October 24, 2005, [it] had already voluntarily surrendered its [state] registered drug store certificate" and controlled substance registration to the Massachusetts Department of Public Health, "to be held in escrow pending a hearing on the merits to be held \* \* \* before the Board of Registration in Pharmacy." Resp. Opp. at 1. Respondent also argued that the Massachusetts Board "has never implemented or executed the Final Order of Summary Suspension," and that it has meritorious defenses to the DEA Show Cause Order. *Id.* Finally, Respondent contended that it was "both premature and unduly prejudicial to act upon the Government's Motion \* \* \* until after [the] state agency" held its hearing and made a decision. *Id.* at 2.

In support of its contention, Respondent's counsel attached a letter he had written to an attorney for the State Board memorializing the fact that Respondent had delivered its state registration and certificates to be held by the State "in escrow until a final decision is issued on the merits." Ex. 1 to Resp. Opp. Respondent also attached other documents including a "Notice of Fourth Rescheduled Hearing," Ex. 2 to