

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

In the Matter of:

BECKY HAHN
aka BECKY BEATON-BRADLEY,

Respondent.

HUDALJ No. 06-032-CMP
OGC Case no. 06-007-CSF

Becky Hahn, pro se

Joel Foreman, Esq.
For the Government

Before: CONSTANCE T. O'BRYANT

DEFAULT JUDGMENT AND ORDER

On April 18,2006, the U.S. Department of Housing and Urban Development (“the Government” or “HUD”) filed a Motion for Default Judgment in the above-entitled case pursuant to 24 C.F.R. §26.39(b), on the basis that Becky Hahn aka Becky Beaton-Bradley (“Respondent”) failed to submit a written response to HUD’s Complaint in this matter within the applicable time period allowed by HUD’s regulations. The Complaint charged Respondent with knowingly submitting to the Secretary of HUD information that was materially false, and for falsely certifying to the Secretary of HUD or submitting to the Secretary of HUD a materially false certification by another person or entity in connection with the underwriting of a loan to John Doane, FHA case number 431-3719006, in violation of 12 U.S.C. §1735f-14(b)(2)(A)and (B).

Jurisdiction over this matter is found pursuant to 12 U. S. C. 1735f-14; 24 C.F.R. Part 30, Subpart C.

Section 30.90 of 24 C.F. R. provides that a respondent may submit to HUD a written response to the complaint within 15 days of its receipt. The response shall be considered a request for a hearing. The response should include the admission or denial of each allegation of liability made in the complaint; any defense on which the respondent intends to rely; any reasons why the civil money penalty is not warranted or should be less than the amount sought in the complaint; and the name, address, and telephone number of any representative.

Part 26.39 of 24 C.F.R provides that a respondent may be found in default, upon motion, for failure to file a timely response to the Government's complaint. The Government's motion shall include a copy of the complaint and a proposed default order, and shall be served upon all parties. The respondent shall have 7 days from such service to respond to the motion. Thereafter the administrative law judge ("ALJ") shall issue a decision on the motion after the expiration of the time for filing a response to the default motion. A default shall constitute an admission of all facts alleged in the Government's complaint and a waiver of respondent's right to a hearing on such allegations. 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. If a default order is issued, it shall constitute the final agency action on the matter.

HUD's Complaint was served upon the Respondent on March 28, 2006 by the United Parcel Service ("UPS"). It confirmed delivery of the letter document on that date (*see* exhibit 3 attached to the Complaint). Pursuant to 24 C.F.R. §30.90(a), Respondent's response to the Complaint was required on or before April 12, 2006, or 15 days after receipt. According to the Government, as of April 18, 2006 no response had been submitted to the Complaint. The current Motion for Default Judgment was filed on April 18, 2006. Respondent had seven days to file a response to the Motion. To date, no response to the Government's Motion for Default Judgment has been filed with this office.

Accordingly, default judgment as requested by the Government is in order. Based on Respondent's default, I find that, in the Doane case, Respondent knowingly submitted materially false information to the Secretary and knowingly made a false material certification to the Secretary, in violation of 12 U. S. C. §1735f-14(b)(2)(A) and (B). This default judgment shall constitute an admission of all facts alleged in the Government's complaint and a waiver of respondent's right to a hearing on the allegations contained in the Complaint, which allegations are hereby incorporated by reference. The penalty proposed in the complaint, or \$2500 shall be immediately due and payable by respondent without further proceedings.

CONCLUSION AND ORDER

Respondent violated 12 U. S. C. §1735f-14(b)(2)(A) and (B) in underwriting a loan to John Doane, FHA case number 431-3719006 by:

(A) submission to the Secretary of information that was false, in connection with any mortgage insured under the Act. . .and

(B) falsely certifying to the Secretary or submitting to the Secretary a false certification

by another person or entity...

The submission and certification described in the above paragraphs were “material” to HUD’s requirements for underwriting a loan and were made “knowingly” as those terms are defined in the statute (see 12 U.S.C. § 1735f-14(g)).

A civil money penalty of \$2500 is hereby imposed and ordered. The \$2500 civil money penalty shall be due and payable immediately without further proceeding. 24 C.F.R. § 26.39(c).

This default order shall constitute the final agency action in the above-entitled case. 24 C.F.R. § 26.39.

So ORDERED, this 18th day of May, 2006.

CONSTANCE T. O’BRYANT
Administrative Law Judge

J:/draft:CMP.Hahn.def.05.18.06

CERTIFICATE OF SERVICE

I hereby certify that copies of this ORDER issued by CONSTANCE T. O'BRYANT, Administrative Law Judge, in HUDALJ No. 06-032-CMP, were sent to the following parties on this 18th day of May, 2006, in the manner indicated:

Acting Chief Docket Clerk

REGULAR MAIL:

Becky Hahn
10266 SE 40th Avenue
Portland, OR 97222

INTEROFFICE MESSENGER:

Joel Foreman, Esq.
Government Counsel
Office of General Counsel
U.S. Department of Housing and Urban Development
Portals Building
1250 Maryland Ave., S.W., Suite 200
Washington, D. C. 20024

Dane Narode, Assistant General Counsel
Administrative Proceedings Division, CEP
Office of General Counsel
U.S. Department of Housing and Urban Development
Portals Building
1250 Maryland Ave., S.W., Suite 200
Washington, D. C. 20024