

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

In The Matter of:

CIRIACO A. GATTA,

Respondent.

HUDALJ 06-028-CMP
Decided: April 27, 2006

Ana Fabregas, Esq.
For the Government

Ciriaco A. Gatta, *pro se*

Before: Thomas C. Heinz
Administrative Law Judge

DEFAULT DECISION AND ORDER

On March 14, 2006, the Secretary of the United States Department of Housing and Urban Development ("the Secretary" or "HUD") issued a Complaint seeking civil money penalties of \$55,000 against Ciriaco A. Gatta ("Respondent") pursuant to Section 536 of the National Housing Act, (12 U.S.C. §1735f-14) and 24 C.F.R. Part 30. The Complaint charges that Respondent knowingly submitted 10 Uniform Residential Appraisal Reports to HUD that contained false statements. The Complaint notified Respondent of his right to appeal the imposition of the civil money penalty by filing an Answer within 15 days of receipt of the Complaint, and that failure to file an Answer could result in a default judgment and imposition of the penalty sought. *See* 24 C.F.R. §§26.39 and 30.90(b). Respondent received the Complaint on March 15, 2006, but he failed to file an Answer.

On April 3, 2006, HUD served a Motion for Default Judgment on Respondent. Respondent had seven days from receipt of the motion in which to file a response. *See* 24 C.F.R. §26.39(a). He has not done so. By failing to respond to the motion, Respondent has admitted the allegations of the Complaint and waived his right to a hearing. *See* 24 C.F.R. §26.39(c). Accordingly, HUD's Motion for Default Judgment will be granted.

Findings of Fact

1. Respondent is an individual residing in Philadelphia, Pennsylvania, who, in his capacity as a state-certified property appraiser, has conducted residential real estate appraisals for properties purchased with loans insured against default by the Federal Housing Administration of HUD ("FHA"). (Complaint, ¶4)

2. During 2001 and 2002, Respondent submitted 10 Uniform Residential Appraisal Reports ("URAR") to Encore Mortgage in connection with 10 FHA loan applications, as listed below:

Date of URAR	Loan number	Mortgagor	Complaint paragraphs
July 13, 2001	441-6640653	Joo sung Kim	48-53
January 2, 2002	441-6811534	Jun Kim	54-59
December 26, 2001	441-6805364	Youn Kim	60-65
December 4, 2001	441-6787021	Paul Lim	66-72
March 21, 2002	441-6869767	Thoai Mai	73-78
April 5, 2001	441-6536670	Minh Ngo	79-84
August 15, 2001	441-6673304	Sang Nguyen	85-90
August 21, 2001	441-6998604	Paul Shim	91-96
August 15, 2002	441-7005617	David Steven	97-102
September 10, 2001	441-6695272	Janey Yi	103-108

3. On each of the occasions listed above, Encore Mortgage issued mortgages insured by FHA. (Complaint, ¶¶ 48, 55, 61, 67, 74, 80, 86, 92, 98, 104)

4. On each of the occasions listed above as more particularly described in the Complaint, Respondent knowingly submitted false information in the URAR, upon which information FHA relied to endorse the mortgages for insurance. (Complaint, ¶¶ 53, 59, 65, 72, 78, 84, 90, 96, 102, 108)

Conclusions

By virtue of the above findings of fact, Respondent has committed 10 knowing and material violations of 12 U.S.C. §1735f-14(b)(2)(A) and 24 C.F.R. §30.36(b)(1), for which civil penalties may be imposed.

ORDER

Pursuant to 24 C.F.R. §§26.37, 26.39, and 30.90, It is hereby **ORDERED** that:

1. The Motion for Default Judgment is granted;
2. Respondent shall pay to the Secretary of HUD a civil money penalty of \$55,000, which penalty is due and payable immediately without further proceedings; and
3. This Order shall constitute the final agency action.

THOMAS C. HEINZ
Administrative Law Judge

Dated: April 27, 2006