

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

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In the Matter of .
 EVERETT CARSON . HUDALJ 86-1048-DB
 Respondent .
.

Everett Carson, pro se
Joan Saloschin, Esquire
For the Department

Before: ALAN W. HEIFETZ
Administrative Law Judge

INITIAL DETERMINATION
Statement of the Case

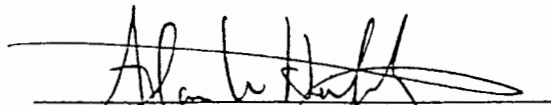
This proceeding arose as a result of a proposal by the Department of Housing and Urban Development ("the Department" or "HUD") to debar Everett Carson ("Respondent") from participation in HUD programs for the period of one year. HUD's action is based upon allegations that Respondent entered a plea of nolo contendere and was convicted of obtaining property by false pretenses in violation of North Carolina General Statute § 14-100. Respondent was notified of the proposed debarment by letter dated January 16, 1986, and on January 24, 1986, filed a request for a hearing. Because the proposed action is based upon a conviction, the hearing was limited under Department Regulation 24 C.F.R. § 24.5(c)(2) to submission of documentary evidence and written briefs. Accordingly, an order was issued on February 3, 1986, setting forth dates for filing briefs and documentary evidence.

The Department's brief in support of debarment was timely filed on February 21, 1986, and Respondent's reply brief was due on or before April 3, 1986. Since by June 11, 1986, Respondent had failed to file a brief or evidence, he was, on that date, ordered to show cause, by June 20, 1986, why an order should not be entered debarring him from further participation in HUD programs for a period of one year from January 16, 1986. The Order to Show Cause also stated that failure to respond to the Order in a timely fashion would constitute consent to the entry of such a summary order.

Petitioner has failed to respond to the Order to Show Cause and has therefore consented to the entry of the following:

ORDER

Respondent having failed to prosecute his appeal, this matter is remanded to the Assistant Secretary for action not inconsistent with the imposition against Respondent of a debarment for a period of one (1) year from June 16, 1986.



Alan W. Heifetz
Chief Administrative Law Judge
U.S. Department of Housing and
Urban Development
451 7th Street, S.W., Room 2156
Washington, D.C. 20410
(202) 755-0132

Dated: June 27, 1986