



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS

March 11, 2013

CERTIFIED MAIL R. R.

Raymond Rodriguez

7011 2000 0002 7194 8383

Re: Docket No. 12-06-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, 2012, 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, 2012. Since service was attempted at your last known address, you are deemed to have received constructive notice on April 26, 2012.

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, 2012, 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 a Budget and Fiscal Coordinator at Tufts University (Tufts). Beginning on or about October 28, 2005 through on or about August 9, 2007, you stole property of Tufts, with a value exceeding two hundred and fifty dollars. In particular, you wrote yourself a check from a Tufts' bank account for \$100,000.00 and deposited that check in your personal bank account. You also opened numerous credit cards in your name and in Tufts' name to purchase items for yourself.

You were formally charged in a two count Indictment with Larceny over \$250.00 in violation of Mass. Gen. Laws Arm. C.266, § 30(1). On June 19, 2009 you plead guilty to both counts of your Indictment. As evidenced in *Commonwealth v. Rodriguez*, Case No. MCR2008-00807 (Ma. Middlesex Super. Ct., Ordered, June 19, 2009), the court accepted your guilty plea and adjudicated you guilty of larceny in violation of Mass. Gen. Laws Arm. C.266, § 30(1) 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,

Frank J. Furey.
Deciding Debarment
and Suspension Official

