

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

In the Matter of:

DSV MORTGAGE, INC.,
D/B/A GREAT AMERICAN MORTGAGE

(Mortgagee Number 71617)

Respondent

HUDALJ 92-341-MR

Issued: January 25, 1993

Vonda Firestone
For the Respondent

Georjan Overman, Esq.
For the Government

Before: ALAN W. HEIFETZ
Chief Administrative Law Judge

INITIAL DETERMINATION AND ORDER

On July 14, 1992, Respondent, DSV Mortgage, Inc., d/b/a Great American Mortgage, appealed the June 17, 1992, withdrawal of its HUD/FHA mortgagee approval for a one year period by the Mortgagee Review Board ("the Board") of the U.S. Department of Housing and Urban Development ("HUD"). The Board's action was taken pursuant to 24 C.F.R. Part 25, and was based upon Respondent's failure to submit an audit report and annual fee for the fiscal year ending December 1991.

On August 3, 1992, the proceeding was stayed pending the outcome of settlement negotiations. The stay was continued through December 14, 1992.

On December 16, 1992, the Government filed a motion to terminate the stay. According to the Government, on October 8, 1992, Respondent received for its signature a completed settlement agreement that had been sent by the Government. The Government further asserted that prior to filing its most recent status report on November 12, 1992, it confirmed by telephone that Respondent had reviewed and

intended to sign the agreement. As of the filing of its motion to terminate the stay, the Government had not received the signed agreement, and Respondent had failed to return Government counsel's telephone calls.

Respondent did not file a response to the Government's motion to terminate the stay. On January 4, 1993, the stay was terminated and Respondent was ordered to show cause by January 14, 1993, why a summary decision should not be issued in favor of the Government. The Order specified that failure to respond in a timely fashion would constitute consent to such a summary decision.¹

To date, Respondent has not filed a response to the Order to Show Cause. I thereby find that Respondent failed to submit an audit report and annual fee for the fiscal year ending December 1991. See 24 C.F.R. § 25.9. Accordingly, it is

ORDERED, that the action of the Board withdrawing Respondent's mortgagee approval for a period of one year is *affirmed*.

/s/

ALAN W. HEIFETZ
Chief Administrative Law Judge

¹On January 4, 1993, after the Order to Show Cause had been issued, the HUD Office of Administrative Law Judges received a telephone call from Vonda Firestone. Ms. Firestone, calling on behalf of Respondent, represented that Emil Gamalinda, the person who had been handling this matter, was no longer doing so, and requested that she be faxed a copy of the January 4, 1993, Order and the Government's Motion to Terminate Stay. Those documents were faxed to Ms. Firestone on January 5, 1993.

