

decide any request for reversal or limitation of debarment within 90 days of receipt of such request.²³ If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of the decision in the **Federal Register**.²⁴

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for three years from the date of debarment.²⁵ The Bureau may, if necessary to protect the public interest, extend the debarment period.²⁶

Please direct any response, if by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002, to the attention of Rebekah L. Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, with a copy to Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Rebekah L. Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4-C327, Washington, DC, 20554, with a copy to Michele Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4-C330, Washington, DC, 20554. You shall also transmit a copy of the response via e-mail to Rebekah.Bina@fcc.gov and to Michele.Berlove@fcc.gov.

If you have any questions, please contact Ms. Bina via mail, by telephone at (202) 418-7931 or by e-mail at Rebekah.Bina@fcc.gov. If Ms. Bina is

unavailable, you may contact Ms. Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1477 and by e-mail at Michele.Berlove@fcc.gov.

Sincerely yours,
Hillary S. DeNigro,
Chief, Investigations and Hearings Division,
Enforcement Bureau.

cc: Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)
Michael Wood, Antitrust Division, United States Department of Justice (via e-mail)

[FR Doc. E9-17407 Filed 7-21-09; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 09-1528]

Notice of Suspension and Initiation of Debarment Proceedings; Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Enforcement Bureau (the "Bureau") gives notice of Mr. Andre J. Hornsby's suspension from the schools and libraries universal service support mechanism (or "E-Rate Program"). Additionally, the Bureau gives notice that debarment proceedings are commencing against him. Mr. Hornsby, or any person who has an existing contract with or intends to contract with him to provide or receive services in matters arising out of activities associated with or related to the schools and libraries support, may respond by filing an opposition request, supported by documentation to Rebekah Bina, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554.

DATES: Opposition requests must be received by August 21, 2009. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or August 21, 2009, whichever comes first. The Bureau will decide any opposition request for reversal or modification of suspension or debarment within 90 days of its receipt of such requests.

FOR FURTHER INFORMATION CONTACT: Rebekah Bina, Federal Communications Commission, Enforcement Bureau,

Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554. Rebekah Bina may be contacted by phone at (202) 418-7931 or e-mail at Rebekah.Bina@fcc.gov. If Ms. Bina is unavailable, you may contact Ms. Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1477 and by e-mail at Michele.Berlove@fcc.gov.

SUPPLEMENTARY INFORMATION: The Bureau has suspension and debarment authority pursuant to 47 CFR 54.8. Suspension will help to ensure that the party to be suspended cannot continue to benefit from the schools and libraries mechanism pending resolution of the debarment process. Attached is the suspension letter, DA 09-1528, which was mailed to Mr. Hornsby and released on July 14, 2009. The complete text of the notice of suspension is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portal II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. In addition, the complete text is available on the FCC's Web site at <http://www.fcc.gov>. The text may also be purchased from the Commission's duplicating inspection and copying during regular business hours at the contractor, Best Copy and Printing, Inc., Portal II, 445 12th Street, SW., Room CY-B420, Washington, DC 20554, telephone (202) 488-5300 or (800) 378-3160, facsimile (202) 488-5563, or via e-mail <http://www.bcpweb.com>.

The attached is the Suspension and Initiation of Debarment Letter to Mr. Andre J. Hornsby.

Federal Communications Commission.

Dated: July 14, 2009.

Hillary DeNigro,
Chief, Investigations and Hearings Division,
Enforcement Bureau.

VIA CERTIFIED MAIL RETURN
RECEIPT REQUESTED AND E-MAIL
(robertbonsib@marcusbonsib.com)
AND FACSIMILE (301) 441-3003.

Andre J. Hornsby, c/o Robert C. Bonsib, Marcus and Bonsib, 6411 Ivy Lane, Suite 116, Greenbelt, MD 20770.

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-09-IH-0408.

Dear Mr. Hornsby: The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction of federal crimes, including honest services wire fraud,

²³ 47 CFR 54.8(e)(5), (f); see also *Second Report and Order*, 18 FCC Rcd at 9226, para. 70.

²⁴ 47 CFR 54.8(e)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR 54.8(f).

²⁵ 47 CFR 54.8(a)(1), (d), (g); see also *Second Report and Order*, 18 FCC Rcd at 9225, para. 67.

²⁶ 47 CFR 54.8(g).

witness and evidence tampering, and obstruction of justice, in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").¹ Consequently, pursuant to 47 CFR section 54.8, this letter constitutes official notice of your suspension from the E-Rate program. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.²

I. Notice of Suspension

The Commission has established procedures to prevent persons who have "defrauded the government or engaged in similar acts through activities associated with or related to the schools and libraries support mechanism" from receiving the benefits associated with that program.³ On November 25, 2008, the United States District Court for the District of Maryland sentenced you to six years in prison, to be followed by three years of supervised release, following your conviction on federal crimes, including honest services wire fraud, witness and evidence tampering, and obstruction of justice, in connection with your activities related to the E-Rate

¹ See 18 U.S.C. 1343, 1346 (honest services wire fraud), 1512(b) (attempted evidence tampering), and 1503 (obstruction of justice). Any further reference in this letter to "your conviction" refers to your six count conviction. *United States v. Andre Jose Hornsby*, Criminal Docket No. 8:06CR00376-PJM-1, Judgment (D. Md. filed and entered Dec. 5, 2008) ("Hornsby Judgment"). See also *United States v. Andre Jose Hornsby*, Criminal Docket No. 8:06CR00376-PJM-1, Superseding Indictment (D. Md. filed and entered Apr. 23, 2008) ("Hornsby Indictment").

² 47 CFR 54.8 (2008). See also 47 CFR 0.111 (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings). The Commission adopted debarment rules for the schools and libraries universal service support mechanism in 2003. See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202 (2003) ("Second Report and Order") (adopting section 54.521 of the Commission's rules to suspend and debar parties from the E-Rate program). In 2007, the Commission extended the debarment rules to apply to all of the Federal universal service support mechanisms. *Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight; Federal-State Joint Board on Universal Service; Schools and Libraries Universal Service Support Mechanism; Lifeline and Link Up; Changes to the Board of Directors for the National Exchange Carrier Association, Inc.*, Report and Order, 22 FCC Rcd 16372, 16410-12 (2007) (*Program Management Order*) (renumbering section 54.521 of the universal service debarment rules as section 54.8 and amending subsections (a)(1), (5), (c), (d), (e)(2)(i), (3), (e)(4), and (g)).

³ *Second Report and Order*, 18 FCC Rcd at 9225, para. 66. The Commission's debarment rules define a "person" as "[a]ny individual, group of individuals, corporation, partnership, association, unit of government or legal entity, however organized." 47 CFR 54.8(a)(6).

program.⁴ In addition, you were ordered to pay a \$20,000 fine and \$70,000 in restitution to the Prince George's County Public School System ("PGCPS").⁵

You were employed as Chief Executive Officer, Secretary and Treasurer for the Board of Education for Prince Georges County ("Board").⁶ As Chief Executive Officer of the Board, you were responsible for overall administration of PGCPS from June 2003 until June 2005.⁷ Beginning in November 2003, you devised schemes to defraud PGCPS for your personal financial gain.⁸ You directed PGCPS employees to seek proposals from outside E-Rate consulting companies for assistance with PGCPS' E-Rate applications.⁹ Despite late filings and other disqualifications, you ultimately steered the bidding process and directed contracts be awarded for E-Rate consulting services to Erate Managers, LLC ("Erate Managers"), a non-existent company purportedly operated by an individual who had worked for you in other school districts ("Former Employee").¹⁰ You, in turn, were to receive more than \$100,000 from the Former Employee for your role in securing the E-Rate consulting contracts with PGCPS, and accepted \$1,000 in cash as a down payment.¹¹ Further, you made materially false representations, destroyed records and otherwise hid your associations with the Former Employee to conceal your role in the fraudulent conduct at issue.¹²

Pursuant to section 54.8 of the Commission's rules, your conviction on criminal offenses arising out of

⁴ *Hornsby Judgment* at 1-5. See also *Hornsby Indictment* at 1-21, 24-27, 29-30. (Discussion of your convictions in this notice is limited to those activities related to the E-Rate program).

⁵ *Hornsby Judgment* at 6-7. PGCPS was one of the 20 largest school districts in the nation in 2004, with a budget of more than \$1 billion. See Department of Justice Press Release (Nov. 25, 2008), available at <http://baltimore.fbi.gov/dojpressrel/pressrel08/ba112508.htm> (DOJ November 2008 Press Release).

⁶ *Hornsby Indictment* at 2. See also DOJ November 2008 Press Release at 1. The Board was responsible for oversight of PGCPS. See *Hornsby Indictment* at 1. Responsibility for the overall administration of PGCPS was entrusted to the Chief Executive Officer, who reported to the Board. See *Hornsby Indictment* at 2.

⁷ *Hornsby Indictment* at 2.

⁸ *Id.* at 14-19. See also DOJ November 2008 Press Release at 1.

⁹ *Hornsby Indictment* at 6, 15.

¹⁰ *Id.* at 4-8. You directed PGCPS personnel not to award contracts to the company with the highest overall score, and stalled the bidding process past the deadline in favor of waiting for a proposal from Erate Managers. *Hornsby Indictment* at 6-7. See also DOJ November 2008 Press Release at 1-2.

¹¹ *Hornsby Indictment* at 8, 14-15. See also DOJ November 2008 Press Release at 1-2.

¹² *Hornsby Indictment* at 14-18, 24-27, 29-30. See also DOJ November 2008 Press Release at 3.

consulting activities associated with or related to the schools and libraries support mechanism requires the Bureau to suspend you from continuing to participate in any activities associated with or related to the schools and libraries support mechanism.¹³ Activities arising out of or related to the schools and libraries support mechanism include the receipt of funds or discounted services through the schools and libraries support mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.¹⁴

Your suspension becomes immediately effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**, pending the Bureau's final debarment determination.¹⁵ In accordance with the Commission's debarment rules, you may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation.¹⁶ Your request must be received within 30 days after you receive this letter or after notice is published in the **Federal Register**, whichever comes first.¹⁷ Such requests, however, will not ordinarily be granted.¹⁸ The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.¹⁹ The Bureau will decide any request for the reversal or modification of suspension within 90 days of its receipt of such request.²⁰

II. Initiation of Debarment Proceedings

Your conviction for criminal conduct in connection with the E-Rate program, in addition to serving as a basis for immediate suspension from the program, also serves as a basis for the initiation of debarment proceedings against you. Your conviction falls within the categories of causes for suspension and debarment defined in section 54.8(c) of the Commission's rules.²¹ Therefore, pursuant to section

¹³ 47 CFR 54.8(b)-(e); see also 54.8(a)(4).

¹⁴ 47 CFR 54.8(a)(1); see also 54.8(a)(3).

¹⁵ 47 CFR 54.8(a)(7), (e)(1); see also *Second Report and Order*, 18 FCC Rcd at 9226, para. 69.

¹⁶ 47 CFR 54.8(e)(4).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ 47 CFR 54.8(f); see also *Second Report and Order*, 18 FCC Rcd at 9226, para. 70.

²⁰ 47 CFR 54.8(e)(5), (f); see also *Second Report and Order*, 18 FCC Rcd at 9226, para. 70.

²¹ "Causes for suspension and debarment are the conviction of or civil judgment for attempt or commission of criminal fraud, theft, embezzlement, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, obstruction of justice

54.8 of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.²²

As with your suspension, you may contest debarment or the scope of the proposed debarment by filing arguments and any relevant documentation within 30 calendar days of the earlier of the receipt of this letter or of publication in the **Federal Register**.²³ Absent extraordinary circumstances, the Bureau will debar you.²⁴ The Bureau will decide any request for reversal or limitation of debarment within 90 days of receipt of such request.²⁵ If the Bureau decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of the decision in the **Federal Register**.²⁶

If and when your debarment becomes effective, you will be prohibited from participating in activities associated with or related to the schools and libraries support mechanism for three years from the date of debarment.²⁷ The Bureau may, if necessary to protect the public interest, extend the debarment period.²⁸

Please direct any response, if by messenger or hand delivery, to Marlene H. Dortch, Secretary, Federal Communications Commission, 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002, to the attention of Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, with a copy to Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission. If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the Federal Communications

and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism." 47 CFR 54.8(c). You were convicted for obstruction of justice, attempted evidence tampering for falsification or destruction of records, and wire fraud. See *supra* note 4.

²² See 47 CFR 54.8(b), (c).

²³ 47 CFR 54.8(e)(3), (5); see also *Second Report and Order*, 18 FCC Rcd at 9226, para. 70.

²⁴ 47 CFR 54.8(e)(5); see also *Second Report and Order*, 18 FCC Rcd at 9227, para. 74.

²⁵ 47 CFR 54.8(e)(5), (f); see also *Second Report and Order*, 18 FCC Rcd at 9226, para. 70.

²⁶ 47 CFR 54.8(e)(5). The Commission may reverse a debarment, or may limit the scope or period of debarment, upon a finding of extraordinary circumstances, following the filing of a petition by you or an interested party or upon motion by the Commission. 47 CFR 54.8(f).

²⁷ 47 CFR 54.8(a)(1), (d), (g); see also *Second Report and Order*, 18 FCC Rcd at 9225, para. 67.

²⁸ 47 CFR 54.8(g).

Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. If sent by first-class, Express, or Priority mail, the response should be sent to Rebekah Bina, Attorney Advisor, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4-C330, Washington, DC 20554, with a copy to Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4-C330, Washington, DC, 20554. You shall also transmit a copy of the response via e-mail to Rebekah.Bina@fcc.gov and to Michele.Berlove@fcc.gov.

If you have any questions, please contact Ms. Bina via mail, by telephone at (202) 418-7931 or by e-mail at Rebekah.Bina@fcc.gov. If Ms. Bina is unavailable, you may contact Ms. Michele Levy Berlove, Acting Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1477 and by e-mail at Michele.Berlove@fcc.gov.

Sincerely yours,

Hillary S. DeNigro,
*Chief, Investigations and Hearings Division,
Enforcement Bureau.*

cc: Michael R. Pauzé, Assistant United States Attorney, Department of Justice (via e-mail) Kristy Carroll, Esq., Universal Service Administrative Company (via e-mail)

[FR Doc. E9-17410 Filed 7-21-09; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments

must be received not later than August 6, 2009.

A. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105-1579:

1. *Dante B. Benedetti*, Petaluma, California, and James M. Ryan, Santa Rosa, California; to become trustees of the Frank P. Doyle Trust, Article IX, and thereby retain voting shares of Exchange Bank, both of Santa Rosa, California.

2. *Rommel R. Medina and Ruell R. Medina*, both of San Bruno, California; to acquire additional voting shares of MNB Holdings Corporation, and thereby indirectly acquire additional voting shares of Mission National Bank, both of San Francisco, California.

Board of Governors of the Federal Reserve System, July 17, 2009.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. E9-17388 Filed 7-21-09; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.