

12/25/94

RESPONSE TO GILMARTIN REPORT
DATED 12-13-94

The following response poses questions raised by the report and requests information which is relevant to the integrity of this concern.

The format of the following is to first provide that information from the report, then the response. Please look for the requests for information within each response.

1. "This is in further response to your letter of October 30, 1994..."

RESPONSE: Is the 10-30-94 letter the same as my 11-14-94 copy? Did such letter include the relevant supporting information I have provided Congressman Filner?

2. "...after consultation with the Department of Housing and Urban Development's (HUD) San Diego Office"...

RESPONSE: The report requested of Mr. Gilmartin was intended to be

an independent review because thus far only Mr. Charles Wilson has responded, and a question of bias may/exist(s). HUD-Handbook 4330.2 (6-1) states: "... It is, then, imperative that all actions be documented and that the file reflect not only what has been done but also when and why it was done.".... So, my question is, what manner of 'consultation' was made for this report and what information gathered? I request copy of all information used to make this report.

3. "... my staff learned that on December 23, 1986, that office sent Mr. Samson the final decision letter denying acceptance of his mortgage into the Department's assignment program because he failed to meet the required eligibility criteria."

RESPONSE: HUD Handbook 4330.2 (4-8(c)) states, in part: "(final negative decision)... must specify each

criterion not met and must spell out in detail the facts and reasoning relied upon in determining that those criteria were not met. Final decision letters containing only a statement of the criteria not met are unacceptable." The file in this case should show that the mortgagee, Manufacturers Hanover Mortgage Corporation, certified its support for HUD-assignment on 10/25/86, in its Background Data report and elsewhere. So, my question is, what is the specific eligibility criteria not met? I seek answers which abide by rules contained in the H.U.D. - Handbook 4330.2.

4. "...Mr. Samson has repeatedly failed to prove that his extensive mortgage delinquency..."

RESPONSE: What is the specific amount of the mortgage' delinquency which Mr. Gilmartin states was 'extensive'? The amount contained in the Mortgagee's Background Data report 10/25/86,

reflects that which accumulated during two bankruptcies when HUD officials advised they could not be involved with my case. Prior to the bankruptcies, HUD officials advised they could not be involved with my case until I was three months behind. And prior to that, the mortgagee made every effort to assist me get current, as witnessed by the forbearance agreements, which I paid to the best of my ability, despite circumstances beyond my control.

5. "... was attributable to circumstances beyond his control."

RESPONSE: The extensive information provided the HUD-San Diego officials, as well as Secretary Pierce's officials, should be on file. If the bias I contend exists, does in fact exist, then my words fall on deaf ears. The fact of the matter is, pursuant

to HUD-Handbook 4330.2 (2-1(d)), the set of circumstances involved are basic reasons for assignment. The file should reflect this. And the San Diego Office' failure to "specify each criterion not met and (must) spell out in detail the facts and reasoning relied upon in determining that those criteria were not met" (H.U.D-Handbook 4330.2 (4-8(c))) should support the deaf ear possibility. More significant, however, is that the HUD-Handbook 4330.2 (4-8(c)) goes on to state: "... Final decision letters containing only a statement of the criteria not met are unacceptable." Thus, the solid basis for my appeals!

6(a). "... after he received the final decision letter from the San Diego Office, "...

RESPONSE: The decision letter was dated 12/23/86.

(b) "... and the foreclosure sale had occurred, "...

RESPONSE: The foreclosure took place 3/17/89.

(c). "... Mr. Samson embarked on an endless mission of appealing the decision denying acceptance of his mortgage."

RESPONSE: HUD Handbook 4330.2 (4-8(c)) states: "... Final decision letters containing only a statement of the criteria not met are unacceptable...".

7. "... at each level of the appeals process, his assignment request was subjected to a detailed review..."

RESPONSE: No review has ever taken place, despite my Constitutional right to such. Immediately after receipt of the final decision letter (which HUD-Handbook 4330.2 indicates is "unacceptable"), I sought review through Congressman Jim Bates. All responses made to Congressman Bates were from Charles J. Wilson and indicated

his belief that the final decision which the HUD-Handbook 4330.2 indicates is "unacceptable", was acceptable. Then, Judge Peter Bowie (BK-11 #88-07060) expressed his belief that HUD would never change its position, and forbid me to file any more papers in the District Court. When I filed anyway, case #89-0369 (and others), for injunction against foreclosure, the Judge stated "...no hearing is necessary...". appeal to the Ninth Circuit, case #89-55582, resulted in, "... the house is sold, case is moot"... appeal to U.S. Supreme Court resulted in, "... this court lacks authority to grant relief sought...". On 4-8-92 President Bush requested the HUD-I.G. investigate, as did President Clinton 1-13-94. I have no knowledge of any such investigations taking place. Then, because HUD-Handbook 4330.2 indicates Mr. Charles Wilson's

final decision is "unacceptable", and thus far each request for review has resulted only in Mr. Charles Wilson claiming the same. Congressman Bob Filner's Office made request of William J. Gilmartin for review.

8. "... and at each level of review, the reviewers' final decisions were identical to that given by the initial reviewer in the San Diego Office."...

RESPONSE: HUD Handbook 4330.2 (4-8(c)) states: "... Final decision letters containing only a statement of the criteria not met are unacceptable...". Any substantive, sincere, review, would begin there, with the file in hand, and me involved. No review has ever taken place!

9. "... The exhaustive appeals process included a review of his file by the Inspector General's Office, here in Washington, D.C., which found no indication of procedural or policy violations by the San Diego Office.

RESPONSE: Since HUD Handbook 4330.2 (4-8(c)) states: "... Final decision letters containing only a statement of the criteria not met are unacceptable ..."; and I have no knowledge of any Inspector General activity, of significance, since my request that they review the background information first; it would seem, still, that no review has ever taken place!

10. "... Also, at no time during the many appeals and subsequent reviews, did Mr. Samson provide information to support his claims ..."

RESPONSE: Extensive supporting information was provided Congressman Filner's office, which I understood was attached to the request for report from Gilmartin. It seemed that his words, "... this case is significantly complicated ...", expressed such. This seemed a little funny to me, however, because I have accumulated, and await

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to provide substantive review, many, many, many times that amount of information, which is relevant to the whole, as well as this little part of such. The fact is, the Gilmartin report was made without making any contact of me.

11. "...It is the conclusion of this Department that Mr. Samson has been given due process."

RESPONSE: It is my hope that Mr. Gilmartin will reconsider this position after acknowledgement of the contents herein. The final decision is, really, "unacceptable", not because I say so, but because HUD Handbook 4330.2 does!

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