

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

In the Matter of:

TERRY A. BORING,

Respondent.

HUDALJ 93-1940-DB
Issued: April 9, 1993

Terry A. Boring, *pro se*

Robin E. McMillan, Esquire
For the Department

Before: Robert A. Andretta
Administrative Law Judge

INITIAL DETERMINATION

Statement of the Case

On October 28, 1992, the Assistant Secretary for Housing-Federal Housing

Commissioner of the U. S. Department of Housing and Urban Development ("Department" or "HUD") proposed to debar the Respondent, Terry A. Boring ("Respondent"), from further participation in primary covered transactions and lower tier covered transactions as either a participant or principal at HUD and throughout the Executive Branch of the Federal government, and from participating in procurement contracts with HUD for an indefinite period of time. *See generally* 24 C.F.R. Part 24. In addition, pursuant to 24 CFR § 405, the Department immediately suspended Respondent from participation in transactions and contracts, as described above, pending the outcome of this debarment proceeding.

The Department's action was based on allegations that Respondent violated his debarment imposed by HUD on August 20, 1987, by participating in HUD programs as a dealer/contractor for Title I property improvement loans. On November 20, 1992, Respondent filed an appeal and requested a hearing. In a supplemental letter dated December 11, 1992, HUD affirmed its October 28, 1992 notice and deemed Respondent's November 20, 1992 letter to constitute his request for a hearing.

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In accordance with my Notice of Hearing and Order dated December 18, 1992, the Department filed its Complaint on January 19, 1993. Respondent's Answer to the Department's Complaint was due February 18, 1993. On March 3, 1993, the government moved to dismiss this matter with prejudice, and on March 4, 1993, I ordered Respondent's answer by March 26, 1993, or by that date a showing of cause why a summary decision should not be issued in favor of the government. The Order To Show Cause also stated that failure by the Respondent to respond adequately to the Order in a timely manner would constitute consent to issuance of a default order.

The Respondent has failed to respond to the Order To Show Cause and has, therefore, consented to the entry of the following:

ORDER

Respondent having failed to prosecute the appeal, it is

ORDERED, that Respondent's appeal is hereby **DISMISSED** with prejudice.

ROBERT A. ANDRETTA
Administrative Law Judge

Dated: April 9, 1993.

CERTIFICATION OF SERVICE

I hereby certify that copies of this INITIAL DECISION issued by ROBERT A. ANDRETTA, Administrative Law Judge, in HUDALJ 93-1940-DB, were sent to the following parties on this 9th day of April, 1993, in the manner indicated:

Chief Docket Clerk

REGULAR MAIL:

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INTER OFFICE MESSENGER:

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