



Federal Communications Commission
Washington, D.C. 20554

December 18, 2014

DA 14-1854

**SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND E-MAIL**

Mr. Marvin Mitch Freeman
1408 Northhill Street
Selma, CA 93662

Re: Debarment Notice, FCC Case No. EB-IHD-14-00015659

Dear Mr. Freeman:

The Federal Communications Commission (Commission) hereby notifies you that, pursuant to Section 54.8 of its rules, you are prohibited from participating in activities associated with or relating to the schools and libraries universal service support mechanism (E-Rate program) for three years from either the date of your receipt of this Notice of Debarment or of its publication in the Federal Register, whichever is earlier in time (Debarment Date).¹

On August 26, 2014, the Commission's Enforcement Bureau sent you a Notice of Suspension and Initiation of Debarment Proceedings that was published in the Federal Register on September 12, 2014.² That *Suspension Notice* suspended you from participating in activities associated with or relating to the E-Rate program. It also described the basis for initiating debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.

As discussed in the *Suspension Notice*, on March 17, 2011, you were convicted of conspiring with Gregory Paul Styles, the Management Information Systems Director for the Chowchilla Elementary School District (CESD), to obstruct the competitive bidding process and defraud the E-Rate program of approximately \$788,000.³ You and Mr. Styles used your silk screening company, Twisted Head Design, to bid on CESD's E-Rate contracts.⁴ Mr. Styles awarded E-Rate contracts to Twisted Head Design knowing you and the company were unqualified to perform E-Rate work, performed the work himself or through his subcontractors, and billed USAC for that work.⁵ Pursuant to Section 54.8(c) of the

¹ 47 C.F.R. §§ 54.8(e), (g); *see also id.* § 0.111 (delegating authority to the Enforcement Bureau to resolve universal service suspension and debarment proceedings).

² Letter from Theresa Z. Cavanaugh, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Marvin Mitch Freeman, Notice of Suspension and Initiation of Debarment Proceedings, 29 FCC Rcd 10114 (Enf. Bur. 2014) (*Suspension Notice*); 79 Fed. Reg. 54718 (Sept. 12, 2014).

³ *United States v. Marvin Mitch Freeman*, Criminal Docket No. 1:06-cr-00013-002, Judgment at 1 (E.D. Cal. filed March 17, 2011); *Suspension Notice*, 29 FCC Rcd at 10115-16.

⁴ *Suspension Notice*, 29 FCC Rcd at 10115.

⁵ *Id.*

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Commission's rules, your conviction of criminal conduct associated with the E-Rate program is the basis for this debarment.⁶

In accordance with the Commission's debarment rules, you were required to file with the Commission any opposition to your suspension or its scope, or to your proposed debarment or its scope, no later than 30 calendar days from either the date of your receipt of the *Suspension Notice* or of its publication in the Federal Register, whichever date occurred first.⁷ The Commission did not receive any such opposition from you.

For the foregoing reasons, you are debarred from participating in activities associated with or related to the E-Rate program for three years from the Debarment Date.⁸ During this debarment period, you are excluded from participating in any activities associated with or related to the E-Rate program, including the receipt of funds or discounted services through the E-Rate program, or consulting with, assisting, or advising applicants or service providers regarding the E-Rate program.⁹

Sincerely,

Jeffrey J. Gee
Acting Chief
Investigations and Hearings Division
Enforcement Bureau

cc: Johnnay Schrieber, Universal Service Administrative Company (via e-mail)
Rashann Duvall, Universal Service Administrative Company (via e-mail)
Mark J. McKeon, United States Attorney's Office, Eastern District of California (via e-mail)

⁶ 47 C.F.R. § 54.8(c).

⁷ *Id.* §§ 54.8 (e)(3), (4). Any opposition had to be filed no later than October 3, 2014.

⁸ *Id.* §§ 54.8(e)(5), (g).

⁹ *Id.* §§ 54.8(a)(1), (5), (d).