

In the Matter of  
GOVERNMENTWIDE DEBARMENT  
FROM  
FEDERAL NONPROCUREMENT TRANSACTIONS  
RICHARD FRIEDBERG

Docket No. 94-41-DA

**DECISION**

This **DECISION** is issued by the United States Department of Education (Department) pursuant to 34 C.F.R. § 85.314. I have jurisdiction to act in this matter by virtue of a Delegation of Authority from the Secretary to me to act as the Department's Designated Deciding Debarment and Suspension Official. The regulations, 34 C.F.R. Part 85, and the Nonprocurement Debarment and Suspension Procedures mailed to Richard Friedberg govern this debarment.

On January 27, 1994, Richard Friedberg, of Villanova, Pennsylvania, was issued a "Notice of Proposed Governmentwide Debarment from Federal Nonprocurement Transactions" pursuant to 34 C.F.R. § 85.312. The notice informed him that the proposed debarment was based upon his conviction by the United States District Court for the Eastern District of Pennsylvania of two income tax offenses - filing false income tax returns and aiding and abetting in the making of false income tax returns, in violation of 26 U.S.C. §§ 7201, 7206(2) and 18 U.S.C. § 1001 and 2. He was also informed that he had the right to submit information and argument in opposition to the proposed debarment.

On February 24, 1994, Mr. Friedberg submitted a letter, with attachments, in which he argued, in effect, that debarment should be denied because he is no longer involved in the Title IV Program.

On March 9, 1994, Counsel for the Notice Official submitted a Response in which she stated that the "voluntary suspension" of Mr. Friedberg is insufficient to fully protect the federal interest, and it does not act to mitigate the seriousness of the offenses of which he was convicted.

First, I find that there is no dispute as to material facts. Next, pursuant to 34 C.F.R. § 85.300, I must consider the seriousness of the person's acts or omissions and any mitigating factors in determining whether to debar an individual, recognizing that it is the policy of the Federal Government to conduct business only with responsible persons. In light of the foregoing, I find that debarment is warranted based on Mr. Friedberg's conviction of offenses directly connected to his trustworthiness to administer the Federal student financial assistance programs and that these offenses directly and adversely relate to whether he is a responsible person for purposes of administering any Federal funds.

Under 34 C.F.R. § 85.320, the period of debarment is to be commensurate with the seriousness of the cause(s) of debarment, generally not to exceed three years. Based on the facts and circumstances herein, I have determined that the period of debarment in this case will be three years.

I order that Richard Friedberg be DEBARRED from initiating, conducting, or otherwise participating in any covered transaction under the nonprocurement programs and activities of any Federal agency. As a result, he is not eligible to receive Federal financial and nonfinancial assistance or benefits from any Federal agency under nonprocurement programs and activities. Also, he may not act as a principal, as defined in 34 C.F.R. § 85.105(p), on behalf of any person in connection with any 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. § 85.215.

**SO ORDERED**

ERNEST C. CANELLOS,  
Deciding Debarment and  
Suspension Official

Dated: April 18, 1994