

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

In the Matter of:
ACCENT MORTGAGE SERVICES, INC.,
Respondent.

HUDALJ 06-010-MR
OGC Case No. 03-3218-MR

Decided: November 28, 2005

Amy L. Brown, Esq.
For the Government

Betty M. Sullivan, President
For the Respondent

Before: ARTHUR A. LIBERTY
Chief Administrative Law Judge

DEFAULT DECISION AND ORDER

On October 21, 2005, the Secretary of the United States Department of Housing and Urban Development (the "Government" or "HUD") issued a Complaint seeking civil money penalties of \$6,500 against Accent Mortgage Services, Inc. ("Respondent") pursuant to the National Housing Act, (12 U.S.C. §1735f-14) and 24 C.F.R. Part 30. The Complaint alleges that Respondent failed to comply with the terms of a Settlement Agreement entered into by the Respondent with HUD. The Complaint notified Respondent of its 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 October 25, 2005, but failed to file an Answer.

On November 16, 2005, HUD filed a Motion for Default Judgment against Respondent. Respondent had seven days from receipt of the motion in which to file a response. *See* 24 C.F.R. §26.39(a). No response has been filed. By failing to respond to the motion, Respondent has admitted the allegations of the Complaint and waived its right to a hearing. *See* 24 C.F.R. §26.39(c). Accordingly, HUD's Motion for Default Judgment will be granted. Moreover, a default judgment under these circumstances shall constitute the final agency action in the case. *See* 24 C.F.R. §26.39(b).

FINDINGS OF FACT

The allegations of the Government's Complaint (HUDALJ 06-010-MR), styled "In the Matter of: Accent Mortgage Services, Inc., Respondent" and dated October 21, 2005, are incorporated herein and found to be true on the basis of Defendant's default and its consequent admission to these facts.

CONCLUSION OF LAW AND DECISION

The Government's Complaint demonstrates a knowing and material violation of HUD rules and regulations. A default judgment against Respondent is not only warranted but also mandated because of Respondent's failure to file an Answer to the Complaint. Accordingly, Respondent Accent Mortgage Services, Inc. shall pay to the Secretary of the United States Department of Housing and Urban Development a Civil Penalty of \$6,500 which is immediately due and payable without further proceedings.

This Order constitutes the final agency action in this matter pursuant to the regulation codified at 24 CFR 26.39.

So **ORDERED**.

/s/

ARTHUR A. LIBERTY
Chief Administrative Law Judge

Dated: November 28, 2005

