



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS

June 27, 2016

Derrick A. Valdez, Sr

CERTIFIED MAIL R. R.
7003 2260 0001 5004 5944

Re: Docket No. 15-54-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 2 C.F.R. § 180.870 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 2 C.F.R. § 180.995, 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 2 C.F.R. § 180.135.

On September 29, 2015, 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. The Notice was mailed to you at your last known address of record via U.S.P.S., Certified Mail, Return Receipt Requested. The Notice was returned to the Department as unclaimed. Since service was attempted at your last known address, you are deemed to have received constructive notice on October 5, 2015.

Under the applicable regulations, one subject to a proposed debarment is given thirty (30) days from receipt of the Notice to oppose the proposed action. Thirty (30) days has passed from the date you received constructive notice of the proposed action, and this office has received no correspondence from you contesting the contents of the September 29, 2015, Notice. Pursuant to 2 C.F.R. §180.870, I closed the official record on March 15, 2016.

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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 student benefits advisor at Arizona Automotive Institute (AAI), from on or about August 18, 2010, to on or about October 4, 2010, you, with the intent to defraud, falsely made, completed or altered a written instrument. Specifically, you forged and falsified a student loan deferment form for an AAI student

You were formally charged in the Superior Court of Arizona, County of Maricopa with a five-count Indictment. You were charged with, among other offenses, forgery in violation of A.R.S. §§ 13-2002, 2001, 701, 703(B)(2), 703(I), 801, and 804. On July 17, 2015, you entered into a Plea Agreement in which you agreed to plead guilty to an amended count three of your Indictment. The court accepted your plea, adjudicated you guilty of forgery and imposed judgment on August 19, 2015.

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 criminal charges and are a cause for debarment under 2 C.F.R. § 180.800 (a)(3).

Under 2.C.F.R. § 180.865, 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, which have gone without comment, constitute a serious 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 2 C.F.R. Part 180, 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