



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF HEARINGS AND APPEALS

June 8, 2016

Martell Alexander

CERTIFIED MAIL R. R.
70032260000150045968

Re: Docket No. 16-47-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 October 19, 2016, 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 24, 2016.

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 October 19, 2016, Notice. Pursuant to 2 C.F.R. § 180.870, I closed the official record on May 1, 2017.

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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 employee of Tulsa Community College, and beginning from about March 2011 and continuing through January 2012, you, knowingly and willfully destroyed and concealed records of Satisfactory Academic Progress (SAP). As a result of the destruction and concealment of SAP records by you, approximately \$240,893, in federal financial aid was disbursed under the Federal Pell Grant Program and the William D. Ford Federal Direct Loan Program in violation of Title 20, United States Code, Section 1097(d).

You were formally charged in the United States District Court for the Northern District of Oklahoma with a four count Indictment for violation of 18 U.S.C. § 1001, 20 U.S.C. §§ 1097(a) and (d). You plead guilty to count one of your Indictment for destruction of records. The court accepted your plea, and adjudicated you guilty of violating 20 U.S.C. § 1097(d). The court imposed judgment on July 27, 2016.

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 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 2 C.F.R. Part 180, and the Non-Procurement Debarment and Suspension Procedures mailed with the Notice govern this debarment.

SO ORDERED,

(b) (6)

Frank J. Furey,
Deciding Debarment
and Suspension Official