

THE UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C.

In the Matter of:

MOTAYMAT, INC. ,
d/b/a MAKOHONIUK CONSTRUCTION,
RICK D. MAKOHONIUK,
a/k/a RICHARD D. MAKOHONIUK,

Respondents.

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DOCKET NO: 17-0016-DB
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**ORDER GRANTING RESPONDENT'S ORAL MOTION TO WITHDRAW APPEAL OF HIS
THREE-YEAR DEBARMENT AND TERMINATING HIS SUSPENSION**

By Notice of Proposed Debarment (Notice) dated January 12, 2017, the Department of Housing and Urban Development (HUD) notified Respondent that HUD was proposing his debarment from future participation in procurement and nonprocurement transactions as a participant or principal with HUD and throughout the Executive Branch of the Federal Government for a three-year period from October 23, 2014, the date of his suspension. Respondent's company, Motaymat, Inc., also was suspended, pursuant to 2 C.F.R. § 630(a). HUD also informed Respondent that his proposed debarment was based upon his conviction for violating 18 U.S.C. § 1344 (1) (Bank Fraud). Additionally, HUD had proposed in a separate filing (Docket No. 17-0015-DB) the debarment of Respondent's company, Motaymat. Respondent had timely filed a request for a hearing, which was granted, and the two actions later were consolidated and heard in this proceeding.

At the hearing, after the Government had presented its case, Respondent (who appeared *pro se*), in his response, raised several issues. Notably, Respondent explained why he thought the criminal charge against him was unsupportable. Respondent argued that both the trial court and his attorney misunderstood the underlying facts that led to his prosecution, thus he was unfairly convicted of a crime. Respondent also observed that he was not properly advised of the difference between a suspension and a debarment. As it was, he pursued his challenge to the proposed debarment, so that at the time of the

hearing he had been suspended for almost three years – the exact period of debarment proposed in the January 12, 2017 Notice. In the colloquy that continued with Respondent, he was asked whether, based on his assertions, he was withdrawing his appeal of his proposed debarment. After further discussion, and an unequivocal affirmative response from Respondent, the Debarring Official’s Designee determined that Respondent did not wish to pursue the appeal of his hearing any further.

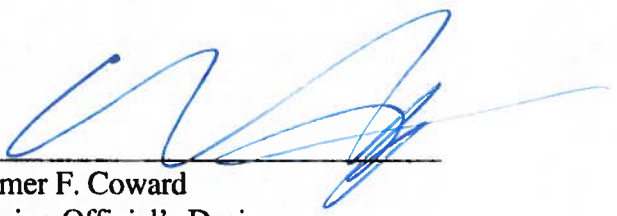
Accordingly, for all the foregoing reasons, it is

ORDERED that Respondent’s oral motion made at the hearing of this matter be, and it is hereby, **GRANTED**; and it is further

ORDERED that, as a consequence of the elapsed time (three years) since Respondent’s suspension on October 23, 2014, the Notice of Proposed Debarment issued January 12, 2017 is hereby **VACATED** and Respondent’s suspension along with the suspension of his company, Motoymat, Inc., is **TERMINATED** effective October 22, 2017.*

Dated:

October 27, 2017



Mortimer F. Coward
Debarring Official’s Designee

* Pursuant to 2 C.F.R. § 180.865(b) “[i]f a suspension has preceded your debarment, the debarring official must consider the time you were suspended.”

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 2017, a true copy of the ORDER GRANTING RESPONDENT'S ORAL MOTION TO WITHDRAW APPEAL OF HIS THREE-YEAR DEBARMENT AND TERMINATING HIS SUSPENSION was served in the manner indicated.



Tanya L. Domino
Debarment Docket Clerk
Departmental Enforcement Center-Operations

HAND CARRIED

Mortimer F. Coward, Esq.
Debarring Official's Designee

CERTIFIED MAIL RETURN RECEIPT AND FIRST CLASS MAIL

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