

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

In the Matter of

FOXXE FREEMAN

AKA: Isabel Mobley and
Isabel Coleman

Respondent

HUDALJ 88-1301-DB

Foxxe Freeman, pro se

William L. Johncox, Esquire
For the Department

Before: William C. Cregar
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 Foxxe Freeman ("Respondent") from participation in HUD programs for a period of three years. HUD's action is based upon allegations that Respondent was convicted in the United States District Court for the District of Oregon following her plea of guilty to a violation of 18 U.S.C. Sec. 1010. The conviction was alleged to be based upon a criminal Information which charged her with using the names Isabel Mobley and Isabel Coleman in order to falsely represent herself to HUD as a tenant in a building which she in fact owned. It is alleged that as a result there was a loss to the government of \$14,352 in over-payments of housing assistance funds. Respondent was notified of the proposed debarment by letter dated September 8, 1988, and on September 27, 1988, filed

a response to the complaint. Because the proposed action is based upon a conviction, the hearing was limited under Department Regulation 24 C.F.R. Sec. 24.13(b)(3)

to submission of documentary evidence and written briefs. Accordingly, an Order was issued on October 20, 1988, setting forth dates for filing briefs and documentary evidence.

The Department's brief in support of debarment was timely filed on November 21, 1988. Respondent's reply brief was due on

or before December 21, 1988. Since by December 28, 1988, Respondent had failed to file a brief or evidence, she was, on that date, ordered to show cause by January 13, 1989, why a summary decision should not be issued in favor of the government. The Order to Show Cause also stated that failure to respond to the Order in a timely fashion would constitute consent to such a summary decision.

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 the appeal, it is

ORDERED, that Respondent, Foxxe Freeman, be debarred for a period of three years from September 8, 1988, the date of the initial suspension.

William C. Cregar
Administrative Law Judge

Dated: February 2, 1989