

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Washington, D.C.

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In the Matter of:

RACHAEL TORRENS,

Respondent

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DOCKET NO.: 10-3649-DB

**ORDER DISMISSING RESPONDENT'S APPEAL OF HER INDEFINITE  
DEBARMENT AND AFFIRMING RESPONDENT'S INDEFINITE DEBARMENT**

By Notice of Proposed Debarment and Termination of Existing Suspension ("Notice") dated April 22, 2010, the Department of Housing and Urban Development (HUD) notified Respondent RACHAEL TORRENS that HUD was proposing her debarment 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 an indefinite period from the date of the final determination of the proposed action. The proposed debarment, the Notice recited, was based upon Respondent's conviction in the United States District Court for the Southern District of Florida, Miami Division for violation of 18 U.S.C. § 1349 (Conspiracy to Commit Wire Fraud). The Notice also advised Respondent that the suspension HUD imposed on July 23, 2008, was terminated.

In a letter dated May 26, 2010, responding to HUD's Notice, postmarked June 9, 2010, received by the Debarring Official's Designee on June 15, 2010, Respondent acknowledged the untimeliness of her response (Respondent had 30 days in which to file a timely request for a hearing pursuant to 2 CFR §180.820). In her letter, Respondent also explained the circumstances related to the criminal conspiracy and her conviction and accepted "responsibility [for her] actions" while pleading for "mercy, understanding and forgiveness." Respondent did not, in her letter of May 26, 2010, however, make a request for an informal hearing on her proposed debarment.

HUD, however, treated Respondent's May 26, 2010, response as a request for an informal hearing, and the matter was set for hearing on August 31, 2010. When the matter was called on August 31, 2010, the Debarring Official's Designee was unable to reach Respondent by phone. A check of the Federal Bureau of Prisons records indicated that Respondent had been released from prison on June 29, 2010. The scheduling Order dated July 23, 2010, was sent to both the Federal Prison Camp where Respondent was incarcerated and to Respondent's address in Miami that Respondent had provided in her May 26, 2010, letter sent from prison. Respondent did not

notify the Debarring Official's Designee or Government counsel either of her release or of a change of address, if any.

The Debarring Official's Designee later issued a new Scheduling Order dated September 22, 2010, setting the hearing for October 5, 2010. The new Order addressed to Respondent at the prison was returned by the Postal Service date stamped October 4, 2010, as "Not Deliverable as Addressed. Unable to Forward." The new Scheduling Order, which was also addressed to Respondent at her Miami address, was not returned. Respondent has not responded to messages left at the only phone number associated with her name in the public records. Accordingly, Respondent has been given more than ample time to contact the Department to schedule a hearing. Respondent's failure to contact HUD after a lapse of several months strongly suggests that Respondent, who, as noted above, did not request a hearing, remains uninterested in having a hearing, notwithstanding having been given "an opportunity to contest the proposed debarment." See 2 CFR § 180.810.

Accordingly, for the reasons stated in the Notice, including Respondent's criminal conviction, which provides the basis for a debarment, the actual offense committed by Respondent which indicates "a lack of business integrity or business honesty that seriously and directly affects [Respondent's] present responsibility," and the absence of mitigating factors in this matter beyond Respondent's acceptance of responsibility and expressions of remorse for her criminal conduct, I have determined to affirm the indefinite debarment proposed in HUD's Notice dated April 22, 2010, effective from the date of this Order.

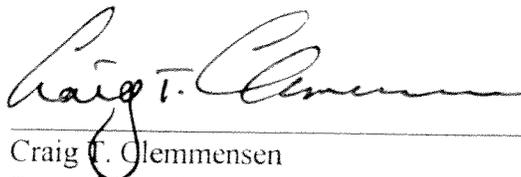
WHEREFORE, the premises considered, it is ORDERED that Respondent's appeal of her proposed debarment be, and it is hereby, DISMISSED; and

It is further ORDERED that the proposed debarment be, and it is hereby, AFFIRMED in accordance with 2 CFR § 180.870(b)(2)(i) through (b)(2)(iv). Specifically, as provided in 2 CFR § 180.870(b)(2)(iv), Respondent's "debarment is effective for covered transactions and contracts that are subject to the Federal Acquisition Regulations (48 CFR chapter 1), throughout the executive branch of the Federal Government unless an agency head or an authorized designee grants an exception."

SO ORDERED.

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

4/8/11

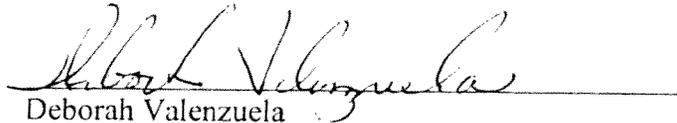


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Craig T. Clemmensen  
Debarring Official

Departmental Enforcement Center

CERTIFICATE OF SERVICE

I hereby certify that on this 8<sup>TH</sup> day of April, 2011, a true copy of the ORDER DISMISSING RESPONDENT'S APPEAL OF HER INDEFINITE DEBARMENT AND AFFIRMING RESPONDENT'S INDEFINITE DEBARMENT was served in the manner indicated.



Deborah Valenzuela  
Program Specialist  
Departmental Enforcement Center-Operations

**HAND-CARRIED**

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

Ms. Terry Roman, Esq.  
Ms. Melissa Silverman, Esq.  
Government Counsel

**FIRST CLASS MAIL**

Ms. Rachael Torrens  
