



United States Department of Education
Office of Hearings and Appeals

In the Matter of
Kiesha L. POPE
Respondent

Docket No. 22-49-DA
Debarment Action

Decided: December 8, 2022

Notice Debarring and Suspending Official:
Susan D. Crim
United States Department of Education

Before
RODGER A. DREW, JR.
Chief Administrative Judge
Debarring and Suspending Official

I. PROCEDURAL HISTORY

On August 19, 2022, the Notice Debarring and Suspending Official for the U.S. Department of Education (Department) issued Respondent a Notice of Proposed Government-Wide Debarment from Federal Procurement and Non-Procurement Transactions (Notice) pursuant to 2 C.F.R. § 180.805. The Notice

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informed Respondent that the proposed debarment was based upon Respondent's criminal conviction in *United States v. Pope*, No. 22-CR-009 (E.D. Va. July 19, 2022) for conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349. The Notice included a copy of the Judgment in a Criminal Case attesting to Respondent's guilty pleas and corresponding Federal criminal conviction, the Indictment, the Plea Agreement, and the stipulated Statement of Facts.

Based on the same conduct and Indictment, Respondent has been suspended from procurement and nonprocurement transactions since March 2, 2022.

The Department mailed the Notice to Respondent's last known home address and the United States Postal Service attempted delivery for over 30 days. Ultimately, the Postal Service delivered the Notice to a forwarded address on September 24, 2022. The Department also electronically sent the Notice to Respondent's attorney of record.

Respondent has not responded to the Notice. The official record is closed as of November 1, 2022.

II. GOVERNING PRINCIPLES

A. Basis for Debarment

A Debarring Official has the discretion to exclude or "debar" a person from participating in various nonprocurement transactions directly or indirectly involving the Federal Government for, among other reasons:

Conviction of or civil judgment for—

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction;

(2) Violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects [Respondent's] present responsibility.

2 C.F.R. § 180.800(a).

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Conviction means—

(a) A judgment or any other determination of guilt of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or plea, including a plea of nolo contendere; or

(b) Any other resolution that is the functional equivalent of a judgment, including probation before judgment and deferred prosecution. A disposition without the participation of the court is the functional equivalent of a judgment only if it includes an admission of guilt.

2 C.F.R. § 180.920.

Civil judgment means the disposition of a civil action by any court of competent jurisdiction, whether by verdict, decision, settlement, stipulation, other disposition which creates a civil liability for the complained of wrongful acts, or a final determination of liability under the Program Fraud Civil Remedies Act of 1988 (31 U.S.C. 3801–3812).

2 C.F.R. § 180.915.

The decision to debar is based on all information contained in the official record. 2 C.F.R. § 180.845(b).

The debarring official need not debar, even if a cause for debarment exists. The official may consider the seriousness of the Respondent's acts or omissions and any mitigating or aggravating factors. 2 C.F.R. § 180.845(a).

The debarring official may consider following mitigating and aggravating factors, along with other factors if appropriate in light of the circumstances of the case:

(a) The actual or potential harm or impact that results or may result from the wrongdoing.

(b) The frequency of incidents and/or duration of the wrongdoing.

(c) Whether there is a pattern or prior history of wrongdoing. For example, if [Respondent has] been found by another Federal agency or a State agency to have engaged in wrongdoing similar to that found in the debarment action, the existence of this fact may be used by the debarring official in determining that [Respondent has] a pattern or prior history of wrongdoing.

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(d) Whether [Respondent is] or [has] been excluded or disqualified by an agency of the Federal Government or [has] not been allowed to participate in State or local contracts or assistance agreements on a basis of conduct similar to one or more of the causes for debarment specified in this part.

(e) Whether [Respondent has] entered into an administrative agreement with a Federal agency or a State or local government that is not governmentwide but is based on conduct similar to one or more of the causes for debarment specified in this part.

(f) Whether and to what extent [Respondent] planned, initiated, or carried out the wrongdoing.

(g) Whether [Respondent has] accepted responsibility for the wrongdoing and recognize[s] the seriousness of the misconduct that led to the cause for debarment.

(h) Whether [Respondent has] paid or agreed to pay all criminal, civil and administrative liabilities for the improper activity, including any investigative or administrative costs incurred by the government, and [has] made or agreed to make full restitution.

(i) Whether [Respondent has] cooperated fully with the government agencies during the investigation and any court or administrative action. In determining the extent of cooperation, the debarring official may consider when the cooperation began and whether [Respondent] disclosed all pertinent information known to [Respondent].

(j) Whether the wrongdoing was pervasive within [Respondent's] organization.

(k) The kind of positions held by the individuals involved in the wrongdoing.

(l) Whether [Respondent's] organization took appropriate corrective action or remedial measures, such as establishing ethics training and implementing programs to prevent recurrence.

(m) Whether [Respondent's] principals tolerated the offense.

(n) Whether [Respondent] brought the activity cited as a basis for the debarment to the attention of the appropriate government agency in a timely manner.

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(o) Whether [Respondent has] fully investigated the circumstances surrounding the cause for debarment and, if so, made the result of the investigation available to the debarring official.

(p) Whether [Respondent has] effective standards of conduct and internal control systems in place at the time the questioned conduct occurred.

(q) Whether [Respondent has] taken appropriate disciplinary action against the individuals responsible for the activity which constitutes the cause for debarment.

(r) Whether [Respondent has] had adequate time to eliminate the circumstances within your organization that led to the cause for the debarment.

(s) Other factors that are appropriate to the circumstances of a particular case.

2 C.F.R. § 180.860.

B. Effect of Debarment

A person debarred by a Federal agency is excluded from participating in covered transactions with *any* Federal agency during the period of debarment. 2 C.F.R. § 180.130.

A person excluded from participation in nonprocurement transactions is also ineligible to participate in Federal procurement transactions under the Federal Acquisition Regulation. 2 C.F.R. § 180.140.

C. Length of Debarment

The length of debarment is based on the seriousness of the action(s) that formed the basis for the debarment. “Generally, debarment should not exceed three years. However, if circumstances warrant, the debarring official may impose a longer period of debarment.” 2 C.F.R. § 180.865(a).

“In determining the period of debarment, the debarring official may consider the factors in § 180.860. If a suspension has preceded [Respondent’s] debarment, the debarring official must consider the time [Respondent was] suspended.” 2 C.F.R. § 180.865(b).

D. Standard of Proof

The Department has “the burden to prove that a cause for debarment exists.” 2 C.F.R. § 180.855(a). The Department “must establish the cause for debarment by a preponderance of the evidence.” 2 C.F.R. § 180.850(a). “*Preponderance of the evidence* means proof by information that, compared with

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information opposing it, leads to the conclusion that the fact at issue is more probably true than not.” 2 C.F.R. § 180.990.

“If the proposed debarment is based upon a conviction or civil judgment, the standard of proof is met.” 2 C.F.R. § 180.850(b). “Once a cause for debarment is established, [Respondent has] the burden of demonstrating to the satisfaction of the debarring official that [Respondent is] presently responsible and that debarment is not necessary.” 2 C.F.R. § 180.855(b).

Respondent will not have an opportunity to challenge the facts upon which the proposed debarment is based if—

- (1) [Respondent’s] debarment is based upon a conviction or civil judgment;
- (2) [Respondent’s] presentation in opposition contains only general denials to information contained in the Notice of Proposed Debarment; or
- (3) The issues raised in [Respondent’s] presentation in opposition to the proposed debarment are not factual in nature, or are not material to the debarring official’s decision whether to debar.

2 C.F.R. § 180.830(a).

III. FINDINGS OF FACT

On March 16, 2022, Respondent pled guilty before a Federal District Court in the Eastern District of Virginia to one count of conspiracy to commit wire fraud as reflected in the Plea Agreement and Count One of the Indictment. The Court subsequently accepted Respondent’s plea. Following a sentencing hearing, on July 19, 2022 the Court adjudicated Respondent guilty in accordance with her plea; sentenced her to imprisonment for 63 months, supervised release for 3 years upon release from imprisonment, restitution of \$17,982 to J. Sargent Reynolds Community College (JSR Community College), restitution of \$62,240 to the Commonwealth of Virginia, restitution of \$150,628 to the Department, and a \$100 special assessment; and entered a Judgment accordingly.

As part of the Plea Agreement and Statement of Facts Respondent signed on March 16, 2022, Respondent stipulated that the following facts are true and accurate.

From on or about April 10, 2006, and continuing through on or about October 3, 2017, Respondent was the Director of Financial Aid at JSR Community College, a post-secondary, public community college servicing the greater

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Richmond, Virginia area. As the director, Respondent managed a staff in the financial aid office responsible for dispersing federal funds provided to eligible enrolled students under the authority of Title IV of the Higher Education Act of 1965, as amended (Title IV Aid), as well as financial aid programs administered and funded by the Commonwealth of Virginia (Virginia Student Aid), (together, Student Aid).

A. Nature of the Conspiracy

Respondent, beginning prior to, in, or about 2010, and continuing through on or about November 2017, did knowingly and intentionally combine, conspire, confederate, and agree with four co-conspirators—her son, her god-daughter, her ex-fiancé, her cousin—and with others, to commit wire fraud, that is: to knowingly execute and attempt to execute a scheme and artifice to defraud and to obtain property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice to defraud, transmitted and caused transmission of writings, signs, and signals in interstate and foreign commerce, in violation of 18 U.S.C. § 1343.

The purpose of the conspiracy was for Respondent and her co-conspirators, to unlawfully enrich themselves: 1) by fraudulently causing the U.S. Government, the Commonwealth of Virginia, and JSR Community College to award Student Aid to co-conspirators who were not entitled to such Student Aid; 2) by manipulating JSR Community College financial aid to improperly increase the financial aid eligibility of and disbursements to co-conspirators; 3) by concealing failures of co-conspirators to make satisfactory academic performance and concealing the lack of eligibility of such co-conspirators to continue to receive Student Aid; 4) by spending Student Aid on improper non-educational expenses for which Student Aid was not authorized; and 5) by concealing Respondent's and her co-conspirators' improper use of Student Aid from the United States Government, the Commonwealth of Virginia, JSR Community College personnel, and law enforcement officials.

B. Manner and Means of the Conspiracy

Respondent agreed to procure Student Aid for her co-conspirators and to ensure their continued financial aid eligibility at JSR Community College, even when Respondent knew that such co-conspirators were not eligible for Student Aid. Namely, Respondent procured continued financial aid eligibility for co-conspirators, notwithstanding the failures of those students to submit Satisfactory Academic Progress appeals, and even when such individuals were not attending classes at JSR Community College.

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Respondent used her access to the JSR Community College financial aid systems to inflate Student Aid eligibility for her co-conspirators. Respondent caused at least \$230,850 in Student Aid benefits to be disbursed to co-conspirators who were not eligible for continued financial aid. Co-conspirators paid a portion of the Student Aid funds they received directly (as opposed to funds paid to JSR Community College to cover tuition and associated fees) to Respondent. Respondent spent portions of the Student Aid money she received on various personal expenses.

When Respondent was confronted by her supervisor at JSR Community College, about irregular amounts of financial aid disbursed to Respondent's son, her goddaughter, and her cousin, Respondent lied to her supervisor, stating that she had no relationship with these individuals.

1. Respondent's Son

Respondent's son did not attend any class at JSR Community College between in or about 2011 to in or about 2017, but received JSR Community College financial aid during this period. Respondent's son had an agreement with Respondent wherein she would continue to enroll him at JSR Community College; once he received refund disbursement checks, he would cash the checks and give Respondent a portion of the funds.

In or about 2011, and continuing through in or about 2014, Respondent's son cashed checks from JSR Community College consisting of Student Aid refund disbursements and gave a portion of the funds to Respondent. Thereafter, from in or about 2015, and continuing through in or about 2017, Respondent instead directly received a prepaid debit card in her son's name at her home address. This card's pre-loaded proceeds consisted of Student Aid disbursements to be used exclusively for her son's education expenses. Respondent improperly spent the card funds on her own expenses.

Respondent's son was automatically placed on a financial aid suspension at JSR Community College after the Spring 2013 term due to his failure to meet Satisfactory Academic Progress requirements. Thereafter, Respondent improperly placed her son on Satisfactory Academic Progress probationary status. As a result, Respondent's son continued to receive financial aid. Moreover, on numerous occasions, Respondent made manual entries into the JSR Community College financial aid system to inflate her son's financial aid disbursement amounts.

From in or about 2011, and continuing through in or about 2017, Respondent's actions caused \$137,004.20 in losses to the Department, Commonwealth of Virginia, and JSR Community College associated with her son.

2. Respondent's Goddaughter

Between in or about 2013, and continuing through in or about 2017, Respondent's goddaughter received financial aid from JSR Community College. Respondent's goddaughter was automatically placed on a financial aid suspension after the Spring 2015 term due to Respondent's goddaughter's failure to meet Satisfactory Academic Progress requirements. Thereafter, Respondent improperly placed Respondent's goddaughter on Satisfactory Academic Progress probationary status. As a result, Respondent's goddaughter continued to receive JSR Community College financial aid. Moreover, Respondent made numerous manual entries into the JSR Community College financial aid system to inflate Respondent's goddaughter's financial aid disbursement amounts.

Respondent's goddaughter sent Respondent roughly half of the Student Aid disbursements she received from JSR Community College, usually within a week of receiving it.

On or about September 25, 2017, Respondent forged a medical report from Virginia Commonwealth University Health Systems, dated March 16, 2015, which purported to show that Respondent's goddaughter was a cancer patient at Virginia Commonwealth University. Respondent affixed this forged medical report to an Satisfactory Academic Progress appeal that Respondent forged on behalf of Respondent's goddaughter to justify JSR Community College providing continued financial aid to Respondent's goddaughter, notwithstanding Respondent's goddaughter's lack of legitimate financial aid eligibility. Respondent submitted this Satisfactory Academic Progress appeal package in the name of Respondent's goddaughter to her supervisor, on or around September 25, 2017.

From in or about 2015, and continuing through in or about 2017, Respondent's actions caused \$20,471.30 in losses to the Department, Commonwealth of Virginia, and JSR Community College associated with her goddaughter.

3. Respondent's Ex-fiancé

Between in or about 2011, and continuing through in or about October 2013, Respondent's ex-fiancé and his minor-aged children resided with Respondent. Respondent's ex-fiancé served a term of imprisonment in the Sussex County Jail from on or about July 11, 2012, through on or about September 10, 2012. Respondent agreed to assist Respondent's ex-fiancé with improperly obtaining Student Aid at JSR Community College, encompassing semesters during which Respondent's ex-fiancé would be in prison and not attending classes at JSR Community College. Respondent's ex-fiancé and Respondent agreed that such Student Aid would be given to Respondent to help cover the costs of

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Respondent's ex-fiancé's minor-aged children while Respondent's ex-fiancé was in prison.

For instance, on July 11, 2012, the day that Respondent's ex-fiancé was incarcerated, Respondent manipulated the JSR Community College financial aid system to give Respondent's ex-fiancé additional Title IV Aid for the Summer 2012 term, spanning from approximately May 21, 2012 through July 30, 2012. Respondent's ex-fiancé did not attend classes at JSR Community College during this time period, and, in fact, was incarcerated for a two week period during that Summer 2012 term. Respondent's actions caused JSR Community College to disburse additional \$3,020 in Title IV Aid to Respondent's ex-fiancé on July 17, 2012.

From in or about 2011, and continuing through in or about 2013, Respondent's actions caused \$31,125.40 in losses to the Department, Commonwealth of Virginia, and JSR Community College associated with her ex-fiancé.

4. Respondent's Cousin

Between in or about 2012, and continuing through in or about 2017, Respondent's cousin received financial aid from JSR Community College. Respondent's cousin was not eligible to receive continued JSR Community College financial aid after failing to meet Satisfactory Academic Progress requirements after the Summer 2015 term. Even though Respondent's cousin did not submit Satisfactory Academic Progress appeals in 2015 through 2017, Respondent improperly placed her cousin on Satisfactory Academic Progress probationary status. As a result, Respondent's cousin continued to receive JSR Community College refund disbursements despite not being eligible for those funds. Moreover, on numerous occasions, Respondent made manual entries into the JSR Community College financial aid system to inflate Respondent's cousin's financial aid disbursement amounts.

Respondent's cousin made payments to Respondent that consisted of portions of the Student Aid that Respondent's cousin had received from JSR Community College as a result of Respondent's fraudulent actions.

From in or about 2015, and continuing through in or about 2017, Respondent's actions caused \$42,249.10 in losses to the Department, Commonwealth of Virginia, and JSR Community College associated with Respondent's cousin.

IV. ANALYSIS

The basis for this debarment action is a conviction of conspiracy to commit wire fraud. 2 C.F.R. § 180.920(a). There being a conviction, the Department has met its burden of proof and Respondent does not have an opportunity to

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challenge the facts upon which the proposed debarment is based. 2 C.F.R. §§ 180.850(b), 180.830(a)(1). Accordingly, Respondent has the burden, based on the official record, of demonstrating that she is presently responsible and that debarment is not necessary. 2 C.F.R. §§ 180.855(b), 180.845(a). Respondent has not replied to the Notice and has thus failed to meet her burden that she is presently responsible and that debarment is not necessary.

Respondent used her position of trust as Director of Financial Aid to manipulate the Department's, the Commonwealth of Virginia's, and JSR Community College's systems to enrich her family members, friends, and herself over the course of roughly seven years. While she should have been the gatekeeper and watchdog for the attempted fraud of others, she exploited her position, falsified documents and electronic entries, and lied to her supervisor, all to further her scheme.

To her credit, Respondent pled guilty in a Federal criminal trial. As part of her sentence, she has been ordered to pay restitution to the Department, the Commonwealth of Virginia, and JSR Community College. As a result of her plea, she has been suspended from procurement and nonprocurement transactions for over 9 months, since March 2, 2022.

V. CONCLUSION

On the basis of the foregoing, it is hereby **ORDERED** that Respondent be **DEBARRED** from initiating, conducting, or otherwise participating in any covered transactions set forth in 2 C.F.R Subpart B for federal procurement and non-procurement program activities of any federal agency.

Taking into consideration the period of time Respondent has already been suspended, and the egregious circumstances of Respondent's years-long abuse of her position of trust, she is ineligible to receive federal financial and non-financial assistance or benefits from any federal agency under procurement or non-procurement program activities *for a period of 39 additional months*, effective with the date of this decision.

Further, during the period of debarment, Respondent 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 as follows:

- (a) An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or
- (b) A consultant or other person, whether or not employed by the participant or paid with Federal funds, who—

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- (1) Is in a position to handle Federal funds;
- (2) Is in a position to influence or control the use of those funds; or,
- (3) Occupies a technical or professional position capable of substantially influencing the development or out- come of an activity required to perform the 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.

This decision constitutes a **FINAL AGENCY DECISION**. In accordance with 2 C.F.R. § 180.140, this debarment shall be recognized by, and is effective for, executive branch agencies as a debarment under the Federal Acquisition Regulation.



A handwritten signature in blue ink, appearing to read "Rodger A. Drew, Jr." with a stylized flourish at the end.

RODGER A. DREW, JR.
Chief Administrative Judge
Debarring and Suspending Official