



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUL 7 - 2014

## Debarment Determination

### CERTIFIED MAIL RETURN RECEIPT

Mr. Hunter Burns  
Owner and Operator  
Hunter Burns Construction, LLC

Box Elder, MT 59521-9801

Re: Hunter Burns Construction, LLC, DOI Case No. 14-0004-00(D); and  
Hunter Burns, DOI Case No. 14-0004-01(D)

Dear Mr. Burns:

This is to inform you of my decision on the proposed debarment of yourself and Hunter Burns Construction, LLC (HBC), under 2 C.F.R. Part 180, adopted by the Department of the Interior (DOI) at 2 C.F.R. Part 1400. By this determination HBC and you are debarred for three years.

By Notices issued, respectively, on March 10, 2014, and March 27, 2014, DOI suspended HBC, and you, individually. DOI based the suspensions on the fact of the Indictments of HBC and yourself in U.S. District Court for the District of Montana, Great Falls Division, in two separate cases.

An Indictment issued on September 20, 2013 charged conspiracy to embezzle Federal grant and contract funds in violation of 18 U.S.C. § 371, aiding and abetting theft from an Indian tribal government receiving Federal funding in violation of 18 U.S.C. § 2; and bribery/offering and the aiding and abetting thereof, in violation of 18 U.S.C. §§ 666(a)(2) and 2. An Indictment issued on October 18, 2013 charged False Claims Act conspiracy in violation of 18 U.S.C. § 286, aiding and abetting a false and fraudulent claim against a federally funded project in violation of 18 U.S.C. § 2, and aiding and abetting theft from an Indian tribal government receiving Federal funding in violation of 18 U.S.C. § 2. By email dated April 24, 2014, you contested the suspensions. Your one sentence email stated only that you wrote to contest the action. No substantive information was included.

By Notices dated May 7, 2014, DOI proposed to debar you and HBC upon learning of the fact of entrance of guilty pleas by yourself and HBC to Count I of the October 18, 2013 Indictment (18 U.S.C. § 286 - False Claims Act conspiracy). The fact of the guilty pleas establishes the existence of cause for debarment of HBC and you under 2 C.F.R. § 180.800(d).

By email dated May 8, 2014, David Sims, the DOI Debarment Program Manager, wrote to you at the email address you used for your April 24<sup>th</sup> communication. Mr. Sims informed you that the suspension actions had advanced to debarment actions, transmitted a pdf copy of the two notices of proposed debarment and the Action Referral Memorandums (ARMs) from the DOI Office of Inspector General (OIG), and established a case schedule for prompt resolution of the actions. DOI also mailed the Notices of Proposed Debarment and ARMs to you by first class certified mail at your address of record. Postal Service delivery tracking records show your receipt by mail on May 15, 2014.

The case schedule established by DOI required the following: advise DOI by reply e-mail whether or not you requested an oral presentation of matters in opposition as part of your contest by close of business, Friday, May 16, 2014 and submission of your written information in opposition to debarment by close of business, Friday, June 6, 2014. No communications were received by DOI from you to respond to the schedule.

By follow up email to you dated June 9, 2014, Mr. Sims requested you to notify DOI whether your non-response to the schedule submission dates reflects a decision on your part to withdraw your opposition to debarment, by close of business, Friday, June 13, 2014, to expedite completion of debarment proceedings. You did not reply. On June 27, 2014, Mr. Sims and Mr. Stocker also attempted, unsuccessfully, to contact you by telephone.

In consideration of your failure to respond to DOI or provide for review any substantive information in opposition to debarment you and HBC are now determined to have elected not to contest your proposed debarments. Absent information from you and HBC to the contrary, this Determination concludes that the information in the ARM from the Department of the Interior OIG transmitted by the Notices of Proposed Debarment is accurate and the conclusions drawn are warranted.

The ARMs recommended, and the Notices proposed, a three (3) year debarment period. Accordingly, you and HBC are debarred for a three year period from participation in Federal procurement and nonprocurement programs for a three year period as proposed in the action where suspension precedes debarment, the period of debarment measures from the date of initial suspension.

Under 2 C.F.R. Part 180, debarment is effective upon the date of this Determination. Under 2 C.F.R. §180.865(b), DOI initially suspended HBC on March 10, 2014, and you on March 27, 2014. Accordingly, HBC's name and address shall be entered on the list of persons as excluded until March 6, 2017 from procurement and nonprocurement programs maintained within the GSA System for Award Management (SAM). Your name shall be entered SAM as excluded until March 26, 2017.

Sincerely,



Debra E. Sonderman, Director  
Office of Acquisition and Property Management

Enclosures

cc: David M. Sims, PAM  
Jim Weiner, SOL  
Lori Vassar, OIG  
Stanley Stocker, OIG  
Official Case Files

