



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS

March 11, 2013

**CERTIFIED MAIL R. R.**

Elisa Delia Garcia

7011 2000 0002 7194 8420

Re: Docket No. 11-93-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 21, 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. The Return Receipt was refused and returned to the Department on May 10, 2011. Since service was attempted at your last known address, you are deemed to have received constructive notice on April 26, 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 April 21, 2011, Notice. Therefore, the matter is now considered timely.

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[www.ed.gov](http://www.ed.gov)

*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 a financial aid specialist at Affiliated Computer Services, a third party servicer of the University of Phoenix, Apollo Group. Beginning on or about November 13, 2008, and ending on or about January 8, 2009, you knowingly attempted to obtain a benefit by means of false or fraudulent pretenses, representations or promises. Specifically, you submitted student financial aid applications which contained fraudulent misrepresentations, with the intent to obtain funds as a result of the applications.

You were formally charged in the Superior Court of Arizona, Maricopa County with a nine-count Indictment. You were charged with, among other charges, attempted fraudulent schemes and artifices in violation of A.R.S. §§ 13-2310, 13-1001, 13-301, 13-302, 13-303, 13-304, 13-610, 13-701, 13-702 and 13-801. On September 14, 2009, you entered into a plea agreement in which you agreed to plead guilty to count four of your Indictment. At the same hearing as the plea agreement motion, the court accepted your plea, adjudicated you guilty of attempted fraudulent schemes and artifices and imposed judgment.

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 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 govern this debarment.

**SO ORDERED,**

**(b) (6)**

and Suspension Official