



Federal Communications Commission
Washington, D.C. 20554

July 15, 2014

DA 14-995

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

Mr. Bryan J. Cahoon
Register Number 95443-038
FMC Devens
Federal Medical Center
P.O. Box 879
Ayer, MA 01432

Re: Notice of Debarment, FCC Case No. EB-IHD-13-00010969

Dear Mr. Cahoon:

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 March 17, 2014, the Commission's Enforcement Bureau sent you a Notice of Suspension and Initiation of Debarment Proceedings (*Suspension Notice*)² that was published in the Federal Register on June 17, 2014.³ The *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*, in June 2013 you were convicted of one count of fraud and theft of federal funds in connection with the E-Rate program.⁴ This fraud and theft occurred while you were employed as the Director of the Information Technology Department (IT Department) for the City of Lawrence, Massachusetts, and as a city subcontractor through your company, Networks@Home, LLC (Networks@Home).⁵ As Director of the IT Department, you defrauded the E-Rate program by, among other things, circumventing the state's procurement requirements to provide bidding information

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 Bryan J. Cahoon, Notice of Suspension and Initiation of Debarment Proceedings, 29 FCC Rcd 1924 (Enf. Bur. 2014) (*Suspension Notice*); Bryan J. Cahoon, Erratum, FCC Case No. EB-IHD-13-00010969 (Mar. 11, 2014) (correcting the address in the caption of the *Suspension Notice*) (Attachment 1).

³ 79 Fed. Reg. 34527 (June 17, 2014).

⁴ *Suspension Notice*, 29 FCC Rcd at 1925.

⁵ *Id.*

and instructions, and award contracts, to your friends and business associates.⁶ You also hired friends and associates to perform work for the City of Lawrence as interns.⁷ Then, as a city subcontractor through Networks@Home, you billed the City of Lawrence for the same work at inflated rates.⁸ As a result, the City of Lawrence was double-billed.⁹ At least a portion of the funds that you obtained as a result of your fraudulent schemes were E-Rate funds that the City of Lawrence had received to improve its schools' and libraries' network and technological infrastructure.¹⁰ Pursuant to Section 54.8(c) of the Commission's rules, your conviction of criminal conduct in connection with the E-Rate program is the basis for this debarment.¹¹

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.¹² 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.¹³ 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.¹⁴

Sincerely,

Theresa Z. Cavanaugh,
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)
William F. Bloomer, United States Attorney's Office, District of Massachusetts (via e-mail)

⁶ *Id.* at 1925–26.

⁷ *Id.* at 1926.

⁸ *Id.*

⁹ *Id.*

¹⁰ *See id.* at 1925–26.

¹¹ 47 C.F.R. § 54.8(c).

¹² *Id.* § 54.8 (e)(3)–(4). Any opposition had to be filed no later than April 16, 2014.

¹³ *Id.* §§ 54.8(e)(5), (g).

¹⁴ *Id.* §§ 54.8(a)(1), (5), (d).