

**FARM CREDIT ADMINISTRATION****Farm Credit Administration Board;  
Regular Meeting****AGENCY:** Farm Credit Administration.**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the regular meeting of the Farm Credit Administration Board (Board).

**Date and Time:** The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on November 8, 2007, from 9 a.m. until such time as the Board concludes its business.

**FOR FURTHER INFORMATION CONTACT:**

Roland E. Smith, Secretary to the Farm Credit Administration Board, (703) 883-4009, TTY (703) 883-4056.

**ADDRESSES:** Farm Credit

Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

**SUPPLEMENTARY INFORMATION:** This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

**Open Session***A. Approval of Minutes*

- October 11, 2007.

*B. New Business*

- Final Rule—12 CFR Part 620—Annual Report to Shareholders.

*C. Reports*

- Office of Management Services Quarterly Report.

Dated: November 2, 2007.

**Roland E. Smith,**

*Secretary, Farm Credit Administration Board.*  
[FR Doc. 07-5584 Filed 11-2-07; 3:21 pm]

**BILLING CODE 6705-01-P****FEDERAL COMMUNICATIONS  
COMMISSION****[DA 07-4336]****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. Arthur R. Scott'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. Scott, 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 Diana Lee, 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 December 6, 2007. However, an opposition request by the party to be suspended must be received 30 days from the receipt of the suspension letter or December 6, 2007, 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:**

Diana Lee, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, Room 4-C330, 445 12th Street, SW., Washington, DC 20554. Diana Lee may be contacted by phone at (202) 418-0843 or e-mail at [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov). If Ms. Lee is unavailable, you may contact Ms. Vickie Robinson, Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by e-mail at [vickie.robinson@fcc.gov](mailto:vickie.robinson@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The Bureau has suspension and debarment authority pursuant to 47 CFR 54.521 and 47 CFR 0.111(a)(14). 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 07-4336, which was mailed to Mr. Scott and released on October 18, 2007. The complete text of the notice of debarment 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>.

Federal Communications Commission.

**Hillary S. DeNigro,**

*Chief, Investigations and Hearings Division,  
Enforcement Bureau.*

The suspension letter follows:

October 18, 2007

DA 07-4336

VIA CERTIFIED MAIL RETURN RECEIPT  
REQUESTED AND FACSIMILE (404-872-1622)

Mr. Arthur R. Scott, c/o Seth D. Kirschenbaum, Esq., Davis Zipperman Kirschenbaum & Lotito, 918 Ponce de Leon Avenue, NE., Atlanta, GA 30306-4212, E-Mail: [skirschenbaum@dzkl.com](mailto:skirschenbaum@dzkl.com).

Re: Notice of Suspension and Initiation of Debarment Proceedings, File No. EB-07-IH-7304

Dear Mr. Scott:

The Federal Communications Commission ("FCC" or "Commission") has received notice of your conviction for conspiracy to defraud the United States and bribery in violation of 18 U.S.C. 371 and 666(a)(1)(B) in connection with your participation in the schools and libraries universal service support mechanism ("E-Rate program").<sup>1</sup> Consequently, pursuant to 47 CFR 54.521, 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.<sup>2</sup>

**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.<sup>3</sup> You pled guilty to conspiracy to defraud the United States and bribery for activities in connection with your participation in the E-Rate program.<sup>4</sup> You admitted that while employed

<sup>1</sup> Any further reference in this letter to "your conviction" refers to your May 2, 2007 guilty plea and subsequent conviction of one count of conspiracy to defraud the United States and one count of bribery. *United States v. Arthur R. Scott*, Criminal Docket No. 1:07-CR-139-CC-01, Plea Agreement (N.D.Ga. filed May 2, 2007 and entered May 7, 2007) ("Scott Plea Agreement"); *United States v. Arthur R. Scott*, 1:07-CR-139-CC-01, Judgment (N.D.Ga. filed and entered Oct. 2, 2007) ("Scott Judgment").

<sup>2</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>3</sup> See *Schools and Libraries Universal Service Support Mechanism*, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9225, ¶ 66 (2003) ("Second Report and Order"). 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 54.521(a)(6).

<sup>4</sup> See generally *United States v. Arthur R. Scott and Evelyn Myers Scott a/k/a Evelyn M. Myers*,

Continued

as Director of Operational Technology of the Atlanta Public Schools ("APS"), you conspired with others, including your wife Evelyn Myers Scott ("Myers Scott"), to enter into an E-Rate contract on behalf of APS in return for payments to the consulting firm owned by you and Myers Scott from the vendor.<sup>5</sup> In addition, you admitted that you, as agent of APS, corruptly solicited, demanded, accepted and agreed to accept \$37,917 in order to be influenced and rewarded in connection with APS's participation in the E-Rate program. The loss and the restitution that you owed to the E-Rate program resulting from the criminal offenses was \$300,176.10.<sup>6</sup>

Pursuant to section 54.521(a)(4) of the Commission's rules,<sup>7</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>8</sup> Your suspension becomes effective upon the earlier of your receipt of this letter or publication of notice in the **Federal Register**.<sup>9</sup>

Suspension is immediate pending the Bureau's final debarment determination. 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. 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>10</sup> Such requests, however, will not ordinarily be granted.<sup>11</sup> The Bureau may reverse or limit the scope of suspension only upon a finding of extraordinary circumstances.<sup>12</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>13</sup>

Criminal Docket No. 1:07-CR-139, Information (N.D.Ga., filed Apr. 30, 2007 and entered May 3, 2007) ("Scott and Myers Scott Information"); Scott Plea Agreement at 1.

<sup>5</sup> Scott and Myers Scott Information at 1-9. See also Letter from Hillary S. DeNigro, Chief, Investigations and Hearings Division, Enforcement Bureau, to Evelyn M. Scott, DA 07-4335, dated October 18, 2007.

<sup>6</sup> See Scott Judgment at 5; see also Scott Plea Agreement at 4.

<sup>7</sup> 47 CFR 54.521(a)(4). See Second Report and Order, 18 FCC Rcd at 9225-9227, ¶¶ 67-74 (2003).

<sup>8</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>9</sup> Second Report and Order, 18 FCC Rcd at 9226, ¶ 69; 47 CFR 54.521(e)(1).

<sup>10</sup> Second Report and Order, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(4).

<sup>11</sup> Second Report and Order, 18 FCC Rcd at 9226, ¶ 70.

<sup>12</sup> 47 CFR 54.521(e)(5).

<sup>13</sup> See Second Report and Order, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5), 54.521(f).

## II. Initiation of Debarment Proceedings

Your guilty plea to 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 debarment defined in section 54.521(c) of the Commission's rules.<sup>14</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.

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**.<sup>15</sup> Absent extraordinary circumstances, the Bureau will debar you.<sup>16</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>17</sup> 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**.<sup>18</sup>

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.<sup>19</sup> The Bureau may, if necessary to protect the public interest, extend the debarment period.<sup>20</sup>

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 Diana Lee, Attorney Advisor, Investigations and Hearings Division,

<sup>14</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>15</sup> See Second Report and Order, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(2)(i), 54.521(e)(3).

<sup>16</sup> Second Report and Order, 18 FCC Rcd at 9227, ¶ 74.

<sup>17</sup> See *id.*, 18 FCC Rcd at 9226, ¶ 70; 47 CFR 54.521(e)(5).

<sup>18</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>19</sup> Second Report and Order, 18 FCC Rcd at 9225, ¶ 67; 47 CFR 54.521(d), 54.521(g).

<sup>20</sup> *Id.*

Enforcement Bureau, Room 4-C330, with a copy to Vickie Robinson, 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 Diana Lee, 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 Vickie Robinson, 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 [diana.lee@fcc.gov](mailto:diana.lee@fcc.gov) and to [vickie.robinson@fcc.gov](mailto:vickie.robinson@fcc.gov).

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 Ms. Vickie Robinson, Assistant Chief, Investigations and Hearings Division, by telephone at (202) 418-1420 and by e-mail at [vickie.robinson@fcc.gov](mailto:vickie.robinson@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) Aaron M. Danzig, Esq., Assistant United States Attorney

[FR Doc. E7-21750 Filed 11-5-07; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### Performance Review Board

As required by the Civil Service Reform Act of 1978 (Pub. L. 95-454), Chairman Kevin J. Martin appointed the following executives to the Performance Review Board (PRB): Dana Shaffer, Michelle Carey, and Monica Desai.

Federal Communications Commission.

Marlene H. Dortch,  
Secretary.

[FR Doc. E7-21794 Filed 11-5-07; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL ELECTION COMMISSION

[Notice 2007-22]

Filing Dates for the Virginia Special Election in the 1st Congressional District

AGENCY: Federal Election Commission.