

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

)	
In the Matter of:)	
)	
Alacrity Lending Company,)	HUDALJ 10-E-196-MR/132
)	
Respondent.)	
)	

ORDER GRANTING GOVERNMENT’S MOTION TO DISMISS

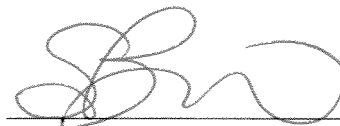
The Mortgagee Review Board of the United States Department of Housing and Urban Development (“the Government”) filed a Notice of Administrative Action dated August 6, 2010, initiating this matter and withdrawing Respondent’s HUD/FHA approval for five years pursuant to 12 U.S.C. § 1708(c) and 24 C.F.R. Part 25. Respondent filed a response on September 8, 2010.

Per Order dated November 23, 2010, the undersigned scheduled the hearing in this matter to commence on December 14, 2010. On December 8, 2010, the parties moved for a continuance in order to finalize the terms of a settlement agreement, which was granted.

On January 11, 2011, the Government’s Motion to Dismiss and a copy of the parties’ executed Settlement Agreement were filed. The Settlement Agreement was signed by Steven B. Holmes, President and CEO of Alacrity Lending Company on December 29, 2010, and by a HUD representative on January 10, 2011, and provides that Respondent shall be “prohibited from participating in HUD/FHA programs for a period of 36 months from the date of the Board’s action on June 17, 2010.” Also, the Agreement provides that Respondent shall pay HUD civil money penalties in the amount of \$237,500 in installments, for which Steven B. Holmes in his personal capacity agrees to act as guarantor in the event of default by Respondent.

Section 202 of the National Housing Act of 1934 provides that “[t]he Board may at any time enter into a settlement agreement with a mortgagee to resolve any outstanding grounds for an action.” 12 U.S.C. § 1708(c)(3)(E).

It is ORDERED the Government’s Motion to Dismiss is hereby **GRANTED** and this matter involving Respondent Alacrity Lending Company, Mortgagee No. 2431700007, is **DISMISSED** due to the parties’ execution of a Settlement Agreement dated January 10, 2010.



Susan L. Biro
Chief Administrative Law Judge¹

Dated: January 11, 2011
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.