

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

**U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,**

Petitioner,

v.

**FRANK P. GIANNOCCARO and
GIANNOCCARO PLUMBING AND
CONSTRUCTION, INC.,**

Respondents.¹

**HUDALJ 10-E-192-PF-17
OGC Case No. 10-3656-PF**

ORDER GRANTING MOTION TO DISMISS

On August 25, 2010, the United States Department of Housing and Urban Development (“the Government”) filed a Complaint seeking civil penalties and assessments totaling \$62,838 from Respondents pursuant to the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. §§ 3801-3812, as implemented by 24 C.F.R. Part 28. Respondents Frank P. Giannoccaro and Giannoccaro Plumbing and Construction, Inc., filed a response to the Complaint on September 13, 2010. The undersigned scheduled the hearing for January 25, 2011.

On December 3, 2010, the Government filed a Motion to Dismiss Based on Settlement Agreement (“Motion”), in which it represents that Respondents “have reached a settlement in this matter,” and that “this matter should be dismissed.” The Government attached a copy of a Settlement Agreement dated November 26, 2010, as executed by Government counsel and Frank P. Giannoccaro for Respondents. The Settlement Agreement states that Respondents agree to pay \$13,000 to the Government in six installments, *inter alia*.

Section 28.45 of the regulations implementing the Program Fraud Civil Remedies Act provides that “HUD and the respondent may enter into a settlement agreement at any time prior to the issuing of a notice of final determination.” 24 C.F.R. § 28.45(a).

¹ The caption is revised to reflect the dismissal of the allegations against former Respondent William David Hill, as per Order Granting Motion to Dismiss as to Respondent Hill dated November 19, 2010.

The Government's Motion is **GRANTED**. It is hereby ordered that this matter is **DISMISSED** due to Respondents' execution of a Settlement Agreement with the Government dated November 26, 2010.



Susan L. Biro
Chief Administrative Law Judge²

Dated: December 6, 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.