UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF HEARINGS AND APPEALS

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, Plaintiff, v. OSARO IZEKO AIBANGBEE Respondent.	HUDALJ 12-M-O46-PF-23 January 11, 2013

DEFAULT JUDGMENT AND ORDER

On June 19, 2012, the United States Department of Housing and Urban Development ("HUD" or the "Government"), through the Office of General Counsel, filed a complaint ("Complaint") against Osaro Izeko Aibangbee ("Respondent") seeking civil penalties and assessments pursuant to the Program Fraud Civil Remedies Act of 1986 ("PFCRA"), 31 U.S.C. §§ 3801-3812, as implemented by 24 C.F.R. Part 28.

The Complaint charges that Respondent made claims and statements to HUD that she knew or had reason to know (a) were false and fraudulent and (b) included and/or were supported by a materially false and fraudulent statement. As required by 24 C.F.R. § 28.25, the Complaint notified Respondent that she was entitled to request a hearing by submitting a written response to the Complaint and that a failure to submit an answer within 30 days of receipt of the Complaint could result in the imposition of the maximum amount of penalties and assessments sought without right of appeal.

A copy of the Complaint was served on Respondent via Hand Delivery on October 1, 2012. Respondent sent the Office of Administrative Law Judges a letter dated October 21, 2012 that made tangential reference to some of the same matters discussed in the Factual Background section of the Complaint; Respondent did not submit a response pursuant to 24 C.F.R. §§ 26.29, 26.38 and 28.30(a). This Court issued a Notice of Hearing and Order on December 6, 2012, which required the Respondent to submit a response within 30 days of receipt of the Complaint.

On December 14, 2012, the Government filed a Motion for Default Judgment. HUD regulations provide that if a respondent fails to submit a response within thirty (30) days of receiving a Complaint, the Administrative Law Judge may issue a default judgment and order. *See* 24 C.F.R. §§ 26.38, 26.41 and 28.30(b).

On December 31, 2012, in response to the Court's December 21, 2012, Request for Clarification, the Government filed an addendum to the Government's motion for default

judgment. Both were served upon the Respondent by mail, but she has yet to file an answer to the Complaint or a response to the Motion for Default Judgment.

FINDINGS OF FACT

1. Respondent failed to submit a response to the Government's Complaint, dated June 19, 2012.
2. Respondent failed to respond to the Government's Motion for Default Judgment, dated December 14, 2012.
3. Respondent failed to exchange documents and witness lists with the Government, or otherwise participate in this matter, in violation of this Court's Notice of Hearing and Order, dated December 6, 2012.
4. Because of Respondent's default in this matter, all facts alleged in the Government's Complaint are deemed to have been admitted. Respondent asserted in her application for Section 8 rental subsidy that: she was unemployed; she received no substantial income; and she had no assets. Those assertions were knowingly false, made with intent to deceive.[1]

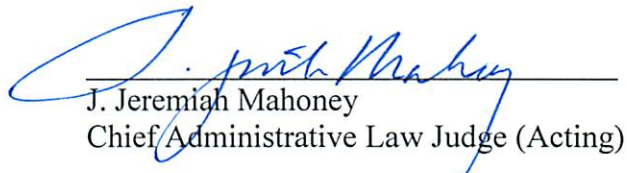
CONCLUSION OF LAW

By reason of the facts admitted by Respondent, she has committed knowing and material violations of 31 U.S.C. § 3802(a)(1)(A)-(B) and 24 C.F.R. § 28.10(a)(1)(i)-(ii), for which civil penalties and assessments may be imposed. Respondent is liable for civil penalties sought in the Complaint, in the amount of $102,000 and an assessment sought in the Complaint in the amount of $26,946, for a total amount of $128,946.

ORDER

Accordingly, the Government's Motion for Default Judgment will be **Granted**. The Respondent shall pay to the United States the above civil penalties and assessment, totaling $128,946, which amount is due and payable immediately and without further proceeding.[2]

So **Ordered**.



J. Jeremiah Mahoney
Chief Administrative Law Judge (Acting)

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[1] 24 C.F.R. § 26.41(c) (c) Effect of default. A default shall constitute an admission of all facts alleged in the Government's complaint and a waiver of respondent's right to a hearing on such allegations. The penalty proposed in the complaint shall be set forth in the default order and shall be immediately due and payable by respondent without further proceedings.

[2] **Notice of Appeal Rights.** This Order constitutes the final agency action. 24 C.F.R. § 26.39(b). The Respondent may seek judicial review of this decision as provided in 31 U.S.C. § 3805.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing DEFAULT JUDGEMENT AND ORDER, issued by J. Jeremiah Mahoney, Chief Administrative Law Judge (Acting), HUDALJ No. 12-M-046-PF-23, were sent to the following parties on this 11th day of January, 2013, in the manner indicated:

La Shunda Kemper, Staff Assistant

CERTIFIED MAIL & EMAIL:

Ms. Osaro Izeko Aibangbee
[redacted]

INTEROFFICE MAIL AND EMAIL:

Christopher Reimer, Esq.
Ana Fabregas, Esq.
Melissa Silverman, Esq.
Office of Program Enforcement
U.S. Department of Housing and Urban Development
Portals Building, Suite 200, 1250 Maryland Avenue, SW
Washington, DC 20024
Christopher.Reimer@hud.gov
Ana.Fabregas@hud.gov
Melissa.B.Silverman@hud.gov

Nilda M. Gallegos, Enforcement Technician
HUD Office of General Counsel
Office of Program Enforcement
Program Compliance Division
1250 Maryland Ave., SW, Suite 200
Washington, DC 20024
Nilda.Gallegos@hud.gov