

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

In the Matter of:)	
)	
Jeff Stoub aka Wisconsin Home Lending, Inc.,)	HUDALJ : 10-E-098-MR-60
)	
Respondent.)	
)	

**ORDER GRANTING GOVERNMENT’S MOTION FOR DISMISSAL WITH
PREJUDICE AND INITIAL DECISION**

On March 24, 2010, this action was initiated by the United States Department of Housing and Urban Development (“HUD”) under the National Housing Act (“NHA”), 12 U.S.C. § 1708(c) and its applicable regulations, 24 C.F.R. Parts 25 and 202, with the filing of a Notice of Administrative Action (“Notice”). On April 2, 2010, HUD received an email from a Michael Wagner, who stated he currently occupies the space to which the Notice was sent by HUD, and accidently signed for it, but he is not the Respondent and that the Respondent has “been out of this space for at least two years and I do not have a forwarding address.” See, e-mail dated April 8, 201 from Michael Wagner to HUD Docket Clerk (“E-mail”).

On April 15, 2010, HUD filed the Government’s Motion for Dismissal with Prejudice (“Motion”), wherein HUD moves to dismiss this proceeding with prejudice stating as grounds therefor that after filing the action it discovered that the records of the Wisconsin Department of Financial Institutions’ reflect that Respondent Wisconsin Home Lending, Inc., was dissolved as a corporation on September 16, 2008.

The applicable regulations provide that:

When a motion to dismiss the proceeding is granted, the ALJ shall make and file a determination and order in accordance with the provisions of § 26.50.

24 C.F.R. § 26.40(g).

In turn, 24 C.F.R. § 26.50 provides in pertinent part that:

The ALJ shall issue an initial decision based only on the record, which shall contain findings of fact, conclusions of law, and the relief granted. The ALJ’s initial decision shall not become effective unless it becomes or is incorporated into final agency action in accordance with §§ 26.50(c) or 26.52(l).

24 C.F.R. § 26.50(a).

Therefore, in accordance with 24 C.F.R. § 26.50(a), I make the following findings of fact and conclusions of law based upon the documents of record:

1. On March 24, 2010, the Mortgage Review Board issued Respondent a Notice of Administrative Action imposing an immediate one year withdrawal of its HUD/FHA approval based upon Respondent's "serious violation of HUD/FHA's regulations and requirements," as authorized by 12 U.S.C. § 1708(c)(3)(D) and 24 C.F.R. § 25.6. *See*, Notice. Specifically, the Notice alleged violations of "HUD/FHA recertification requirements" to wit: "Failure to submit . . . Acceptable audited financial statement(s) and supplementary reports . . . within ninety days after the close of mortgagee's fiscal year." *Id.*
2. The Notice was addressed to Respondent at 1717 Paramount Drive, Suite 2B, Waukesha, WI 53186-3939. *See*, Notice. On April 2, 2010, the Docket Clerk for HUD's Office of Administrative Law Judges received an email from "Michael Wagner" reporting that Respondent has not occupied the space at the address served "for at least two years," and that he, Mr. Wagner, had opened the mail addressed to Respondent that contained the Notice. *See*, E-mail.
3. Counsel for HUD avers that a search of the Wisconsin Department of Financial Institutions' website revealed that the Respondent company had been dissolved as of September 16, 2008. *See*, Motion.
4. To date, Respondent has not filed an answer to the Notice or otherwise responded.

ORDER

Based upon the foregoing, for good cause shown, the Government's Motion for Dismissal with Prejudice is hereby **GRANTED**.



Susan L. Biro
Chief Administrative Law Judge¹

Date: April 15, 2010
Washington, D.C.

¹ 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 effective for a period beginning March 4, 2010.