

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

In the Matter of:)	
)	
Platinum Reverse Mortgage Corp.,)	HUDALJ 10-E-87-MR-52
)	
Respondent.)	
)	

ORDER GRANTING REQUEST TO DISMISS

The Mortgagee Review Board of the United States Department of Housing and Urban Development (“the Government”) filed a Notice of Administrative Action dated March 24, 2010, initiating this matter and withdrawing Respondent’s HUD/FHA approval for one year. Respondent requested a hearing to appeal the withdrawal on April 1, 2010, which was set for April 28, 2010. On April 15, May 21, June 24, July 16, and August 31, 2010, the parties filed motions for stays, which the undersigned granted. In the most recent Order Granting Joint Motion to Extend Stay of Proceedings, the parties were ordered to file their Prehearing Exchanges on or before September 30, 2010. The Government timely filed its Prehearing Exchange on that date. Respondent has not yet filed its Prehearing Exchange. On October 4, 2010, the undersigned issued an Order to Show Cause to Respondent as to why Respondent had not filed a Prehearing Exchange as ordered.

On October 8, 2010, Respondent’s representative, Wanda Wegweiser, faxed a letter to the undersigned wherein she stated that Respondent “would like to request to withdraw our appeal.” There was no certificate of service accompanying Ms. Wegweiser’s correspondence and it is therefore unclear whether all parties have been served with a copy.¹

¹ The hearing procedures that govern this proceeding at 24 C.F.R. Part 26 (“Rules”), provide at Section 26.30(b) that “[o]ne copy of all documents filed with the Docket Clerk shall be served upon each party by the persons filing them” and that every document served shall be accompanied by a certificate of service. The Rules provide further:

No party or person . . . shall communicate in any way with the ALJ on any matter at issue in a case, unless on notice and opportunity for all parties to participate.

24 C.F.R. § 26.33.

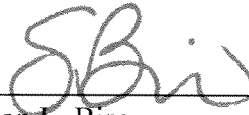
Whether or not the transmitted letter relates to the merits of this proceeding, by its attachment hereto it is being served upon all parties.

The Rules provides as follows:

If a party fails to prosecute or defend an action brought under subpart B of this part, *the ALJ may dismiss the action* or may issue a decision against the non-prosecuting or defending party. Such decision of the ALJ shall constitute final agency action and shall not be appealable to the Secretary under § 26.52 of this part.

24 C.F.R. § 26.34(d) (emphasis added).

Consistent with Section 26.34(d) and with the general authorities of the presiding Administrative Law Judge in 24 C.F.R. § 26.32, Respondent's request is hereby **GRANTED**. Accordingly, it is hereby **ORDERED** that the Mortgagee Review Board's withdrawal of Respondent Platinum Reverse Mortgage Corp.'s HUD/FHA approval (FHA ID: 25443-0000-4 (Title 2)) for one year as set forth in the Notice of Administrative Action is hereby **AFFIRMED** without further proceedings.



Susan L. Biro
Chief Administrative Law Judge²

Dated: October 13, 2010
Washington, D.C.

² The Administrative Law Judges of the United States Environmental Protection Agency are authorized to hear cases pending before the United States Department of Housing and Urban Development pursuant to an Interagency Agreement in effect beginning March 4, 2010.

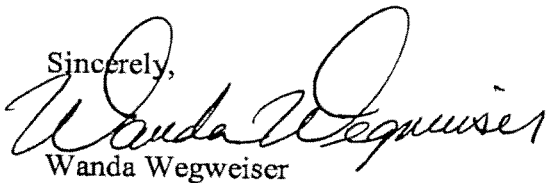
*Platinum Reverse Mortgage Corp.
Home Purchases & Refinancing*

October 8, 2010

To the Honorable Judge Biro:

I would like to inform you that after diligently trying to resolve the issue of Notice of Violation and the added expenses I am unable to rectify the issue acceptable to HUD.
I would like to request to withdraw our appeal.

Sincerely,


Wanda Wegweiser

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