

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460



APR 10 2019

OFFICE OF ADMINISTRATION
AND RESOURCES MANAGEMENT

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Onis "Trey" Glenn III
[REDACTED]

**Re: Notice of Suspension
Onis "Trey" Glenn III, EPA Case No. 18-0941-05**

Dear Mr. Glenn:

Enclosed with this Notice of Suspension, please find a copy of an Action Referral Memorandum and its attachments (collectively, the ARM), submitted to me by the Environmental Protection Agency (EPA) Suspension and Debarment Division (SDD) counsel in this matter. The SDD counsel has requested that I immediately suspend you (the Respondent) from participation in future federal contracts and assistance activities, pending completion of legal proceedings against you.

Action and Authorities

By this Notice, effective immediately, I have suspended the Respondent from participation in federal contracts and assistance activities. I am taking this action based upon information in the ARM, which is incorporated herein by reference. As described in the ARM, an indictment was filed in the Circuit Court of the Tenth Judicial Circuit in the State of Alabama charging the Respondent with one count of aiding and abetting a public official, namely Willie S. Phillips, Jr., to intentionally use or cause to be used the official position and/or office to obtain personal gain from Drummond Company, Inc., a family member of Phillips or a business in which Phillips is associated, in violation of Section 36-25-5(a) of the Code of Alabama; one count of aiding and abetting a public official to solicit or receive a thing of value, namely, compensation from a principal, Drummond Company, in violation of Section 36-25-5.1(a) of the Code of Alabama; one count of aiding and abetting a public official to solicit or receive a thing of value, other than in the ordinary course of business, from a business with whom the official directly inspects, regulates, or supervises in his official capacity, in violation in violation of Section 36-25-5(e) of the Code of Alabama; and one count of aiding and abetting a public official to intentionally

solicit or accept a thing of value from Drummond Company, Inc., a business regulated by Alabama Environmental Management Commission, while associated with the regulatory body, in violation of Section 36-25-12 of the Code of Alabama. The indictment also charged Respondent with eleven counts of aiding and abetting a public official in violation of Section 36-25-7(d) of the Code of Alabama.

Respondent's suspension is warranted based on adequate evidence of the following cause(s): 2 C.F.R. §§ 180.700(a), 180.800(a)(4): Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects Respondent's present responsibility.

I find that there is adequate evidence to support the suspension action under 2 C.F.R. §§ 180.700(a) and (b). I find that there is a rational connection between Respondent's alleged criminal misconduct and Respondent's ability to participate responsibly under a Federal procurement or nonprocurement program. Moreover, for the reasons set forth in paragraphs 16-19 of the ARM, there is an immediate need to suspend the Respondent to protect the government's business interests and the public interest pending completion of legal proceedings. The allegations giving rise to a cause for suspension are serious and the Respondent has had or may be reasonably expected to have a business relationship or involvement with a program of the Federal Government.

Effect of Action

As a result of this suspension, Respondent's name has been entered as "Ineligible" in the System for Award Management (SAM) exclusion list maintained by the General Services Administration. Respondent is ineligible to receive any federal contracts or approved subcontracts, or to act as an agent or representative on behalf of another in such transactions. Respondent is also precluded from receiving certain federal assistance, loans and benefits (or contracts/subcontracts thereunder), or from participating as a principal, agent or key employee in those transactions.

If ultimately debarred, Respondent's name will remain listed as "ineligible" in the SAM website. Respondent will remain ineligible to receive any federal contracts or approved subcontracts or to act as an agent or representative on behalf of another in such transactions. In addition, Respondent will remain ineligible to receive certain federal assistance, loans and benefits (or contracts thereunder) or from participating as a principal, agent or key employee in those transactions.

How to Contest this Action

If Respondent wishes to contest this Notice, Respondent or Respondent's representative must first send an email to me and to the EPA Suspension and Debarment Hearing Officer at the email addresses provided below within 30 days of receipt of this Notice, stating in detail the reasons why Respondent believes this action is not warranted. Failure to send us an email contesting this action will result in a continuation of the suspension by default. If Respondent is unable to send an email, please contact the Suspension and Debarment Hearing Officer to discuss alternate arrangements for submitting a contest letter in hard copy.

If Respondent contests this suspension, in addition to any information and argument in opposition, the Respondent's contest submission must identify:

- (1) Specific facts that contradict the statements contained in the Notice of Suspension. A general denial is insufficient to raise a genuine dispute over facts material to the suspension;
- (2) All existing, proposed, or prior exclusions under regulations implementing Executive Order 12549 and all similar actions taken by Federal, State, or local agencies, including administrative agreements that affect only those agencies;
- (3) All criminal and civil proceedings not included in the Notice of Suspension that grew out of facts relevant to the cause(s) stated in the notice; and
- (4) All of Respondent's affiliates.

If Respondent fails to disclose this information, or provides false information, the EPA may seek further criminal, civil or administrative action against Respondent, as appropriate, per 2 C.F.R. § 180.730(b).

In order for Respondent's submissions to be included in the official record, unless alternate arrangements have been agreed to, all submissions to the EPA must be made electronically, preferably in Adobe PDF format. If Respondent is unable to submit documents electronically, please contact the Suspension and Debarment Hearing Officer to discuss alternate arrangements for submitting documents in hard copy. Please note that emails to the EPA, including any attachments, cannot exceed 25MB and filenames of attachments should be 128 characters or less and not include any special characters.

If Respondent believes that any information contained in the ARM is incomplete or inaccurate in any material way, Respondent must provide the additional or correct information with Respondent's response. Respondent should also include copies of documentation that support Respondent's position.

In addition to any submissions submitted electronically (or in hard copy if they cannot be submitted electronically as discussed above), Respondent and/or Respondent's representative(s) may meet with me to make a presentation of matters in opposition (PMIO) to address further the SDD counsel's information, or to provide further information about Respondent's present responsibility to perform services under federal contracts or covered transactions. If Respondent wants a PMIO meeting, Respondent must state this in the contest email discussed above. The Suspension and Debarment Hearing Officer will establish a case schedule. Respondent may contact the Suspension and Debarment Hearing Officer at the email address and phone number provided below. However, please remember that even if Respondent desires a PMIO, Respondent must first send an email submission to us within the 30-day reply period to avoid being in default without further proceedings.

For more information about how to contest this Notice, please see 2 C.F.R. Part 180 generally, and, in particular, §§ 180.700 – 180.760.

If Respondent has any questions concerning the ARM or substantive matters relative to this case, Respondent should contact SDD Counsel by the phone number or email address provided below. If Respondent has any questions relative to any procedural issues, Respondent should contact the Suspension and Debarment Hearing Officer via the phone number or email address provided below.

It is important to note that suspension and/or debarment is not imposed for the purpose of punishment. It is a discretionary measure used to ensure that the government conducts the public business with responsible persons. Accordingly, the EPA will consider any information Respondent wishes to provide that Respondent believes will assist me in making that evaluation.

Please use the following contact information when communicating with me, the Suspension and Debarment Hearing Officer, and/or SDD Counsel:

Suspension and Debarment Official:

Duc H. Nguyen
Suspension_Debarment@epa.gov

Suspension and Debarment Hearing Officer:

Lindsay Stoudt
Stoudt.Lindsay@epa.gov
202-564-5114

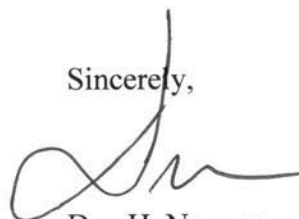
Suspension and Debarment Division Counsel:

Angelia Blackwell
Blackwell.Angelia@epa.gov
404-562-9878

Respondent may view the regulations governing suspension and debarment actions initiated by the EPA by going to <https://www.epa.gov/grants/suspension-and-debarment-program> and selecting “Information Regarding the Suspension and Debarment Process, Clean Water Act and Clean Air Act Ineligibilities, How to Contest a Notice, and How to Seek Reinstatement.”

If Respondent does not have internet access and would like to receive copies of the cited regulations, please contact the Suspension and Debarment Hearing Officer.

Sincerely,



Duc H. Nguyen
EPA Suspension and Debarment Official

Enclosures
cc: SDD Counsel
Official Case File

PRIVACY ACT STATEMENT

The Privacy Act of 1974, as amended, 5 U.S.C. § 552a, requires that you be given this notice. Any information you provide to the Environmental Protection Agency's (EPA) Suspension and Debarment Program will be governed by the Privacy Act and will be included in the EPA Debarment and Suspension Files, a Privacy Act system of records. Collection of the information you provide is authorized by the Federal Property and Administrative Services Act of 1949, 41 U.S.C. § 251 et. seq.; the Office of Federal Procurement Policy Act, 41 U.S.C. § 401 et. seq.; Executive Order 12549 (February 18, 1986); and Executive Order 12689 (August 16, 1989). Providing information to the EPA Suspension and Debarment Program is voluntary. However, if you decide not to provide any information, the Suspension and Debarment Program will base its decisions on the basis of existing information in the record on the matter for which information is being sought from you. Records in this system will be used to ensure that Federal contracts and Federal assistance, loans, and benefits are awarded to responsible business entities and individuals. In addition, records may be disclosed to the General Services Administration for the purposes of compiling a list of parties excluded from federal procurement and nonprocurement programs; to the individuals or organizations suspended, proposed for debarment, or debarred and their legal representatives; to Federal, state, local, or foreign agencies or other entities, as appropriate, in connection with (a) the administration of federal acquisition, assistance, loans, and benefit or regulatory programs, (b) EPA decisions on employment, contracting, and other benefits, (c) relevant law enforcement actions, and (d) verification of an individual's eligibility to participate in federal nonprocurement transactions; in connection with judicial or administrative litigation to which the records are relevant; in response to a subpoena issued by another federal agency; to contractors and others engaged to provide services to the Government who need to access the records to perform those services; in response to inquiries from a member of Congress made at your request; and in connection with authorized records management inspections. This is a summary of the routine uses authorized in the Federal Register notice governing this system of records. For a complete description of the routine uses, please consult the Federal Register notice for this system of records, published initially at 60 Fed. Reg. 51791 on October 3, 1998.