

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE
METROPOLITAN COUNCIL
HOUSING AND REDEVELOPMENT AUTHORITY

In the Matter of
Valarie Eubanks-Pettigrew

**FINDINGS OF FACT, CONCLUSIONS
AND ORDER**

This matter came on for hearing on April 2, 2008, at the Metropolitan Council Housing and Redevelopment Authority (Metro HRA), 390 North Robert Street, Saint Paul, Minnesota. Mary G. Dobbins, Landrum Dobbins LLC, appeared on behalf of Metro HRA. The Respondent, Valarie Eubanks-Pettigrew, failed to appear on her own behalf or by counsel. The record closed upon the Respondent's default on April 2, 2008.

STATEMENT OF THE ISSUES

Did the Respondent wrongfully obtain Housing Assistance payments under the Section 8 Housing Choice Voucher Program in the amount of \$10,650.00?

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On March 20, 2008, the Notice of Hearing was sent to Valarie Eubanks-Pettigrew at the address on file with the agency. It was not returned to the agency. On March 21, 2008, the Administrative Law Judge sent a letter to the same address reminding the Respondent of the time and place of the hearing. The letter was not returned to the sender.

2. The Notice of Hearing included the following:

The Respondent's failure to appear at the hearing or any prehearing conference may result in a finding that the Respondent is in default,

that the Metro HRA's allegations contained in this Notice and Order may be accepted as true, and its proposed action may be upheld.

3. Because Respondent failed to appear, she is in default.

4. Pursuant to Minnesota Rules, part 1400.8560, the allegations contained in the Notice of Hearing or other pleadings may be taken as true or deemed proved without further evidence. At hearing, the Metro HRA supplemented the record with five exhibits, documents kept in the ordinary course of its business.

5. The Metro HRA is the public housing authority that administers the Section 8 Housing Choice Voucher Program in the metropolitan Twin Cities area on behalf of the United States Department of Housing and Urban Development.

6. The Respondent entered into a Housing Assistance Payments (HAP) contract to accept Section 8 Housing Vouchers on behalf of a tenant, Ruthie Washington, for housing provided at [street address redacted], Brooklyn Park, Minnesota.¹

7. By signing the HAP contract, the Respondent certified that the tenant was not the parent, child, grandparent, grandchild, sister, or brother of the Respondent, with an exception that is not applicable here.² Ms. Washington, the tenant, is the Respondent's mother.

8. Between October 2005 and September 2007, pursuant to the HAP contract, the Metro HRA paid the Respondent \$21,300 for providing housing to Ms. Washington.³ The Metro HRA is seeking to recover half of the payment, \$10,650, from the Respondent.

9. Pursuant to the HAP contract, an owner who has not complied with all provisions of the contract does not have the right to receive the housing assistance payments made pursuant to the contract, and the amount paid in error may be recovered from the owner.⁴

10. The Metro HRA has overpaid the Respondent \$10,650.00.

Based on these Findings of Fact, the Administrative Law Judge makes the following:

¹ Ex. 1.

² Ex. 3, § 8 g; 24 C.F.R. § 982.306 (d).

³ Ex. 4.

⁴ Ex. 3, § 10 c; 24 C.F.R. § 982.453 (b).

CONCLUSIONS

1. The Administrative Law Judge has the authority to consider the charges against the Respondent pursuant to Minn. Stat. §§ 270A.08, 270A.09, and 14.50 (2006).

2. The Metro HRA has complied with all relevant procedural requirements and has given proper notice of the hearing.

3. By renting to a tenant who is her mother the Respondent is in breach of her HAP contract.

4. As the public housing authority, Metro HRA has rights and remedies against the Respondent for breach of contract, including recovery of overpayments and termination of the contract.⁵

5. The Metro HRA has overpaid the Respondent \$10,650.00 and has the authority to recover that amount from the Respondent.

Based upon these Conclusions, the Administrative Law Judge makes the following:

IT IS ORDERED THAT:

ORDER

The Respondent shall pay the Metro HRA the sum of \$10,650.00. The Agency may recover the amount owing pursuant to Minnesota Statutes Chapter 270A, or as otherwise authorized by law.

Dated: May 2, 2008

s/Beverly Jones Heydinger

Beverly Jones Heydinger
Administrative Law Judge

Digitally Recorded: A-BJH-04022008
No transcript prepared

⁵ 24 C.F.R. § 982.453 (a) and (b).

NOTICE

This report constitutes the final decision and order in this matter, subject to the provisions for judicial review under Minnesota Statutes Sections 14.63 to 14.68.