



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS

March 11, 2013

CERTIFIED MAIL R. R.

Marlon Tandinco

7011 2000 0002 7194 8406

Re: Docket No. 11-72-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 October 24, 2011, 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. You received the Notice on October 31, 2011.

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 October 24, 2011, Notice. Therefore, the matter is now considered timely.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

You were an Accountant at the University of California, San Francisco Medical Center, and beginning on or about January 17, 2007, in the Northern District of California, you, did knowingly embezzle, steal purloin, and convert to your own use money from the Department's Parent Loan for Undergraduate Students (PLUS Loan) program. In particular, you submitted a Master Promissory Note (MPN) for your son, with personal identifying information of an individual known as "A.L.T." when you knew that A.L.T. was not your son's mother nor had she agreed to submit the MPN.

You were formally charged in a four count Information for violations of 18 U.S.C. § 641 theft of government property and 20 U.S.C. § 1097(a) federal financial aid fraud. On June 16, 2011, you entered into a plea agreement in which you agreed to plead guilty to count one of the Information. As evidenced in *United States v. Tandinco*, Case No. CR-11-00086-001 LB (N. D. Ca., Signed June 24, 2011), the court accepted your guilty plea and adjudicated you guilty of violating 18 U.S.C. § 641 theft of government property.

Based upon your plea and conviction, **I FIND** that debarment is warranted. The uncontested record and the Notice of Proposed Government-Wide Debarment from Federal Non-Procurement Transactions 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)(1),(3).

Under 34.C.F.R. § 85.865(a), 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, which have gone without comment, constitute a threat to governmental programs. Accordingly, I have determined that the period of debarment will be **two** 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 govern this debarment.

SO ORDERED,

Frank J. [unclear]
Deciding Debarment
and Suspension Official