

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

In the Matter of:)	
)	
Affiliated Mortgage Company,)	HUDALJ 10-E-167-MR/113
)	
Respondent.)	
)	

ORDER GRANTING JOINT MOTION TO DISMISS WITH PREJUDICE

The Mortgagee Review Board of the United States Department of Housing and Urban Development (“the Government”) filed a Notice of Administrative Action dated June 18, 2010, initiating this matter and withdrawing Respondent’s HUD/FHA approval for one year. Respondent appealed the Government’s action on July 18, 2010, and the undersigned issued a Corrected Notice of Hearing and Prehearing Order, scheduling the hearing for August 12, 2010. On August 5, September 7, and September 14, 2010, the parties filed motions for stays, which the undersigned granted.

On September 16, 2010, the parties filed a Joint Motion to Dismiss with Prejudice, signed by Government counsel and Richard Gollin, President of Affiliated Mortgage Company, wherein they attest that Respondent has made a “business decision to accept the MRB’s withdrawal of Respondent’s FHA approval,” and therefore, moves to dismiss the proceeding.

The applicable regulations at 24 C.F.R. parts 25 and 26 provide 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, the parties’ Joint Motion to Dismiss with Prejudice is hereby **GRANTED**. Accordingly, it is hereby **ORDERED** that the Mortgagee Review Board’s withdrawal of Respondent’s HUD/FHA approval (FHA ID: 10531-0000-9 (Title II)) for one year as set forth in the Notice of Administrative Action is hereby **AFFIRMED** without further proceedings.



Susan L. Biro
Chief Administrative Law Judge¹

Dated: September 16, 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 in effect beginning March 4, 2010.