



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

In the Matter of

Docket No. 10-17-DA

THEA JACKSON,

Government-Wide
Debarment Proceeding

Respondent.

Appearances: Rachel E. Dorfman, Esq., of HARP Legal Services, San Diego, California, for Respondent.

Russell B. Wolff, 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 Richard F. O'Hair

DECISION

On April 7, 2010, the U.S. Department of Education (Department) issued to Ms. Thea Jackson a "Notice of Proposed Government-Wide Debarment from Federal Procurement and Non-Procurement Transactions," pursuant to 34 C.F.R. §85.805. The Notice informed Ms. Jackson that the Department's proposal to debar her was based upon her conviction of knowingly and willfully taking money and personal property to which she knew she was not entitled. More specifically, Ms. Jackson pleaded guilty to count 2 of a two-count Complaint for False Pretenses-Obtaining Property, Labor, or Services in violation of California State Penal Code Section 532(a). As a result of this conviction, Ms. Jackson refunded \$8,600 of unused Pell Grant funds to the Department.

At the time of the offense, Ms. Jackson was serving as a financial aid employee at Grossmont College when she obtained federal student aid administered by the Department and authorized under Title IV of the Higher Education Act of 1965, (Title IV) as amended. 20 U.S.C.

§ 1070 *et. seq.* on behalf of her aunt. Exercising her understanding of the financial aid process, Ms. Jackson applied and obtained for her aunt a Federal Student Grant at San Diego Community College (College). The application, however, was fraudulent, as Ms. Jackson made it appear as though it was her aunt who had filed and submitted the documents for the Pell Grant, when in fact it was Ms. Jackson herself. Additionally, Ms. Jackson received \$3,232 of the fraudulently and falsely obtained Pell Grant funds. For her part in the conspiracy, Ms. Jackson was convicted of a misdemeanor, sentenced to 18 months probation, and ordered to pay approximately \$10,000 in restitution, fines, and other fees.

Ms. Jackson exercised her right to oppose this debarment proceeding in accordance with the provisions of 34 C.F.R. §85.815, by filing a letter written by her attorney, Ms. Rachel Dorfman. The letter explained that while Ms. Jackson admitted to engaging in misconduct, she had made a mistake in judgment and should not be debarred based on mitigating circumstances. The mitigating circumstances discussed include Ms. Jackson's acceptance of full responsibility for her actions, full repayment of the grant, no previous history of wrongdoing, and the statement that other parties were involved in her misconduct. Ms. Dorfman explained that Ms. Jackson had pled guilty to one count of her charges because, pursuant to a plea bargain, Ms. Jackson's crime could then be classified as a misdemeanor, allowing her to apply for early termination of her probation and for her conviction to be expunged in 18 months.

Federal regulations provide that a debarring official may impose a debarment for the conviction of the commission of fraud, embezzlement, making false statements, or any other offense indicating a lack of business integrity directly affecting the present responsibility of a person. 34 C.F.R. § 800(a)(1),(2), and (4). The cause for debarment must be established by preponderance of the evidence. If the proposed debarment is based upon a conviction, the standard of proof is presumed to have been met. 34 C.F.R. § 850(b). Accordingly, I find that Ms. Jackson's September 9, 2009, conviction for knowingly and willfully taking money and personal property to which she knew she was not entitled supports the proposed Government-wide debarment. Here, Ms. Jackson's willful misconduct indicates a lack of business responsibility and integrity, which, in turn, violates the propriety of engaging in Federal government transactions with her for a specified time.

Under federal regulation 34 C.F.R. § 85.865(a), although the standard time frame of debarment is three years, the period of debarment should be commensurate with the seriousness of the cause. In this case, while Ms. Jackson has repaid the funds, she nonetheless pled guilty to the charged misconduct. Furthermore, Ms. Jackson abused her authority and fiduciary responsibility as a financial aid official at Grossmont College to manipulate the Title IV process even though the funds came from another institution. After considering all these factors, I believe Ms. Jackson's misconduct is more serious than the standard case and warrants a more extensive debarment period. Therefore, a debarment for a period of four years is appropriate.

ORDER

On the basis of the foregoing, it is hereby ORDERED that Ms. Jackson be debarred from initiating, conducting, or otherwise participating in any covered transaction under the nonprocurement programs and activities of any Federal agency, and is ineligible to receive Federal financial and nonfinancial assistance or benefits from any Federal agency or activity for a period of four years, effective with the date of this decision. She may not act as a principal, as defined in 34 C.F.R. § 85.995, on behalf of any person in connection with 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 34 C.F.R. § 85.120.

Judge Richard F. O'Hair
Deciding Debarment and Suspension Official

Dated: July 28, 2010

SERVICE

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

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