

UNITED STATE OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Washington, D.C.

In the Matter of:

EVELISSE HERNANDEZ,

Respondent.

24-AF-0274-DB-002

May 30, 2025

DEBARRING OFFICIALS' DETERMINATION

Information and Background

By Notice of Proposed Debarment dated December 19, 2024 (“Notice”), the U.S. Department of Housing and Urban Development (HUD) notified EVELISSE HERNANDEZ (“Respondent”) that HUD proposed to debar Respondent from future participation in procurement and non-procurement transactions as a participant or principal with HUD and throughout the Executive Branch of the Federal Government for a period of three years. The Notice advised the Respondent that this action is in accordance with the procedures set forth at Title 2, Code of Federal Regulations (C.F.R.), Parts 180 and 2424, and was based on a conviction in the United States District Court for the Middle District of Florida, Orlando Division, for violation of 18 USC Sections 1344 Part 2 (Bank Fraud and Aiding and Abetting) and 1028A Part 2 (Aggravated Identity Theft). The Respondent pled guilty to helping otherwise unqualified clients obtain mortgage financing from mortgage companies by preparing and submitting loan applications containing inflated monthly income and fictitious documents.

In a letter dated March 12, 2025, the Respondent submitted a Request for Hearing, which included a one-paragraph response to the allegations contained in the Notice. On May 18, 2025, the Debarring Official referred the proposed debarment to the Office of Hearings and Appeals to conduct a hearing and provide a recommendation for decision. The referral was docketed and the matter was scheduled for hearing in accordance with 2 C.F.R. § 180.840.

HUD timely filed the Government’s Motion for Judgment on the pleadings pursuant to 2 C.F.R. § 26.16(a) on May 16, 2025. The Respondent did not file a response to the Government’s Motion.

DISCUSSION

This matter was before the Tribunal (Office of Hearings and Appeals) pursuant to a referral from the Debarring Official requesting a Recommended Decision regarding HUD’s proposed debarment of EVELISSE HERNANDEZ, from procurement and non-procurement transactions. An Order Granting Motion for Judgment on the Pleadings and Recommended Decision dated May 30, 2025, under 2 C.F.R. Parts 180 and 2424, among other things, the

Administrative Judge found that HUD demonstrated that no genuine issues of material fact exist in this matter. The Respondent, who is Subject to federal Debarment Regulations pleaded guilty to and was convicted of one count of Bank Fraud and Aiding and Abetting and one count of Aggravated Identity Theft in the United States District Court for the Middle District of Florida.

I have carefully read through the Recommended Decision, especially the facts found by the Administrative Judge, and do not dispute his findings in that regard. The Respondent's response, as stated in the March 12, 2024, message, included that the Respondent has fulfilled the obligations of her sentence and should be permitted to work.

Federal regulations provide that a conviction of an offense for fraud and theft constitute adequate evidence for purposes of debarment actions. See 2 C.F.R. § 180.800(a)(1) and 2 C.F.R. § 180.800(a)(3). Additionally, the Respondent is not entitled to fact-finding where the proposed debarment is based on a conviction or civil judgment. 2 C.F.R. § 180.830(a)(1). The Respondent here is subject to debarment as she was charged with, pleaded guilty to bank fraud and theft, which alone warrant debarment. Respondent's claims that the District Court Judge stated enough time has passed since the occurrences without incident and Respondent has been sufficiently penalized do not diminish the severity of the conviction and do not overcome HUD's rationale for excluding her from government transactions. Respondent has not demonstrated a basis for challenging the established facts in the present proceeding, and Respondent's conviction is adequate evidence for purposes of the debarment.

Conclusion

Accordingly, based on the administrative record, in particular the Recommended Decision, I have determined, in accordance with 2 CFR §§ 180.800 and 2 CFR §§ 180.865 to affirm your Proposed Debarment dated December 19, 2024, for a period of three years.

MARK BORUM

Digitally signed by: MARK BORUM
DN: CN = MARK BORUM C = US O = U.S.
Government OU = Department of Housing and
Urban Development, Office of General Counsel
Date: 2025.06.16 12:28:41 -04'00'

Mark G. Borum, Debarring Official

cc: (via electronic mail)

Respondent:

Evelisse Hernandez
[REDACTED]

Government Counsel:

Zachary Kleinbart, Esq.
[REDACTED]

