



Federal Communications Commission
Washington, D.C. 20554

October 5, 2015

DA 15-1130

SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Oscar Enrique Perez-Zumaeta
c/o William P. Earley
Federal Public Defender-OKC
215 Dean A McGee Ave
Suite 109
Oklahoma City, OK 73102

Re: Notice of Debarment, File No. EB-IHD-15-00019209

Dear Mr. Perez-Zumaeta:

The Federal Communications Commission (Commission) hereby notifies you that, pursuant to Section 54.8 of the Commission's rules, you are prohibited from participating in activities associated with or related to the federal low-income support mechanism (Lifeline 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 comes first (Debarment Date).¹

On June 8, 2015, the Commission's Enforcement Bureau (Bureau) sent you a notice of suspension and initiation of debarment proceeding (*Notice of Suspension*) that was published in the Federal Register on July 9, 2015.² The *Notice of Suspension* suspended you from participating in any activities associated with or related to the Lifeline program, including receiving funds or discounted services through the Lifeline program, or consulting with, assisting, or advising applicants or service providers regarding the Lifeline program.³ It also described the basis for initiating debarment proceedings against you, the applicable debarment procedures, and the effect of debarment.

As discussed in the *Notice of Suspension*, on November 7, 2014, you were convicted of money laundering in violation of 18 U.S.C. § 1957(a) and 18 U.S.C. § 2, in connection with fraudulent claims against the federal Lifeline program.⁴ You owned and managed PSPS Sales LLC (PSPS), a California

¹ 47 C.F.R. § 54.8 (e), (g); 47 C.F.R. § 0.111 (delegating to the Bureau authority to resolve universal service suspension and debarment proceedings). In 2007, the Commission extended the debarment rules to apply to all federal universal service support mechanisms, including the Lifeline program. *See Comprehensive Review of the Universal Service Fund Management, Administration, & Oversight*, 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), (a)(5), (c), (d), (e)(2)(i), (e)(3), (e)(4), and (g)).

² Letter from Jeffrey J. Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to Oscar Enrique Perez-Zumaeta, Notice of suspension and initiation of debarment proceeding, 30 FCC Rcd 6121 (Enf. Bur. 2015); 80 Fed. Reg. 39430-01 (July 9, 2015).

³ 47 C.F.R. §§ 54.8(a)(1), (d).

⁴ Any further reference in this letter to "your conviction" refers to your guilty plea and subsequent sentencing in *United States v. Perez-Zumaeta*, Criminal Docket No. 5:14-cr-00165-D-1, Plea Agreement (W.D. Okla. filed Nov. 07, 2014) (*Plea Agreement*). *See also Lifeline & Link Up Reform & Modernization*, WC Docket No. 11-42, CC

entity that recruited low-income individuals to apply for Lifeline telephone service through Icon Telecom, Inc. (Icon).⁵ Specifically, you pled guilty to one count of money laundering for depositing a \$52,390.00 check from Icon into a PSPS bank account, despite knowing that more than \$10,000.00 of those funds was the result of criminal fraud against the Commission.⁶ Pursuant to Section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the Lifeline program is the basis for this debarment.⁷

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 *Notice of Suspension* or of its publication in the Federal Register, whichever date occurred first.⁸ The Commission received no opposition from you.

For the foregoing reasons, you are debarred from involvement with the Lifeline program for three years from the Debarment Date.⁹ During this debarment period, you are excluded from participating in any activities associated with or related to the Lifeline program, including the receipt of funds or discounted services through the Lifeline program, or consulting with, assisting, or advising applicants or service providers regarding the Lifeline program.¹⁰

Sincerely yours,

Jeffrey J. Gee
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)
Chris M. Stevens, United States Attorney's Office, Western District of Oklahoma (via e-mail)
Scott E. Williams, United States Attorney's Office, Western District of Oklahoma (via e-mail)

Docket No. 96-45, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (2012) (*Lifeline Reform Order*).

⁵ *United States v. Perez-Zumaeta*, Criminal Docket No. 5:14-cr-00165-D-1, Indictment at 1–2 (W.D. Okla. filed June 03, 2014) (*Indictment*).

⁶ *Plea Agreement* at 2; *Indictment* at 16–17; see also UNITED STATES ATTORNEY'S OFFICE, WESTERN DISTRICT OF OKLAHOMA, Press Release, *Final Defendant Sentenced to Serve 42 Months in Prison for Money Laundering in Connection with Federal Wireless Telephone Program Subsidies*, Apr. 23, 2015, available at <http://www.justice.gov/usao-wdok/pr/final-defendant-sentenced-serve-42-months-prison-money-laundering-connection-federal>.

⁷ 47 C.F.R. § 54.8(c).

⁸ *Id.* § 54.8 (e)(3)–(4). Any opposition had to be filed no later than July 12, 2015.

⁹ 47 C.F.R. § 54.8(g).

¹⁰ 47 C.F.R. §§ 54.8(a)(1), (d), (g).