

College instructor indicted as visa fraud case widens

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A San Diego Mesa College marketing instructor accused of selling Middle Easterners grades and test scores for courses they did not attend was indicted by the U.S. Attorney's Office yesterday as it widened a visa fraud case.

Darnell L. Hayes, who teaches marketing, business and computer classes at the community college as an adjunct faculty member, is the fifth person charged in an alleged scheme involving a Rancho Santa Fe businessman who also figured into the Heaven's Gate cult suicides.

An attorney for Hayes said the 49-year-old instructor "is absolutely not guilty of the charges."

"We have been fighting this for a year and we intend to go on fighting it," said the attorney, Michael Crowley. "They're just going up the wrong tree here."

U.S. Attorney Alan D. Bersin's office said it indicted Hayes for accepting bribes from 31 purported students for various Mesa classes he taught, and 34 individuals in 87 examinations he proctored in correspondence courses offered through Ohio University, the University of Oklahoma and Eastern Kentucky University.

Assistant U.S. Attorney Yesmin E. Saide and Special Assistant U.S. Attorney Richard J. Pietrofeso said Hayes is accused of receiving roughly \$13,850: \$150 for each grade of A or B in the Mesa courses, and \$50 for the correspondence examinations. Most of the purported students involved at Mesa also were involved in the out-of-state courses, they said.

Hayes, who lives in San Diego, was placed on paid administrative leave about two weeks ago as district officials learned an indictment was imminent. He has taught part time at Mesa for at least six years, but since he is a nontenured instructor, the district is under no obligation to renew his contract.

Government investigators were led to Hayes by Sam Koutchesfahani, who in 1995 became implicated as the middleman in a multicampus conspiracy to help nonimmigrant Middle Easterners enter and remain in the United States on illegally obtained student visas. The indictment says Koutchesfahani gave Hayes money collected from the Middle Easterners, who needed to prove they were taking a full course load of study and making normal progress toward a degree in order to obtain a foreign-student visa.

Koutchesfahani is owner of the Rancho Santa Fe mansion where 39 Heaven's Gate cult members killed themselves last month.

Investigators said none of the students Hayes is accused of taking bribes from actually attended class or completed any

examinations, and some never even lived in San Diego. Most of them were in the United States from the United Arab Emirates while others came from Kuwait, Saudi Arabia and Qatar, the investigators said.

Koutchesfahani pleaded guilty last year to conspiracy and tax evasion for his involvement in the visa scheme, but he has cooperated with investigators and has not yet been sentenced.

Two others have pleaded guilty to charges similar to those brought against Hayes: Miguel Menchaca, a former San Diego City College professor of Chicano studies who in February was sentenced to eight months in custody; and Michael King, a Palomar College instructor sentenced to 10 months' imprisonment in January.

Richard Maldonado, a former City College admissions officer, pleaded guilty to bribery and tax evasion in connection with the visa rigging; he has not been sentenced.

Bersin said yesterday's indictment "fully unravels this extensive scheme and restores the trust that San Diego's fine education institutions deserve."

"Corruption in our public colleges undermines society's confidence that the educational system is fair and even-handed," Bersin said.

San Diego Community College District Chancellor Augustine P. Gallego, top administrator for City and Mesa colleges, said he was "very, very saddened by this situation."

Emphasizing Hayes is entitled to a presumption of innocence, Gallego said he was gratified to hear the case appears to be in its final stages.

Known as "Dee" to friends, Hayes carried a spring semester workload of three classes: marketing, computer information systems and introduction to business. His contract calls for a salary of \$37.91 an hour, and he worked nine hours weekly.

Hayes, a San Diego State University graduate, also runs a business consulting firm, according to Crowley. The attorney faulted the government for "relying on the word of Koutchesfahani," saying Hayes was a friend of the businessman but uninvolved in any visa fraud.

The charges, which include conspiracy to defraud the United States, mail fraud and filing a false income tax return, carry potential prison sentences of one to five years each.

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Abstract (Document Summary)

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