

August 27, 2003

**APPROVE CONSENT DECREE AND SETTLEMENT AGREEMENT
OF DEBARMENT ACTION OF EDNA RAMOS, MARCEL ESQUERRA, AND FENCE USA**

THE GENERAL COUNSEL REPORTS THE FOLLOWING DECISION:

That the Chicago Board of Education approve the Consent Decree and Settlement Agreement with Edna Ramos, Marcel Esquerra, and Fence USA which provides for a three (3) year voluntary exclusion from Board activities pursuant to Section 3.1 of the Board's Debarment Policy and Procedures (the "Policy"). The period of the voluntary exclusion is June 10, 2003 through June 10, 2006. In its Notice of Debarment against Edna Ramos, Marcel Esquerra, and Fence USA ("Respondents"), the Board alleged that the Respondents participated in deceptive business practices, including participating in a fraudulent minority front scheme to obtain money from the Board.

DESCRIPTION: Section 1.1, 1.3, 2.2(b)(1), 2.2(b)(3), 2.2(d)(2), and 2.2(e) of the Board's Debarment Policy and Procedures (the "Policy") provides for debarment of businesses and their "affiliates," participants," and "principals" (as defined in the Policy) from participation in the Board's procurement transactions and activities for failure to perform in accordance with the terms of Board rules, policies, agreements or transactions, violation of contract provisions and requirements, violations of Board Rules and Policies, for the commission of any other act indicating a lack of business integrity or honesty. Section 2.2(b) of the Policy provides for debarment based upon "violation of the terms of a Board or other public or private policy rule, procedure, agreement or transaction of such a serious nature that, if the Board were to transact business with the contractor, it would affect the integrity of the Board programs, policies or activities. Such violations include the following:(1) a failure to perform in accordance with the terms or one or more Board rules, policies, agreements or transactions, including, but not limited to failure to comply with MBE/WBE participation goals..." Additionally, Section 2.2(d) of the Policy provides for debarment based upon "any other act or omission of a serious or compelling nature which weighs against a determination that a person is responsible, which may include, but it not limited to violation(s) of:...Board Rules, Policies or Procedures..." Further, Section 2.2(e) of the Policy provides for debarment based upon "commission of any other act indicating a lack of business integrity or honesty, including but not limited to, non-compliance with public policy, deficiencies in on-going contracts, false certifications or statements, fraud in performance or billing...."

LSC REVIEW: LSC approval is not applicable to this report.

AFFIRMATIVE

ACTION STATUS: Affirmative Action review is not applicable to this report.

FINANCIAL: None.

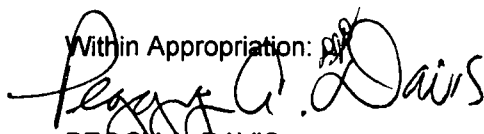
GENERAL CONDITIONS: None.

Approved,



RUTH M. MOSCOVITCH
General Counsel

Within Appropriation: 



PEGG A. DAVIS
Chief of Staff