

UNITED STATE OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Washington, D.C.

In the Matter of:

MICHAEL DINO BOITO,

Respondent.

25-SG-0330-DB-004

September 12, 2025

DEBARRING OFFICIALS' DETERMINATION

Information and Background

By Notice of Suspension dated April 11, 2025 (“Notice”), the U.S. Department of Housing and Urban Development (HUD) notified MICHAEL DINO BOITO (“Respondent”) that HUD suspended him from future participation in procurement and non-procurement transactions as a participant or principal with HUD and throughout the Executive Branch of the Federal Government. The Notice advised Respondent that this action is in accordance with the procedures set forth at Title 2, Code of Federal Regulations (C.F.R.), Parts 180 and 2424 and was based on a criminal information, filed on October 21, 2024, in the Los Angeles County Superior Court, Case No. 24CJCF06498, charging Respondent with mortgage fraud and grand theft. The criminal information alleges that from approximately February 2020 through May 2020, the Respondent and First Republic Mortgage, Inc. originated and obtained FHA-insured mortgage home loans from a mortgage lending institution using false information. The Respondent was also notified that his suspension is for a temporary period pending the outcome of the criminal proceedings or any related debarment action.

In a letter dated April 17, 2025, the Respondent requested a hearing before the Suspending Official, which included responses concerning HUD’s suspension. On April 22, 2025, the Suspending Official referred the suspension to the Office of Hearings and Appeals to conduct a hearing and provide a recommendation for decision. The referral was docketed and the matter was scheduled for hearing in accordance with 2 C.F.R. § 180.745. The Respondent did not file an Answer to the Court’s order to include an admission or denial of each allegation in the Notice.

HUD timely filed the Government’s Motion to Dismiss Respondent’s Suspension Appeal on the pleadings pursuant to 2 C.F.R. § 26.16(g) on June 4, 2025. The Respondent replied to the Government’s Motion via email that he could send evidence immediately, but no response was

filed to the Government's Motion. On June 26, 2025, the Court issued an Order to Show Cause and Stay, giving Respondent a final opportunity to file a response to the claims set forth in the Government's Motion, provide an Answer to the Complaint, and certify that the Respondent timely exchanged exhibits and witness lists with the Government. To date, Respondent has not complied with any of the Court's Orders.

Discussion

This matter was before the Tribunal (Office of Hearings and Appeals) pursuant to a referral from the Suspending Official requesting a Recommended Decision regarding HUD's suspension of the Respondent from procurement and non-procurement transactions. A Ruling on Government's Motion to Dismiss and Recommended Decision dated September 3, 2025, under 2 C.F.R. Parts 180 and 2424, among other things, the Administrative Judge found that HUD demonstrated that no genuine issues of material fact exist in this matter. The Respondent, who is Subject to federal Suspension Regulations, has been charged with six counts of theft and fraud in Los Angeles County, California.

I have carefully read through the Recommended Decision, especially the facts found by the Administrative Judge, and do not dispute his findings in that regard. The Respondent's response, as stated in an April 17, 2025, message, disputes their role in brokering HUD mortgage loans and denies the accusations leveled by the District Attorney of Los Angeles.

Federal regulations provide that a criminal information or indictment constitutes adequate evidence for purposes of suspension actions. See 2 C.F.R. §§ 180.705, 180.955. Additionally, a respondent is not entitled to an additional opportunity to fact-finding where the suspension is based on a criminal information or indictment. 2 C.F.R. § 180.735(a)(1). The Respondent here is subject to suspension as he is an active participant in HUD programs (Section 8 housing assistance). Any adequate evidence to suspect the commission of a serious offense listed under 2 C.F.R. § 180.800 or any other offense indicating fraud or theft is cause for suspension. See 2 C.F.R. § 180.700(a). The Respondent's arguments fail to provide a valid basis to terminate his suspension.

Conclusion

Accordingly, based on the administrative record and, in particular, the Recommended Decision, I have determined in accordance with 2 C.F.R. §§ 180.700 and 180.705 to affirm your Suspension dated April 11, 2025. Your suspension is for a temporary period pending the outcome of the criminal proceedings or any related debarment action. The Department will notify you when your suspension is terminated.

MARK BORUM

Digitally signed by: MARK BORUM
DN: CN = MARK BORUM C = US O = U.S.
Government OU = Department of Housing and
Urban Development, Office of General Counsel
Date: 2025.09.12 11:18:27 -04'00'

Mark G. Borum, Debarring Official

cc: (via electronic mail)

Respondent:

Michael Boito
[REDACTED]

Government Counsel:

Hannah Gardenswartz, Esq.
[REDACTED]