

pursuant to 47 CFR 54.521, this letter constitutes official notice of your suspension from the schools and libraries universal service support mechanism. In addition, the Enforcement Bureau ("Bureau") hereby notifies you that we are commencing debarment proceedings against you.<sup>14</sup>

### I. Notice of Suspension

Pursuant to section 54.521(a)(4) of the Commission's rules,<sup>15</sup> your conviction requires the Bureau to suspend you from participating in any activities associated with or related to the schools and libraries fund mechanism, including the receipt of funds or discounted services through the schools and libraries fund mechanism, or consulting with, assisting, or advising applicants or service providers regarding the schools and libraries support mechanism.<sup>16</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>17</sup>

Suspension is immediate pending the Bureau's final debarment determination. You may contest this suspension or the scope of this suspension by filing arguments in opposition to the suspension, with any relevant documentation. 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.<sup>18</sup> Such requests, however, will not ordinarily be granted.<sup>19</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>20</sup> Absent extraordinary circumstances, the Bureau will decide any request for reversal or modification of suspension within 90 days of its receipt of such request.<sup>21</sup>

### II. Notice of Proposed Debarment

#### A. Reasons for and Cause of Debarment

The Commission's rules establish 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

*Maynard*, Criminal Docket No. 1:03cr5325, Information at 2-3 (E.D.Cal. filed August 19, 2003) ("Maynard Felony Information"); *United States v. Maynard*, Criminal Docket No. 1:03cr5325, Plea Agreement at 6-7 (E.D.Cal. filed August 26, 2003) ("Maynard Plea Agreement").

<sup>14</sup> 47 CFR 54.521; 47 CFR 0.111(a)(14) (delegating to the Enforcement Bureau authority to resolve universal service suspension and debarment proceedings pursuant to 47 CFR 54.521).

<sup>15</sup> 47 CFR 54.521(a)(4); *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225-27, ¶¶ 67-74 (2003) ("Second Report and Order"); *id.* at Appendix B, 18 FCC Rcd at 9263-65.

<sup>16</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 U.S.C. 254; 47 CFR 54.502-54.503; 47 CFR 54.521(a)(4).

<sup>17</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

<sup>18</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

<sup>19</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70.

<sup>20</sup> 47 CFR 54.521(f).

<sup>21</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

mechanism" from receiving the benefits associated with that program.<sup>22</sup> On August 26, 2003, you admitted to participating in a combination and conspiracy with West Fresno Elementary School District representatives, a consultant and others representing potential competitors, on behalf of your employer, Howe Electric, Inc.<sup>23</sup> Specifically, you admitted that you and the other co-conspirators combined, conspired, and agreed that: (1) Howe Electric, Inc. would be the successful bidder to provide goods and services for the schools and libraries E-Rate project in the district, while no other co-conspirator companies would bid for the project; (2) certain co-conspirator companies would be Howe Electric's subcontractors; and (3) any competing bids would be disqualified as nonresponsive.<sup>24</sup> These actions constitute the conduct or transactions upon which this debarment proceeding is based.<sup>25</sup> Moreover, your conviction on the basis of these acts falls within the categories of causes for debarment defined in section 54.521(c) of the Commission's rules.<sup>26</sup> Therefore, pursuant to section 54.521(a)(4) of the Commission's rules, your conviction requires the Bureau to commence debarment proceedings against you.

#### B. Debarment Procedures

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**.<sup>27</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>28</sup> Within 90 days of receipt of any opposition to your suspension and proposed debarment, the Bureau, in the absence of extraordinary circumstances, will provide you with notice of its decision to debar.<sup>29</sup> If the Bureau

<sup>22</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 66.

<sup>23</sup> See *United States v. Maynard*, Criminal Docket No. 1:03cr5325, Docket Proceedings (E.D.Cal. filed August 26, 2003).

<sup>24</sup> See *Maynard Felony Information* at 3; *Maynard Plea Agreement* at 6-7. The conspiracy violated the Commission's competitive bid requirements for telecommunications services supported by the schools and libraries E-Rate program. 47 CFR 54.504.

<sup>25</sup> *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i).

<sup>26</sup> "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 and other fraud or criminal offense arising out of activities associated with or related to the schools and libraries support mechanism." 47 CFR 54.521(c). Such activities "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 schools and libraries support mechanism described in this section ([47 CFR] § 54.500 et seq.)." 47 CFR 54.521(a)(1).

<sup>27</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

<sup>28</sup> *Second Report and Order*, 18 FCC Rcd at 9227, ¶ 74.

<sup>29</sup> See *Second Report and Order*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

decides to debar you, its decision will become effective upon the earlier of your receipt of a debarment notice or publication of its decision in the **Federal Register**.<sup>30</sup>

#### C. Effect of Debarment

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 at least three years from the date of debarment.<sup>31</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>32</sup>

Please direct any responses to the following address:

Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 6-C326, 445 12th Street, SW., Washington, DC 20554.

If you submit your response via hand-delivery or non-United States Postal Service delivery (e.g., Federal Express, DHL, etc.), please send your response to Ms. Lee at the following address:

Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, MD 20743.

If you have any questions, please contact Ms. Lee via mail, by telephone at (202) 418-1420 or by e-mail at [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov). If Ms. Lee is unavailable, you may contact William Davenport by telephone at (202) 418-1420 and by e-mail at [william.davenport@fcc.gov](mailto:william.davenport@fcc.gov).

Sincerely yours,  
Maureen F. Del Duca,  
Chief, Investigations and Hearings Division,  
Enforcement Bureau.

cc: Kenneth Alan Reed, Law Office of Kenneth Alan Reed, Kristy Carroll, USAC.  
[FR Doc. 04-365 Filed 1-7-04; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act; Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Tuesday, January 13, 2004, to consider the following matters:

#### Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single

<sup>30</sup> *Id.* 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 54.521(f).

<sup>31</sup> *Second Report and Order*, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

<sup>32</sup> *Id.*

vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

#### Discussion Agenda

Memorandum and resolution re: Final Rule on Deposit Insurance Coverage of Living Trust Accounts.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416-2089 (Voice); (202) 416-2007 (TTY), to make necessary arrangements.

Request for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898-3742.

Dated: January 6, 2004.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 04-516 Filed 1-6-04; 3:58 pm]

BILLING CODE 6714-01-M

#### FEDERAL HOUSING FINANCE BOARD

##### Sunshine Act Meeting Notice; Announcing an Open Meeting of the Board of Directors

**TIME AND DATE:** The meeting of the Board of Directors is scheduled to begin at 10 a.m. on Wednesday, January 14, 2004.

**PLACE:** Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

**STATUS:** The entire meeting will be open to the public.

**MATTERS TO BE CONSIDERED:** *Capital Plan Amendment for the Federal Home Loan Bank of Atlanta.* Consideration of an amendment to reorganize the Atlanta Bank capital plan to provide more detail on certain current procedures and make other changes.

*Appointment of Federal Home Loan Bank Directors.* Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) requires the agency to appoint public interest directors to the boards of directors of the Federal Home Loan Banks.

**FOR FURTHER INFORMATION CONTACT:** Mary Gottlieb, Paralegal Specialist, Office of General Counsel, by telephone

at (202) 408-2826 or by electronic mail at [gottliebmf@fhfb.gov](mailto:gottliebmf@fhfb.gov).

Dated: January 6, 2004.

By the Federal Housing Finance Board.

**Arnold Intrater,**

*General Counsel.*

[FR Doc. 04-478 Filed 1-6-04; 2:27 pm]

BILLING CODE 6725-01-P

#### FEDERAL HOUSING FINANCE BOARD

##### Sunshine Act Notice; Announcing a Public Hearing on Corporate Governance of the Federal Home Loan Banks

**TIME AND DATE:** The public hearing is scheduled to begin at 10 a.m. on Friday, January 23, 2004.

**PLACE:** Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

**STATUS:** The entire hearing will be open to the public.

**MATTERS TO BE CONSIDERED:** *Corporate Governance of the Federal Home Loan Banks (Banks):* The purpose of the hearing is to assess the current state of corporate governance of the Banks and to solicit proposals for both statutory and regulatory reform aimed at enhancing Bank governance.

**CONTACT PERSONS:** For general information contact Mary H. Gottlieb, Paralegal Specialist, Office of General Counsel, by telephone at (202) 408-2826 or by electronic mail at [gottliebmf@fhfb.gov](mailto:gottliebmf@fhfb.gov). Submit requests to testify and copies of testimony to Shane Goettle, Counsel to the Chairman, by telephone at (202) 408-2829 or by electronic mail at [goettles@fhfb.gov](mailto:goettles@fhfb.gov).

Dated: January 6, 2004.

By the Federal Housing Finance Board.

**Arnold Intrater,**

*General Counsel.*

[FR Doc. 04-479 Filed 1-6-04; 2:27 pm]

BILLING CODE 6725-01-P

#### 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 application 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/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 2, 2004.

**A. Federal Reserve Bank of New York** (Jay Bernstein, Bank Supervision Officer) 33 Liberty Street, New York, New York 10045-0001:

1. *Lakeland Bancorp, Inc.*, Oak Ridge, New Jersey; to merge with Newton Financial Corporation, and thereby indirectly acquire Newton Trust Company, both of Newton, New Jersey.

**B. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *Bancorp of Winona, Inc.*, Winona, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Winona, Winona, Mississippi.

**C. Federal Reserve Bank of Kansas City** (James Hunter, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *Bank of Choice Holding Company*, Evans, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Weld County Bank, Evans, Colorado.

Board of Governors of the Federal Reserve System, January 2, 2004.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 04-353 Filed 1-7-04; 8:45 am]

BILLING CODE 6210-01-S