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

In the Matter of: **ASPEN HOME LOANS, L.C.,** Respondent.	HUDALJ No. 07-049-MR OGC Case No: 06-6028-MR

Stanley E. Field, Esq.
For the Government

Before: Arthur A. Liberty
Chief Administrative Law Judge

DEFAULT JUDGMENT AND ORDER

On June 22, 2007, the Department of Housing and Urban Development ("HUD" or "Department"), filed a Complaint seeking a civil money penalty of $6,500 against Aspen Home Loans, L.C., ("Respondent"), pursuant to the National Housing Act, 12 U.S.C. § 1735f-14, and the applicable regulations found at 24 CFR Part 30. The Complaint charged that the Respondent, a HUD/FHA approved Mortgagee, as that term is defined in 24 C.F.R. § 25.3, committed a knowing and material violation of 12 U.S.C. § 1735f-14 by failing to implement a Quality Control Plan in Compliance with HUD Requirements. The Complaint notified Respondent of its right to appeal the imposition of the civil money penalty by filing an Answer within 15 days of receipt of the Complaint and that failure to file an Answer would result in a Motion for Default Judgment by HUD in accordance with the regulation found at 24 CFR 30.90(b). Respondent received a copy of the Complaint on Jun 22, 2007, but did not file an Answer.

On August 2, 2007, the Department filed a Motion for Default Judgment based on Respondent's failure to file an Answer to the Complaint. The regulations provide that if Respondent fails to file an Answer within 15 days of receiving the Complaint the Administrative Law Judge assigned to the case shall issue a Default Judgment. *See* 24 CFR 26.39(b). Such a default shall constitute an admission of all facts alleged in the Government's Complaint and a waiver of the Respondent's right to a hearing in the matter. 24 CFR 26.39. Moreover, a default judgment under these circumstances shall constitute the final agency action in the case. *Id.*

FINDINGS OF FACT

The allegations of the GOVERNMENT'S COMPLAINT FOR CIVIL MONEY PENALTIES (HUDALJ 07-049-MR), styled "In the Matter of ASPEN HOME LOANS, L.C. " and dated June 21, 2007, are incorporated herein and found to be true on the basis of Respondent's default and its consequent admission to these facts.

CONCLUSION OF LAW AND DECISION

The Complaint demonstrates a knowing and material violation of HUD rules and regulations. A default judgment against Aspen Home Loans, L.C., is not only warranted but also mandated because of Respondent's failure to file an Answer to the Complaint. Accordingly, Respondent, Aspen Home Loans, L.C., shall pay to the Secretary of the United States Department of Housing and Urban Development a Civil Penalty of $6,500 which is immediately due and payable without further proceedings.

This Order shall constitute the final agency action in this matter pursuant to the regulation codified at 24 CFR 26.39.

So **ORDERED.**

ARTHUR A. LIBERTY
Chief Administrative Law Judge

Dated: August 7, 2007

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