

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

In the Matter of:

DAVID WHITAKER

Respondent

HUDALJ 91-1684-DB

DECISION AND ORDER

By Order dated June 20, 1991, Respondent was directed to file an Answer to the Department's Complaint no later than August 5, 1991. No Answer or other responsive pleading to the Government's Complaint had been filed by August 21, 1991, when Respondent was directed to show cause by September 3, 1991, why his request for hearing should not be dismissed for failure to prosecute his case and why a summary decision for the Government should not be issued. Despite a warning in the August 21, 1991, Order that failure to respond to the Order would constitute consent to the issuance of such a decision, Respondent has failed to respond. Accordingly, pursuant to 24 C.F.R. §26.11 and §26.13, Respondent has admitted the allegations contained in the Government's Complaint. The record therefore shows that the facts and the law support the Limited Denial of Participation against the Respondent and his affiliate, Mortgage One Corporation of Indiana, issued by the Department on July 5, 1990, as well as the suspension and proposed indefinite debarment of Respondent and his affiliate by the Department on March 28, 1991.

ORDER

Respondent's request for hearing is dismissed.

Respondent and his affiliate, Mortgage One Corporation of Indiana, are debarred indefinitely from further participation in primary and lower-tier covered transactions (see 24 C.F.R. §24.110(a)) as participants or principals at HUD and throughout the Executive Branch of the Federal Government and from participating in procurement contracts with HUD.


THOMAS C. HEINZ
Administrative Law Judge

Dated: September 11, 1991