

NATIONAL SCIENCE FOUNDATION
OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CLOSEOUT MEMORANDUM

TO: AIGI	File Number: I95050018	Date: 17 March 2002
Subject: Closeout Memo		Page 1 of 1

There was no closeout written at the time this case was closed. The following information was extracted from the file in conformance with standard closeout documents.

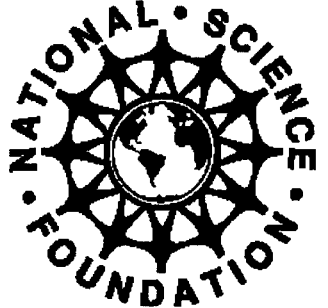
Our office was informed that the subject¹ was alleged to have embezzled state funds. The subject pleaded "No Contest" to the charge. The county court² accepted his plea and NSF debarred him based on the conviction.

Accordingly this case is closed.

¹ Marcus Rodriquez

² Los Angeles

Name:	Prepared by:	Cleared by:		
	Agent:	Attorney:	Supervisor:	AIGI
Signature & date:				



NATIONAL SCIENCE FOUNDATION

4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230
March 18, 1996



OFFICE OF THE
GENERAL COUNSEL

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Allen Yahr
Attorney at Law
15260 Ventura Boulevard
Suite 1050
Sherman Oaks, California 91403

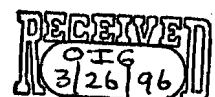
Re: Notice of Suspension and Proposed Debarment of
Mr. Marcus Arthur Rodriguez

Dear Mr. Yahr:

This letter serves as formal notice that the National Science Foundation (NSF) has suspended your client, Marcus Arthur Rodriguez, and is proposing to debar him from directly or indirectly obtaining the benefits of Federal grants for a period of three years from the date of this letter. A person who is debarred will be excluded during the period of debarment from Federal financial and non-financial assistance and benefits under non-procurement Federal programs and activities. See 45 CFR Sections 620.110 and 620.200. In addition, your client will also be prohibited from receiving any Federal contracts or approved subcontracts under the Federal Acquisition Regulations (FAR) at 48 CFR Subpart 9.4 for the period of this debarment. 45 CFR Section 620.110(c). Debarment of an individual is effective throughout the executive branch of the Federal Government. The effect of suspension is the same as debarment, except that it is for a temporary period of time pending completion of debarment proceedings.

Reasons for Suspension and Debarment

Your client's suspension and debarment is based upon a referral from our Office of Inspector General (OIG). The Foundation's record demonstrated that Mr. Rodriguez committed irregularities seriously reflecting on the propriety of further Federal Government dealings with him, and that there is cause for his suspension and debarment. The Foundation's current administrative record indicates that he was the Deputy Director of the Los Angeles County Museum of National History and entrusted with responsibility for the safekeeping and proper disbursement of public monies. In that capacity, he also acted as an Authorized Organizational Representative for many federal grants to the Museum. The investigation of this matter further



disclosed that he was criminally convicted for embezzling over \$2,000,000 of public monies.

Specifically:

1. On July 12, 1995, a Felony Complaint was filed in the Municipal Court of Los Angeles Judicial District, County of Los Angeles, State of California, in the matter of People of the State of California v. Marcus Arthur Rodriguez, Case No. BA117636. A copy of the Complaint is enclosed and the allegations are hereby incorporated by reference. The Complaint charged your client with a total of 22 counts, including one count of grand theft, one count of loaning public money, one count of forgery of a document, one count of misappropriation of public monies, twelve counts of money laundering, one count of conspiracy to obstruct justice, one count of conspiracy to commit a crime, and four counts of grand theft of personal property, in violation of the California Penal Code.
2. On February 9, 1995, your client pled nolo contendere to all 22 Counts in the Complaint. A certified copy of the Municipal Court of Los Angeles Docket reflecting the Plea is attached and hereby incorporated by reference.
3. On December 20, 1995, the Judge sentenced him to state prison for a total of seven years. (A copy of the Minute Order is attached). He was also ordered to pay restitution.

Regulatory Basis for Suspension and Debarment

45 CFR Section 620.305 provides that debarment may be imposed for:

(a) conviction of or civil judgment for:

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction;

* * *

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a person.

Your client's conviction for embezzlement of \$2,000,000 in public funds supports a cause for debarment under 45 CFR Sections

620.305(a)(1), (2), and (3). His conviction reflects adversely on his integrity, honesty, and present responsibility in relation to Federal financial and non-financial assistance and benefits. The filing of the Complaint and his subsequent conviction also establish adequate evidence for his suspension. 45 CFR Sections 620.400 and 620.405.

Debarment must be for a period commensurate with the seriousness of the cause. 45 CFR Section 620.320(a). It should generally not exceed three years, but where circumstances warrant, a longer period may be imposed. 45 CFR Section 620.320. The burden of proof is on the government to establish facts which justify debarment by a preponderance of the evidence. 45 CFR Section 620.314(c). Where the proposed debarment is based upon a conviction, the standard shall be deemed to have been met. 45 CFR Section 620.314(c).

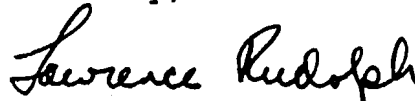
Your client pled nolo contendere to embezzling \$2,000,000 in public funds from the Los Angeles County Museum of National History. As a public official, he committed an extremely serious breach of the public trust. Because of the seriousness of this offense, we are proposing debarment for a period of three years.

Procedures Governing Proposed Debarment/Suspension

The provisions of 45 CFR Sections 620.300 through 620.420 govern debarment and suspension procedures and decisionmaking. Under our regulations, your client has 30 days after receipt of this notice to submit, in person, or in writing, or through a representative, information and argument in opposition to his debarment. 45 CFR Section 620.313(a). Comments submitted within the 30-day period will receive full consideration and may lead to a revision of the recommended disposition. If we do not receive a response to this notice within the 30-day period, this debarment will become final.

Any response should be addressed to me at the National Science Foundation, Office of General Counsel, 4201 Wilson Boulevard, Room 1265, Arlington, Virginia, 22230. For your information, we are attaching a copy of the Foundation's regulations on Non-procurement Debarment and FAR Subpart 9.4.

Sincerely,



Lawrence Rudolph
General Counsel

Attachments (5)
Complaint
Municipal Court of Los Angeles Docket
Minute Order
Nonprocurement Debarment Regulations
FAR Regulations

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date: December 20, 1995

HONORABLE:

JD SMITH
D GUTIERREZJUDGE
Deputy SheriffR RAMSEYER
D GRACEDeputy Clerk
ReporterBA117636-01
People of the State of California
vs.

(Parties and counsel checked if present)

Counsel for People:

Deputy District Attorney: J SHIDLER, DDA /

Counsel for Defendant:

01 RODRIGUEZ, MARCUS ARTHUR /

A YAHN, PVT /

M SANDVIG, PVT /

487.A 05CTS; 424.1 01CT; 424.2 01CT;
470 01CT; 186.10A 12CTS; 182.A5 01CT

X:1598382

NATURE OF PROCEEDINGS

P&S (CERT PLEA)

REM

11-14-95

Matter set this date for sentencing hearing as certified open plea to this court.

Probation is denied. Defendant is sentenced to state prison for a total of 7 years as follows:

The Court finds there to be aggravating circumstances and selects the HIGH term of 4 years for the base term as to Count 2 plus 3 years as to the enhancement pursuant to Penal Code Section 12022.6(c).

As to Counts 1 and 3, the Court selects the HIGH term of 3 years plus 3 years as to the enhancement pursuant to Penal Code Section 12022.6(c) to run concurrent to the base term.

As to Count 4, the Court selects the mid term of 3 years to run concurrent to the base ter.

As to Counts 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, the Court selects the mid term of 2 years to run concurrent to the base term.

As to Counts 19, 20, 21 and 22, the Court imposes and stays, pursuant to Penal Code Section 654, the mid term of 2 years. Said stay to become permanent upon completion of base sentence.

The Court orders the defendant to pay restitution in full pursuant to Government Code Section 13967(c). Additionally, the defendant is ordered to pay \$1,000.00 restitution fine pursuant to Penal Code Section 1202.4, to be stayed.

Stay of execution of state prison sentence granted to January 12, 1996 at 9:00 a.m. Defendants credits to be calculated at that time. Defendant waives forthwith sentence.

Counsel are ordered to return.

Defendant remains remanded.

01 REM

MINUTE ORDER

MINUTES ENTERED
12/20/95
COUNTY CLERK

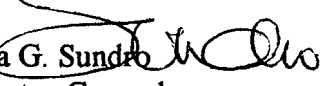
NATIONAL SCIENCE FOUNDATION
4201 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22230



OFFICE OF
INSPECTOR GENERAL

October 2, 1995

TO: Anne C. Petersen
Deputy Director

FROM: Linda G. Sundro 
Inspector General

SUBJECT: Proposed Debarment of Mr. Marcus Rodriguez

On September 11, 1995, Mr. Marcus Rodriguez entered a plea of no contest to 22 counts of embezzlement of public funds from the Los Angeles County Museum of Natural History. Mr. Rodriguez will be sentenced on November 14, 1995 in the Superior Court of Los Angeles County.

Mr. Rodriguez was the deputy director of the Los Angeles County Museum of Natural History and acted as an Authorized Organizational Representative for many grants received from federal agencies including 16 grants from the National Science Foundation (NSF). NSF is the cognizant federal agency for the Los Angeles County Museum of Natural History, and accordingly NSF must take appropriate action to protect the interests of all federal agencies. In his capacity as deputy director of the museum, Mr. Rodriguez embezzled over \$2,000,000. Although federal funds were not embezzled, Mr. Rodriguez's conduct overwhelmingly demonstrates that he is not a responsible person.

Based on the criminal conviction of Mr. Rodriguez, we recommend that you, in your capacity as NSF's debarment official, debar Mr. Rodriguez from any procurement or nonprocurement financial assistance transaction for a period of at least three years.

Please let us know what actions you will take in this matter.

- Enclosures:
1. Copy of the criminal complaint filed against Mr. Rodriguez by the State of California.
 2. Copy of the certified court docket showing all proceedings in the case.

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1ST STORY of Level 1 printed in FULL format.

Copyright 1995 The Times Mirror Company
Los Angeles Times

September 12, 1995, Tuesday, Home Edition

SECTION: Metro; Part B; Page 3; Metro Desk

LENGTH: 559 words

HEADLINE: EX-MUSEUM OFFICIAL PLEADS NO CONTEST IN THEFT CASE;
CRIME: MAN WAS ACCUSED OF EMBEZZLING \$2.1 MILLION FROM L.A. COUNTY
MUSEUM OF
NATURAL HISTORY AND ITS FOUNDATION OVER SIX YEARS.

BYLINE: By JOHN M. GLIONNA, TIMES STAFF WRITER

BODY:

The former chief deputy director of the Los Angeles County Museum of Natural History pleaded no contest Monday to charges that he embezzled \$2.1 million from the museum and its foundation.

Marcus Arthur Rodridguez, 53, of Glendale appeared in Los Angeles Superior Court in connection with 22 counts, including embezzlement, forgery, misuse of public funds, money laundering and conspiracy.

Over a six-year period between July, 1988, and May, 1994, prosecutors contend, Rodriguez, with the help of a former secretary and the foundation's former chief accountant, skimmed funds from county money, museum ticket sales and private donations.

While overseeing the museum foundation and a satellite facility, the George C. Page Museum in the Mid-Wilshire district, Rodriguez allegedly used the stolen money to buy three cars for himself and family members. He also bought presents such as jewelry for several friends and paid off thousands of dollars in monthly credit card bills.

Sentencing was set for Nov. 14 in Los Angeles Superior Court. Rodriguez faces a maximum 12-year sentence.

Prosecutors said Monday that they were pleased with the results.

"Yes, we're very happy," said Deputy Dist. Atty. Joseph D. Shidler. "As far as the court is concerned, a no-contest plea is exactly the same and is treated the same as a guilty plea."

Also charged in the case are Marissa Meroney, 41, of Chino Hills, the former chief financial officer for the Museum of Natural History Foundation, and Cristina Elizabeth Coleman, 41, Rodriguez's former secretary.

A preliminary hearing for both women is set for Oct. 2. Meroney is charged with two counts of conspiracy and one count of grand theft. Coleman has been charged with receiving stolen property and grand theft.

Shidler said Rodriguez wrote checks for cashier's checks that were made out to Coleman, who was his secretary until 1992. The money was funneled to accounts under Meroney's name or jointly under the names of both women, Shidler said.

PAGE 3

Los Angeles Times, September 12, 1995 Los Angeles Times
September 12, 1

The irregularities surfaced in late 1994, shortly after James L. Powell, new director of the 80-year-old institution, noticed discrepancies in financial statements while revamping the museum's management and operating procedures.

In a prepared statement, Powell said Monday that the museum plans to seek reimbursement for the missing funds.

"Of course, I deeply regret that any money was stolen from the museum and will continue vigorously to recover every penny. My decision to tighten financial procedures and then to inform the district attorney of my evidence of wrongdoing by Rodriguez was obviously the right one."

James Gilson, vice president and general counsel of the Natural History Foundation, said Monday that the institution will soon file suit in state court to recover the funds as well as pursue "other possible sources of recovery."

Powell said he had no explanation as to what drove a \$92,000-a-year museum executive to such extremes. "I can't put myself in his place," he said. "You and I wouldn't have done that. And I can't understand someone who would. Especially at a time when the museum was laying off people and closing off parts of exhibits. It was unconscionable."

Prosecutor Shidler said the length of Rodriguez's sentence depends on the sentencing judge.

"He's still got a roll of the dice on that one," he said.

LANGUAGE: ENGLISH

LOAD-DATE: September 13, 1995

Copyright 1995 The Times Mirror Company
Los Angeles Times

July 13, 1995, Thursday, Electronic Edition

SECTION: Part BB; Page 1

LENGTH: 574 words

HEADLINE: 3 CHARGED IN \$2.1-MILLION EMBEZZLEMENT AT MUSEUM

BYLINE: By JOHN GLIONNA, TIMES STAFF WRITER

BODY:

The former chief deputy director of the Los Angeles County Museum of Natural History and two others were charged Wednesday in the embezzlement of \$2.1 million from the museum and its affiliated nonprofit foundation into personal accounts over a five-year period. Authorities said the suspects used the money to buy pricey cars, jewelry and pay off personal debts.

The former director, Marcus Arthur Rodriguez, 53, was arrested outside his Glendale home Wednesday on charges ranging from grand theft to misuse of public money to money laundering and conspiracy. He was in custody on \$2-million bail, pending arraignment today in Los Angeles Municipal Court.

Rodriguez, 53, had been placed on non-disciplinary administrative leave in February after a three-month investigation of financial irregularities by the Los Angeles County district attorney's office.

Also charged were Marissa Meroney, 41, of Chino Hills, the former chief financial officer for the Museum of Natural History Foundation, and Cristina Elizabeth Coleman, 41, Rodriguez's former secretary.

Coleman also is scheduled for arraignment today. She was being held in lieu of \$50,000. Meroney had not been detained but bail for her was recommended at \$600,000.

Deputy Dist. Atty. Allen Field said the case against Rodriguez and the others was filed after search warrants were served Feb. 24 on the museum and its affiliate, the George C. Page Museum, site of the La Brea Tar Pits. Rodriguez managed the Page museum.

If convicted, Rodriguez faces up to 12 years in prison. The women face prison terms of up to three years each.

Coleman is charged with one count of grand theft and four counts of receiving stolen property. She was arrested Wednesday at a Los Angeles County Department of Beaches and Harbors facility in Marina del Rey, where she is a secretary.

District attorney's investigators said Rodriguez reportedly channeled museum and foundation funds into investment accounts in either his or Meroney's name. They said he bought three cars, paid off loans and credit card debts and paid the tax debt of an unnamed relative.

Los Angeles Times, July 13, 1995

"This was clearly a case where the responsibility of running the museum and its foundation were given to Mr. Rodriguez. He took it gleefully and ran with it," said Field, head of the special investigations division of the district attorney's office.

Rodriguez, Coleman and Meroney could not be reached for comment Wednesday.

County supervisors reacted with shock to the charges.

"It is an embarrassment to the county, the public, to the museum and to its many hard-working and honest employees," said Supervisor Deane Dana. "If these charges are substantiated in court, I will definitely demand that every cent stolen from the museum be returned as part of any sentence imposed."

Prosecutors contend that Rodriguez wrote checks for cashier's checks made out to Coleman, who was his secretary until 1992.

James Powell, president and director of the Natural History Museum, said he discovered inconsistencies in museum financial records shortly after taking the helm last year.

The museum operations are underwritten by county funds and money raised by a foundation set up specifically for the Natural History Museum, Powell said.

"We discovered we could not reconcile the county's books with the foundation's books," Powell said.

He then contacted the county's lawyers, who referred him to the district attorney's office.

LANGUAGE: ENGLISH

LOAD-DATE: July 13, 1995