



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

In the Matter of

Docket No. 09-12-DA

WILLIAM P. JENKINS,

Debarment Action

Respondent.

Appearances: William P. Jenkins, New York, New York, for himself.

Denise Morelli, Esq., of the Office of the General Counsel, United States Department of Education, Washington, D.C., for the Notice Debarment and Suspension Official.

Before: Judge Ernest C. Canellos

DECISION

On March 19, 2009, the U. S. Department of Education's Notice Debarment and Suspension Official (NDSO) notified the Respondent of a proposed government-wide debarment from all Federal procurement and non-procurement transactions under authority of 34 C.F.R. Part 85. The basis for such action was the Respondent's conviction, pursuant to his plea of guilty, of one count of fraudulently obtaining federal funds while acting as the Director and owner of the New York Paralegal School (NYPS), New York, New York. On April 16, 2009, the Respondent filed an opposition including a statement of a willingness to discuss an acceptance of a more limited debarment based on mitigating circumstances.

After having been assigned to adjudicate this issue, on May 7, 2009, I issued an Order Governing Proceedings in this case. Under such order, NDSO's representative and the Respondent were to file briefs setting forth the basis of their respective positions. The Respondent and the NDSO filed their briefs by the scheduled date for submission.

The Respondent's submission includes a noteworthy narrative of his educational progression through law school, his employment in the legal profession, ultimately resulting in the founding of NYPS in 1992. Such submission also recognizes that, as a result of financial pressures, he did fraudulently obtain federal funds he was not entitled to. On a personal note, he points out he has had psychological problems for which he is in treatment, he has children with special needs, and is making restitution for the losses caused by his actions. In summary, the Respondent believes that because of these mitigating circumstances I should determine that he is presently a responsible person and debarment is not appropriate. Alternatively, the Respondent asks that I somehow order an action that would result in his continuing ability to be employed as an educator, while at the same time, denying his access to federal funds.

The NDSO, not unsurprisingly, interprets this case differently. The NDSO points out that the Respondent filed 19 fraudulent student loan applications in the name of students who never attended the NYPS – this conduct continued for approximately a year and one half and ceased only upon him being caught. This intentional behavior is the very antithesis of the special trust that applies to the fiduciary status of one disbursing federal funds. Also, the NDSO points out that debarment does not prevent the Respondent from teaching at an institution, even one receiving Title IV funds, since teaching is not a covered transaction under the Debarment Regulations. Finally, debarment does not impact numerous other jobs that do not involve the receipt, handling, or management of federal funds.

Upon review of the record, I find that there are no material facts that are in dispute. It is clear that the Respondent, while acting in his official capacity as the Director and owner of NYPS fraudulently secured for himself federal student aid funds that he was not entitled to. I find that these violations are serious and constitute cause for debarment under the provisions of 34 C.F.R. § 85.800(a) (3) and (4). It also shouldn't escape anyone's notice that the Respondent's misdeeds occurred while he was engaged in the education of legal personnel, the antithesis of that expected of those who are required to demonstrate the highest degree of moral conduct.

ORDER

On the basis of the foregoing findings of fact and conclusions of law, it is ORDERED that, effective on July 15, 2009, William P. Jenkins is debarred from participating in any covered transaction under federal procurement and non-procurement programs and activities of any federal agency. As a consequence, he is not eligible to receive federal financial and non-financial assistance or benefits from any federal agency under procurement and non-procurement programs and activities. Also, he may not act as a principal on behalf of any person in connection with any covered transaction. A principal is defined in 34 C.F.R. § 85.995 and includes any key employee or other person who has a critical influence on or substantive control over a covered transaction. This debarment is effective for all covered transactions unless an agency head or authorized designee grants an exception for a particular transaction in accordance with the provisions of 34 C.F.R. § 85.120.

Under 34 C.F.R. § 85.865, the period of debarment is to be commensurate with the seriousness of the cause for debarment. I find that the established wrongdoing and ethical failures constitute a serious threat to governmental programs. Accordingly, I have determined that the period of debarment shall be three years.

Ernest C. Canellos
Chief Judge

Dated: July 13, 2009

SERVICE

A copy of the attached document was sent to the following:

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