

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

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<b>In the Matter of:</b>	*	
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<b>GLAISTER ALEXANDER BROOKS,</b>	*	<b>DOCKET NO. 07-3417-DB</b>
	*	
	*	
<b>Respondent.</b>	*	
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**DEBARRING OFFICIAL'S DETERMINATION**

**INTRODUCTION**

By Notice dated March 15, 2007 ("Notice"), the Department of Housing and Urban Development ("HUD") notified Respondent GLAISTER ALEXANDER BROOKS 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 period of three years from the date of the final determination of this action. HUD advised Respondent in the March 15, 2007, Notice that the proposed debarment action was in accordance with the procedures set forth in 24 CFR part 24. Further, the Notice informed Respondent that the proposed debarment was based upon his criminal conviction in the Circuit Court of the Nineteenth Judicial Circuit of Florida, St. Lucie, County.

Respondent's conviction followed a jury trial in which he was found guilty of one count of third degree grand theft and one count of official misconduct in violation of Florida Statutes 812.014 and 838.022, respectively. The allegations against Respondent were that while in the employ of the Housing Authority of the City of Fort Pierce as its Executive Director, he used one of the Housing Authority's purchase orders to buy tires for his personal vehicle. Respondent also is alleged to have falsified the documentation that he used in connection with the purchase of the tires.

For his conviction of the two offenses, Respondent was sentenced to 60 days in jail, six months' community control, placed on probation for four years, and ordered to pay restitution of \$13,288.50 to the Housing Authority.

A telephonic hearing on Respondent's proposed debarment was held in Washington, D.C. on September 5, 2007, before the Debarment Official's Designee,

Mortimer F. Coward. Respondent was present by phone at the hearing, appearing *pro se*. Ana Fabregas, Esq. appeared on behalf of HUD. The record was held open until October 4, 2007, for further submissions from the parties.

### Summary

I have decided, pursuant to 24 CFR part 24, to debar Respondent from future participation in procurement and nonprocurement transactions, as a participant, principal, or contractor with HUD and throughout the Executive Branch of the Federal Government, for a period of three years from the date of this Notice. My decision is based on the administrative record in this matter, which includes the following information:

- (1) The Notice of Proposed Debarment dated March 18, 2007.
- (2) The Indictment against Respondent for third degree grand theft and official misconduct filed May 30, 2006.
- (3) A letter with attachments from Respondent to the Debarring Official's Designee dated September 17, 2007.
- (4) Respondent's Reply Brief filed June 15, 2007, in his appeal of his conviction in the criminal matter.
- (5) The Government's Pre-Hearing brief filed August 22, 2007.
- (6) The Government's Reply to Respondent's Submission filed October 4, 2007.
- (7) The tape recording of the September 5, 2007, hearing.

### HUD's Arguments

Counsel for the government argued that as the executive director of the Fort Pierce Housing Authority (FPHA), Respondent was an agent of a housing authority that received HUD funds. Thus, "Respondent was a participant within the meaning of the debarment regulations." Counsel argued that Respondent used funds that belonged to the Housing Authority for his personal benefit, and caused alteration or falsification of the documents used in the crime to conceal the theft. Pursuant to 24 CFR 24.800(a)(1), theft and official misconduct provide cause for debarment. Further, the government argued that Respondent's conviction is also cause for debarment under 24 CFR 24.800(a)(3), because "the criminal conduct of which Respondent was found guilty indicates a lack of business integrity or business honesty that seriously and directly affects present responsibility."

Additionally, the government contended that Respondent cited no mitigating factors for his actions, that his collateral attack on his conviction was unavailing, and that the appeal of his conviction does not constitute mitigation. In that regard, the government discounted the significance or relevance of the documentation that was provided by Respondent after the hearing. Finally, HUD argued that the "facts underlying Respondent's guilty verdict for theft and official misconduct . . . demonstrate a disregard for HUD funds and FPHA's property [indicating] a lack of present responsibility and warrant a debarment [of Respondent] for a period of three years."

## Respondent's Arguments

In his defense, Respondent stated that all his actions with respect to the purchase of the tires were "extremely transparent," that he could not have intended to commit a crime since the same coworker who took him to purchase the tires was the one who brought him back to the office. Respondent pleaded that he did not intend to steal the housing authority's money when he purchased the tires, that it was a mistake. Respondent argued that his prosecution stemmed from a vendetta and racial animosity towards him from three subordinates, all friends of each other, two of whom had been either demoted or terminated, while the other was charged with a felony for illegally taping his conversation with her. Respondent described the actions of these three employees, who were also prosecution witnesses against him in the criminal matter, as a "crucifixion."

Respondent testified that after using the purchase order to procure the tires, he paid the housing authority before he was requested to do so. As it transpired, he paid the bill for the tires twice, on the advice of the housing authority attorney, "once to the FPHA which they reimbursed [him] and once to the tire company." The housing authority did not spend "a dollar of federal money to pay for the tires" nor did the housing authority "pay one dollar on his behalf." According to Respondent, it is a common practice for Executive Directors in the approximately 3,400 housing authorities to purchase airline tickets for their spouse accompanying them on business travel. The Executive Directors are allowed up to 30 days to reimburse the housing authority.

Respondent wrote that he has paid and has been punished for his mistake, including losing his home and his ability to gain a position in another housing authority. Respondent also testified that he has paid most of the restitution ordered by the court and that the outstanding balance is now down to \$1,145.00. Respondent concluded his testimony by stating that he has been suspended from his position with the FPHA and that he is now unemployed.

## Findings of Fact

1. Respondent was a participant in a covered transaction.
2. Respondent served as the Executive Director of a housing authority that received HUD funds.
3. Respondent purchased tires for his private vehicle by using a FPHA purchase order.
4. Respondent paid for the tires with his personal funds.
5. No FPHA or federal funds were used to pay for the tires.
6. Respondent did not conceal his use of the FPHA purchase order to buy the tires for his personal vehicle.
7. Respondent was convicted of one count of grand theft and one count of official misconduct.
8. Respondent was sentenced to 60 days in jail, six months' community control, placed on probation for four years, and ordered to pay restitution of \$13,288.50.

9. Respondent has appealed his conviction.

### Conclusions

Based on the above Findings of Fact, I have made the following conclusions:

1. Respondent was a participant in a covered transaction as defined in 24 CFR part 24.
2. Respondent's use of a FPHA purchase order for his personal use and his falsification of the document serve as the basis for his debarment.
3. Pursuant to 24 CFR 24.800, a conviction for theft or falsification, *inter alia*, is a cause for debarment.
4. Respondent's actions in improperly using and falsifying documents raise grave doubts with respect to his business integrity and personal honesty.
5. HUD has a responsibility to protect the public interest and take appropriate measures against participants whose actions may affect the integrity of its programs.
6. HUD cannot effectively discharge its responsibility and duty to the public if participants in its programs fail to act with honesty and integrity.

### DETERMINATION

Based on the foregoing, including the Findings of Fact, Conclusions, and the administrative record, I have determined to debar Respondent for a period of three years from the date of this notice. In accordance with 24 CFR 24.870(b)(iv), Respondent's "debarment is effective for covered transactions and contracts that are subject to the Federal Acquisition Regulation (48 CFR chapter 1), throughout the executive branch of the Federal Government unless an agency head or an authorized designee grants an exception."

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

19 October 2007



Henry S. Czauski  
Debarring Official