



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS

February 24, 2010

**CERTIFIED MAIL R. R.**

Joseph Williams, III

7009 0820 0002 0033 4888

Re: Docket No. 09-17-DA

**NOTICE OF GOVERNMENT-WIDE DEBARMENT FROM FEDERAL  
PROCUREMENT AND NON-PROCUREMENT TRANSACTIONS**

This notice is issued by the United States Department of Education (Department) pursuant to 34 C.F.R. § 85.870 to inform you that you are **DEBARRED EFFECTIVE THE DATE OF THIS LETTER** from participating in any covered transactions under federal procurement and non-procurement programs and activities of any federal agency. As a consequence of being debarred, you are not eligible to receive federal financial and non-financial assistance or benefits from any federal agency under procurement or non-procurement programs and activities. Also, you may not act as a principal on behalf of any person in connection with a 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 34 C.F.R. § 85.120.

On April 8, 2009, the Department issued to you a Notice of Proposed Government-Wide Debarment from Federal Procurement and Non-Procurement Transactions, and informed you of your right to submit information and argument in opposition to such an action. That Notice was mailed to you at your last known address of record via U.S.P.S., Certified Mail, Return Receipt Requested. That Notice was mailed to you at your last known address of record via U.S.P.S., Certified Mail, Return Receipt Requested. The Return Receipt was returned as unclaimed to the Department on April 23, 2009. Since service was attempted at your last known address, you are deemed to have received constructive notice on April 13, 2009.

Under the applicable regulations, one subject to a proposed debarment is given 30 days from receipt of the Notice to oppose the proposed action. Thirty days have passed from the date of notice, and this office has received no correspondence from you contesting the contents of the April 8, 2009, Notice. The matter is now considered timely.

In June 2003, you opened a post office address box (P.O. Box) under the name, "Willie Gilliam". In August 2003, you completed an electronic Free Application for Federal

Student Aid (FAFSA) under the name Willie Gilliam. You then enrolled and registered for courses for the spring 2004 semester at Iowa Lakes Community College (ILCC). In October 2003, you signed a Federal Stafford Loan Master Promissory Note showing Willie Gilliam as the borrower, and you received a subsidized loan in the amount of \$2,624.00 and \$4,050.00 in Pell Grant funds under the name of Willie Gilliam. As a result of your actions, ILCC received Federal Student Aid (FSA) funds for Willie Gilliam to attend classes and a credit balance was created on your school financial account. This credit balance was refunded to Willie Gilliam in the form of checks which were sent to Willie Gilliam at the P.O. Box registered by you. You then converted these FSA refund checks for your own use, knowing that these FSA funds would not be used by Willie Gilliam for authorized educational purposes.

You were charged in a single count Information for converting FSA payments for your own use in violation of 18 U.S.C. § 641. On May 4, 2008, you entered into a plea agreement in which you agreed to plead guilty to the single count Information. On November 20, 2008, you plead guilty to converting FSA payments for your own use. The court accepted your plea of guilty and found you guilty of violating 18 U.S.C. § 641.

Based upon your plea and your conviction, **I FIND** that debarment is warranted. The uncontested record and the Notice of Proposed Government-Wide Debarment from Federal Non-Procurement Transactions, dated April 8, 2009, demonstrate that debarment should be imposed inasmuch as these violations constitute serious charges and cause for debarment under 34 C.F.R. §§ 85.800 (a)(3).

Under 34.C.F.R. § 85.865, the period of debarment is to be commensurate with the seriousness of the cause(s) for debarment. The charges levied against you in the Notice of Proposed Government-Wide Debarment from Federal Non-Procurement Transactions dated April 8, 2009, and which have gone without comment, constitute a serious threat to governmental programs. Accordingly, I have determined that the period of debarment will be **three** years, effective the date of this letter. The regulations contained in 34 C.F.R. Part 85, and the Non-Procurement Debarment and Suspension Procedures mailed with the Notice of April 8, 2009, govern this debarment.

**SO ORDERED,**

Frank J. Furey,  
Deciding Debarment  
and Suspension Official