

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

In the Matter of:)	
)	
1212 WEST, LIMITED PARTNERSHIP,)	
)	
and)	HUDALJ 10-M-179-CMP-23
)	HUDOGC: 09-043-CMF
LONG BEACH AFFORDABLE HOUSING)	
COALITION, INC., GENERAL PARTNER,)	
)	
Respondents.)	
)	

ORDER GRANTING GOVERNMENT’S MOTION TO DISMISS WITH PREJUDICE

The Secretary of the United States Department of Housing and Urban Development (“HUD”) filed a Complaint for Civil Money Penalties (“Complaint”) against Respondents 1212 West, Limited Partnership, and H. Kim Huntley, General Partner, on August 6, 2010. The presiding officer, HUD Administrative Law Judge J. Jeremiah Mahoney, recognizing Respondents’ hearing request, issued a Notice of Hearing and Order scheduling the hearing and establishing prehearing filing deadlines. On September 22, 2010, HUD filed an Unopposed Motion to Stay Proceedings. Judge Mahoney granted the Motion, cancelled the hearing date, and imposed a stay on this proceeding until November 23, 2010, by which time the parties were ordered to submit a status report and propose a hearing date if necessary.

Thereafter, Judge Mahoney issued a Notice of Disqualification, and the undersigned was designated to preside over this matter on November 4, 2010. The same day, HUD filed a First Amended Complaint for Civil Money Penalties against Respondents 1212 West, Limited Partnership, and Long Beach Affordable Housing Coalition, Inc., General Partner. Respondents filed a Request for Hearing in response on November 16, 2010. On November 17, 2010, HUD filed an Unopposed Motion to Further Stay Proceedings, in which it requested a thirty-day stay on the basis that the parties were negotiating a settlement. The undersigned granted the request and ordered that either a Settlement Agreement or Respondents’ Answer(s) be submitted on or before December 23, 2010.

On December 27, 2010, HUD filed the Government’s Motion to Dismiss with Prejudice (“Motion”), 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.” To the Motion, HUD attached a copy of the Settlement Agreement, which was executed by Long Beach

Affordable Housing Coalition, Inc., Executive Director H. Kim Huntley, as registered agent of 1212 West, Limited Partnership, of which Long Beach Affordable Housing Coalition, Inc., is the general partner, and Government counsel.¹ The Agreement provides, *inter alia*, that Respondents agree to pay penalty installments to HUD that will total \$20,000.

The Rules applicable to this proceeding at 24 C.F.R. Part 30 provide 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 **GRANTED**, and this matter involving Respondents 1212 West, Limited Partnership, and Long Beach Affordable Housing Coalition, Inc., General Partner, is hereby **DISMISSED**, due to the parties’ execution of a Settlement Agreement dated December 22, 2010.



Susan L. Biro
Chief Administrative Law Judge²

Dated: January 3, 2011
Washington, D.C.

¹ Paragraph 18 of the Settlement Agreement reads: “The undersigned certifies that he is authorized on behalf of 1212 West, LP and Long Beach Affordable Housing Coalition to execute this Agreement.”

² 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.