

**UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES**

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In the Matter of:)	
)	
DOROTHY STREET ASSOCIATES, LLC,)	
)	HUDALJ 10-E-147-CMP/22
SALVATORE J. NICOTRA,)	HUDOG: 09-016-CMF
and)	
S.J. NICOTRA PROPERTIES,)	
)	
Respondents.)	
)	

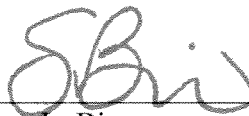
ORDER GRANTING GOVERNMENT’S MOTION TO DISMISS WITH PREJUDICE

On June 21, 2010, the United States Department of Housing and Urban Development (“the Government”) filed a Complaint for Civil Money Penalties (“Complaint”) seeking the imposition of penalties against Respondents pursuant to 42 U.S.C. § 1437z-1 and 24 C.F.R. Part 30. Respondents requested a hearing on June 28, 2010, and filed an Answer, Special Defenses and Articulation of 24 C.F.R. § 30.80 Factors (“Answer”) on July 15, 2010. The undersigned scheduled a hearing for October 13, 2010. On August 3, 2010, Respondent Salvatore J. Nicotra filed a Motion for Summary Judgment, after which the Government requested more time to file a motion in opposition. The undersigned granted the Government’s request, and also its subsequently filed Unopposed Motion to Stay Proceedings. The Government’s Prehearing Exchange was filed on September 2, 2010.

On November 12, 2010, the Government’s Motion to Dismiss with Prejudice (“Motion”) was filed, seeking dismissal of this matter on the basis that the parties have executed a Settlement Agreement, “which resolves all of the pending issues before this Court.” Salvatore J. Nicotra, Respondent and President of S.J. Nicotra Properties, Inc., and Registered Agent and Managing Member of Dorothy Street Associates, LLC, and Government counsel executed the Settlement Agreement, a copy of which the Government attached to the Motion. The Agreement provides, *inter alia*, that Respondents “agree to a voluntary six year debarment from participation in all non procurement Federal agency transactions” from the date of the Agreement’s execution on November 10, 2010.

Rule 30.100 provides that the Government is “authorized to enter into settlement agreements resolving civil money penalty actions that may be brought under part 30.” 24 C.F.R. § 30.100.

It is **ORDERED** that the Government's Motion to Dismiss with Prejudice is hereby **GRANTED**, and this matter involving Respondents Dorothy Street Associates, LLC, Salvatore J. Nicotra, and S.J. Nicotra Properties is hereby **DISMISSED**, due to the parties' execution of a Settlement Agreement dated November 10, 2010.



Susan L. Biro
Chief Administrative Law Judge¹

Date: November 15, 2010
Washington, D.C.

¹ The Administrative Law Judges of the United States Environmental Protection Agency are authorized to hear cases pending before the United States Department of Housing and Urban Development pursuant to an Interagency Agreement in effect beginning March 4, 2010.