

**UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE**

In re:	)	
	)	
BILLY G. ROLAND	)	DNS-RD Docket No. 07-0089
And	)	
BILLY GRAY ROLAND, Ltd.	)	
	)	
Respondent	)	<b>Denial of Request For Stay</b>

Included with Mr. Roland’s appeal of the debarment decision, is a request for a 60 day stay of the debarment. This request is DENIED.

My powers as appeals officer are set forth at 7 C.F.R. § 3017.890. They do not include the power to stay a debarment.

Review of the regulatory definition of “suspension” (7 C.F.R. §§ 3017.1015) demonstrates that a person’s participation in covered government programs is to be immediate and continuous from the time an agency official acts to suspend him. As stated in 7 C.F.R. § 3017.1015:

Suspension is an action taken ...that immediately prohibits a person from participating in covered transactions...pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended.

In other words, when a person is suspended, he may not participate in covered government transactions even during the time that there are pending administrative or judicial proceedings. The provisions respecting debarment do not contain any contrary provisions allowing participation after a debarment determination until such time as it may be vacated after an appeal.. *See, e.g.,* 7 C.F.R. §3017.930.

Suspensions and debarments are measures taken by an agency to protect the public interest and to promote an agency's policy of conducting business only with responsible persons. *See Sloan v. Dept. of Housing and Urban Development*, 231 F.3d 10, 14-15 (D.C. Cir 2000). Permitting a person who has been debarred a window of opportunity to continue to participate in government programs during the ninety day period in which an administrative appeal is required to be decided, is inconsistent with this objective.

Dated: May 8, 2007

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Victor W. Palmer  
Administrative Law Judge