

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

United States Department of Housing
and Urban Development,

Plaintiff,

v.

CHARLES JEROME DYSON,

Respondent.

HUDALJ 07-008-PF

OGC Docket No. 07-3393-PF

DEFAULT JUDGMENT AND ORDER

On November 15, 2006, the Department of Housing and Urban Development (HUD or the Government) issued a Complaint against Charles Jerome Dyson (Respondent) charging him with fraud in a HUD program and seeking civil money penalties totaling \$5,500 pursuant to the Program Fraud Civil Remedies Act, 31 U.S.C. §§ 3801 - 3812 (PFCRA) and HUD's regulations found at 24 CFR Parts 26 and 28. The Respondent was served the Complaint by personal service on November 15, 2006. The Respondent did not file a response.

On January 5, 2007, the Government filed a Motion For Default Judgment against Respondent Charles Jerome Dyson pursuant to 24 CFR 28.30(b) for failure to file a written response to HUD's Complaint in this matter within the applicable time period. Respondent Dyson again failed to respond.

The regulations provide that if a Respondent fails to file a response to the motion for default within seven (7) days of service, the Administrative Law Judge assigned to the case shall issue a Default Judgment within 15 days after expiration of the time for filing such response. *See* 24 CFR 26.39(b). The default shall constitute an admission of all facts alleged in the Government's Complaint and a waiver of the Respondent's right to a hearing in the matter. 24 CFR 26.39(c). Moreover, a default judgment under these circumstances shall constitute the final agency action in the case. *Id.*

FINDINGS OF FACT


The allegations of the Government's Complaint (HUDALJ 07-008-PF), styled "U.S. Department of Housing and Urban Development, Plaintiff v. CHARLES JEROME DYSON, Respondent " and dated November 15, 2006, are incorporated herein and found to be true on the basis of Respondent's default and his consequent admission to these facts.

CONCLUSION OF LAW AND DECISION

The Government's Complaint demonstrates a knowing and material violation of HUD rules and regulations. A default judgment against Respondent Dyson is not only warranted but also mandated because of Respondent's failure to file a response to either the Complaint or the Motion for Default. Accordingly, Respondent Charles Jerome Dyson, shall pay to the Secretary of the United States Department of Housing and Urban Development a civil penalty totaling \$5,500 which is immediately due and payable without further proceedings.

This Order constitutes the final agency action in this matter pursuant to the regulation codified at 24 CFR 26.39(b).

So **ORDERED**



ARTHUR A. LIBERTY
Chief Administrative Law Judge

Dated: January 18, 2007