

In the Matter of:

MONIQUE LAWON GREEN, : HUDBCA No. 96-B-128-D14
Respondent : Docket No. 96-0044-DB

Ms. Monique Lawon Green
450 Taylor Street, N.E., Apt. P43
Washington, D.C. 20017

Respondent, Pro se

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For the Government

FINDINGS OF FACT BY ADMINISTRATIVE JUDGE LYNN J. BUSH

June 19, 1996

Statement of the Case

By letter dated March 5, 1996, a notice of suspension and proposed debarment was sent to Monique Lawon Green (Green or Respondent) from Michael B. Janis, General Deputy Assistant Secretary, United States Department of Housing and Urban Development (HUD, Department of Government). The notice stated that HUD intended to debar Respondent from future participation in procurement and non-procurement transactions as either a participant, principal or contractor with HUD and throughout the Executive Branch of the federal government, for a three-year period from the date of her suspension, May 10, 1994. The proposed debarment is based upon Respondent's conviction, in the United States District Court for the District of Columbia, of receipt of a bribe by a public official in violation of 18 U.S.C. §§201(b) (2) (A) and (C). The notice also stated that Respondent's 1994 suspension will continue, pending a final determination of the proposed debarment action.

Pursuant to 24 C.F.R. §24.313, HUD offered Respondent the opportunity to submit a written argument or to request an informal hearing in opposition to the suspension and proposed debarment. Respondent chose to submit a written argument. By notice of assignment dated May 28, 1996, the debarring official referred this matter to the Board of Contract Appeals for a review of the administrative record and the issuance of appropriate findings. 24 C.F.R. §24.314(a) (1). No additional proceedings before the Board are authorized and Board action is restricted to appropriate findings of fact. Id.

In debarment cases, the burden of proof rests upon the agency proposing debarment. 24 C.F.R. §24.314(c) (2). However,

since the proposed debarment in this case is based upon a conviction, that standard is deemed to have been met. 24 C.F.R. §24.314(c) (1). The standard of proof in debarment actions requires that cause for debarment be established by a preponderance of the evidence. Id. I find, by a preponderance of the evidence, the below-listed facts.

Findings of Fact

1. At all times relevant, Green was a public official employed by the District of Columbia Department of Public and Assisted Housing (DPAH). DPAH distributes federal funds provided by HUD under Section 8 of the Housing Act of 1937, as amended. These Section 8 funds are then distributed by DPAH pursuant to HUD regulations. (Administrative Record; Indictment, at 1; Judgment, at 1.)

2. Green was charged with violation of the provisions of 18 U.S.C. §§201(b) (2) (A) and (C), by the alleged acceptance of monetary bribes to illegally award, approve, and authorize the granting of housing subsidies and Modern Rehabilitation housing, between January 1992 and January 1993. (Administrative Record; Indictment, at 1-5.) She was indicted by a grand jury in the United States District Court for the District of Columbia. (Administrative Record; Indictment, at 1; Judgment, at 1.)

3. Subsequently, Green pled guilty to one count of accepting bribes and/or aiding and abetting the acceptance of bribes. (Administrative Record; Judgment, at 1.)

4. Green was sentenced on February 7, 1995. She was placed on probation for three years and ordered to pay the United States a special assessment of \$50.00. (Administrative Record; Judgment, at 1-2.)

5. The criminal acts committed by Green had a negative effect upon the HUD-funded program to grant housing subsidies and Modern Rehabilitation housing through DPAH.

6. In mitigation, Green presented an unsworn statement dated April 2, 1996, in which she apologizes for her criminal conduct, but says that she has paid for her actions through the loss of her job and suspension by HUD since May 10, 1994. Green states that her transgression was an error in judgment which should not negate the nine years she worked as a trusted public official and conducted thousands of transactions without incident. (Administrative Record; Respondent's Letter.) Green further states that she came forward after allegations first arose; took responsibility for her actions; and cooperated fully with the authorities. (Administrative Record; Respondent's Letter.)

7. Absent from this Administrative Record is any document which would corroborate the representations made in Green's letter of April 2, 1996, or statements or letters from other individuals which might substantiate Green's contention that a three-year debarment by HUD is not warranted.

Lynn J. Bush
Administrative Judge