

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,

Petitioner,

v.

ANGELINA EMMI (AKA ANGELINA MOORE),

Respondent.

18-JM-0065-PF-003

October 12, 2018

DEFAULT JUDGMENT AND ORDER

This case arises from a *Complaint* filed by the United States Department of Housing and Urban Development (“HUD,” “Department”) against Angelina Emmi (“Respondent”), whereby HUD sought seventeen penalties and assessments under the Program Fraud Civil Remedies Act of 1986 (“PFCRA”), 31 U.S.C. §§ 3801-3812, as implemented by 24 C.F.R. Part 28.¹

The *Complaint* alleges Respondent caused sixteen actionable false statements to be made to the Michigan State Housing Development Authority through participation in the Housing Choice Voucher Program (“Voucher Program”).

Legal Framework

Under the PFCRA, liability may be imposed on a person who makes, presents, submits, or causes to be made, presented or submitted, a claim to the Department that the person knows or has reason to know is for payment for the provision of property or services which the person has not provided as claimed. See 31 U.S.C. § 3802(a)(1)(D). A claim includes any request, demand, or submission made to a recipient of property, services, or money from an authority or to a party to a contract with an authority for property or services if the United States provided any portion of the funds for the purchase of such property or services. See 31 U.S.C. § 3801(a)(3)(B)(i)(II).

Under the PFCRA, the maximum civil penalty for false, fictitious, or fraudulent claims is up to \$7,500 for claims made on or after 2007, and up to \$8,500 for claims made on or after

¹ The *Complaint* was filed jointly against Matthew Persondek and Angelina Emmi. On April 17, 2018, this Court granted the *Government’s Motion for Summary Judgment as to Respondent Matthew Persondek*.

February 19, 2013. 72 Fed. Reg. 5586 (Feb. 6, 2007) (adjusting the maximum penalty to \$7,500); 78 Fed. Reg. 4057 (Jan. 18, 2013) (adjusting the maximum penalty to \$8,500).

Also under the PFCRA, in addition to a civil penalty, an assessment of twice the amount of the claim(s) may be imposed on a person if the Department has made any payment or transferred property on the claim. 31 U.S.C. § 3802(a)(1) & (3); 24 C.F.R. § 28.10(a)(6).

Program Background

The program involved in this case was the Voucher Program, through which HUD pays subsidies to public housing agencies (“PHAs”), which in turn pay subsidies to rental housing owners/landlords so that eligible tenants can afford decent, safe and sanitary housing. 24 C.F.R. § 982.1(a).

Process

Pursuant to 24 C.F.R. § 28.30(b), a respondent must submit a written response to a PFCRA complaint, which shall be deemed to be a request for a hearing, to HUD and the Office of Hearings and Appeals no later than thirty days following service of the complaint.

If a respondent does not timely file a request for hearing in response to the Department’s complaint, the Department is authorized to file a motion for default judgment, attaching to it a copy of the complaint, as set forth at 24 C.F.R. §§ 28.30(b) and 26.41(a).

HUD filed the *Complaint* in this matter on November 28, 2018, and re-served the *Complaint* on February 21, 2018, March 5, 2018, and March 30, 2018. Respondent received the *Complaint* on February 26, 2018, March 7, 2018, and April 3, 2018. To date, Respondent has not filed an answer. On August 10, 2018, the Government filed a *Motion for Default Judgment*.²

Conclusions of Law

By reason of the facts alleged in the *Complaint*, which are deemed admitted by default, Respondent caused the submission of sixteen false claims to be made to HUD in connection with her participation in the Housing Choice Voucher Program.

Penalty

Respondent’s knowing and material submission of false statements in support of false claims to HUD in connection with the Voucher Program supports HUD’s request for a determination finding Respondent liable for sixteen civil penalties totaling \$43,555 plus an assessment of \$8,711 pursuant to the PFCRA, 31 U.S.C. § 3802(a), and 24 C.F.R. § 28.10. Per 24 C.F.R. § 26.41 (c), the penalty proposed in the complaint shall be set forth in the default order and shall be immediately due and payable by respondent without further proceedings.

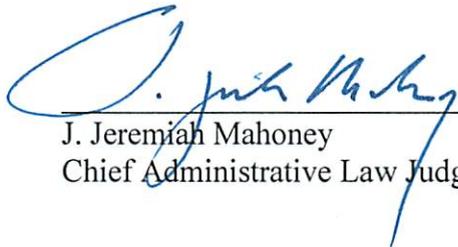
² In that motion the Government noted that, upon information and belief, Angelina Emmi subsequently married and changed her name to Angelina Moore.

Order

Accordingly, it is hereby **ORDERED**:

1. Pursuant to the foregoing, the Department's *Motion for Default Judgment* is **GRANTED**, and Respondent is hereby found in **DEFAULT**.
2. Based upon the foregoing findings of fact, Respondent is liable for sixteen false claims made between February 2012 and May 2013. 24 C.F.R. § 28.10(e).
3. Respondent shall pay to HUD civil penalties and assessments totaling \$52,266.³ Such amount due and payable immediately without further proceedings. 24 C.F.R. § 26.41 (c).
4. This *Order* constitutes the **FINAL AGENCY ACTION**. 24 C.F.R. § 26.41(b).

So **ORDERED**,



J. Jeremiah Mahoney
Chief Administrative Law Judge

³ See note 1, *supra*. The total civil penalties and assessments imposed herein are the same as those imposed on Respondent Matthew Persondek by summary judgment on April 17, 2018. Both Respondents are jointly and severally liable for payment of that total amount.