

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

In the Matter of:)	
)	
Marc W. & Donna Sue White,)	
)	
and)	HUDALJ 10-M-197-CMP-25
)	
William J. & Mary K. Warner, Owners,)	
)	
Respondents.)	
)	

ORDER GRANTING GOVERNMENT’S UNOPPOSED MOTION TO DISMISS

The Secretary of the United States Department of Housing and Urban Development (“the Government”) filed a Complaint for Civil Money Penalties (“Complaint”) against Respondents on September 8, 2010. This matter was assigned to the EPA Office of Administrative Law Judges from the Department of Housing and Urban Development on October 26, 2010. To date, no response to the Complaint has been filed by any Respondent. On November 4, 2010, and January 4, 2011, the Government filed motions to stay the proceeding on the basis that the parties were settling. The undersigned granted each motion.

On February 23, 2011, the Government filed an Unopposed 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.” The Government attached a copy of the “Settlement Agreement - Woodlake East Apartments” to the Motion. William J. Warner and Mary K. Warner, Owners, signed the Settlement Agreement on February 17, 2011, and Mark W. White and Donna Sue White, Owners, signed the Settlement Agreement on February 18, 2011. A representative of the Secretary executed the Settlement Agreement on February 23, 2011. The Settlement Agreement provides, *inter alia*, that Respondents shall pay \$4,000 to HUD.

The Rules provide that HUD 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 Unopposed Motion to Dismiss with Prejudice is hereby **GRANTED**, and this matter involving Respondents Marc W. and Donna Sue White, and William J. and Mary K. Warner, is hereby **DISMISSED**, due to the parties’ execution of a Settlement Agreement dated February 23, 2011.



Susan L. Bifo
Chief Administrative Law Judge¹

Date: February 24, 2011
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.