

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

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|--------------------------------------|---|-----------------------|
| In the Matter of: |) | |
| |) | |
| Horizon Mortgage and Investment Co., |) | HUDALJ 10-M-106-MR/67 |
| |) | |
| 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 (“Notice”) dated March 24, 2010, withdrawing Respondent’s HUD/FHA approval for one year. Respondent filed a letter on April 12, 2010, appealing the Government’s action. The undersigned issued a Notice of Hearing and Prehearing Order on November 5, 2010, scheduling the hearing for November 30, 2010.

On November 5, 2010, Respondent’s CEO, Doug Huntington, and Government counsel filed a Joint Motion to Dismiss with Prejudice, wherein they attest that “Respondent does not desire a hearing and . . . intends to comply with the one year withdrawal imposed upon it.”

The applicable regulations at 24 C.F.R. Part 26 provides in pertinent part:

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: 11050-0000-3 (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 Judge¹

Dated: November 5, 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.