

The regulations provide that if a Defendant fails to file a response to the motion for default within seven (7) days of service, the Administrative Law Judge assigned to the case shall issue a Default Judgment within 15 days after expiration of the time for filing such response. *See* 24 CFR 26.39(b). The default shall constitute an admission of all facts alleged in the Government's Complaint and a waiver of the Defendant's right to a hearing in the matter. 24 CFR 26.39(c). Moreover, a default judgment under these circumstances shall constitute the final agency action in the case. *Id.*

FINDINGS OF FACT

The allegations of the Government's Complaint (HUDALJ 06-011-PF), styled "U.S. Department of Housing and Urban Development, Plaintiff v. Jose Coteró, Defendant" and dated October 7, 2005, are incorporated herein and found to be true on the basis of Defendant's default and his 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 Defendant Coteró is not only warranted but also mandated because of Defendant's failure to file a response to either the Complaint or the Motion for Default. Accordingly, Defendant, Jose Coteró, shall pay to the Secretary of the United States Department of Housing and Urban Development an assessment and civil penalty totaling \$145,500 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**.

ARTHUR A. LIBERTY
Chief Administrative Law Judge

Dated: January 25, 2006