

UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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**In the Matter of:** )  
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**JOHN LEE NORRIS,** )

**Respondent.** )  
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**Docket No.: 15-0070-DB**

**ORDER GRANTING THE GOVERNMENT'S ORAL MOTION TO DISMISS  
RESPONDENT'S REQUEST FOR A HEARING AND ORDER AFFIRMING  
RESPONDENT'S PROPOSED DEBARMENT**

In a Notice of Proposed Debarment (Notice) dated February 19, 2015, Respondent was advised by the U.S. Department of Housing and Urban Development (HUD) of his proposed indefinite debarment from participation in procurement and non-procurement transactions as a participant or principal with HUD and throughout the Executive Branch of the Federal Government.

In a letter dated April 7, 2015, Respondent requested a hearing on his proposed debarment. In an Order issued June 1, 2015, pursuant to Respondent's request, a hearing was scheduled for August 25, 2015. The telephonic hearing was called as scheduled, but Respondent failed to appear, whereupon the government moved to dismiss Respondent's request for a hearing.

Notwithstanding, as detailed in Respondent's letter, his intent to forward documents to this office that he alleges would provide a basis for dismissing the proposed debarment, and notwithstanding that Respondent has been given ample time to do so, Respondent has not provided "the debarring official with information in opposition to the proposed debarment," as

required by 2 C.F.R. §180.815. Respondent failed also to identify "specific facts that contradict the statements contained in the Notice of Proposed Debarment." 2 C.F.R. §180.825(a)(1). Respondent, instead, relied on [a] general denial," which, pursuant to the regulation "is insufficient to raise a genuine dispute over facts material to the debarment." *Id.* Among other things, Respondent alleges that he has not been formally convicted, his "appeal overturned (vacated) [his] conviction, [and] none of the proposed decision facts have been proven by anything other than a coerced guilty plea of entrapment."<sup>1</sup>

As recited in the Notice, Respondent was convicted in the United States District Court for the Western District of Missouri of fraud and conspiracy to commit mail and wire fraud. Respondent's guilty plea resulted in the court's imposing a sentence of 180 months' imprisonment, followed by five years of supervised release, along with Respondent's making restitution of \$1,067,131.11 to his victims. In accordance with 2 C.F.R. §180.800(a)(1), a person may be debarred for conviction of fraud. Accordingly, because I have determined that Respondent's proposed debarment is based on a conviction, he "will not have an additional opportunity to challenge the facts." 2 C.F.R. § 180.830 (a)(1). Moreover, by virtue of Respondent's conviction "the standard of proof [preponderance of the evidence] is met" to "establish the cause for debarment." *See* 2 C.F.R § 180.850.

Because Respondent provided no information in support of his request for a hearing, not only is there no facts or evidence to support his opposition to his proposed debarment,<sup>2</sup> but there are no mitigating factors to consider. 2 C.F.R. §180.860 (identifying the "mitigating and

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<sup>1</sup> Respondent's allegations are easily refuted by his Plea Agreement and the Criminal Judgment. See Government's Pre-Hearing Brief in Support of Indefinite Debarment, Exs. 6 and 12, respectively. Also, in his Plea Agreement, Respondent was advised that, by pleading guilty, he waived his right to appeal his sentence, directly or collaterally, on any grounds except claims not relevant in this proceeding.

<sup>2</sup> In the June 1, 2015 Order Setting Hearing and Submission Deadline, Respondent was specifically advised that "his failure to call the listed number [in the Order] to participate in the hearing on the scheduled date and time may result in the Debarring Official's issuing a Determination on the proposed debarment on the existing record."

aggravating factors that the debarring official may consider in determining whether to debar you and the length of your debarment period.")

Accordingly, I find that the evidence presented by the government in this case supports the government's action to debar Respondent. Respondent's misdeeds show that he is not presently responsible and that the federal government's doing business with him would put the government and its programs at risk. 2. C.F.R. § 180.125. The egregiousness of Respondent's conduct and his conviction warrant his indefinite debarment. *See, e.g. In re. John E. Signorelli*, HUDBCA 94-C-144-D17 (September 21, 1995) (Respondent debarred for an indefinite period based on his conviction for fraud).

I conclude that Respondent's failure to appear (telephonically) at his scheduled hearing, and his failure to communicate with the debarring official since then, evidence his decision not to prosecute the appeal of his proposed debarment. Accordingly, based on the foregoing:

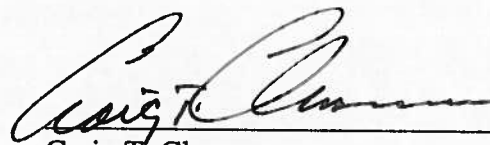
- (1) Respondent's proposed debarment is AFFIRMED; and
- (2) The Government's motion to dismiss Respondent's request for a hearing is GRANTED.

Respondent's indefinite debarment is effective from the date of this Order. Respondent's "debarment is effective for covered transactions and contracts that are subject to the Federal Acquisition Regulations (48 C.F.R. chapter 1), throughout the executive branch of the Federal Government unless an agency head or an authorized designee grants an exception."

So ORDERED.

Dated: \_\_\_\_\_

12/16/15



Craig T. Clemmensen  
Debarring Official

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of December, 2015, a true copy of the ORDER GRANTING THE GOVERNMENT'S ORAL MOTION TO DISMISS RESPONDENT'S REQUEST FOR A HEARING AND ORDER AFFIRMING RESPONDENT'S PROPOSED DEBARMENT was served in the manner indicated.



Taryia Domino  
Debarment Docket Clerk  
Departmental Enforcement Center-Operations

**HAND-CARRIED**

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Debarring Official's Designee

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