

**IN THE MATTER OF THE CLAIM
OF JOANNA HAGER
AGAINST THE MARYLAND HOME
IMPROVEMENT COMMISSION
GUARANTY FUND ON ACCOUNT
OF ALLEGED MISCONDUCT OF
JAMES A. LAROCHE
t/a LANCASTER HOMES &
COMMERCIAL DESIGN BUILD**

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**MARYLAND HOME
IMPROVEMENT COMMISSION

CASE NO. 07 (75) 1646**

FINAL ORDER OF DISMISSAL

On February 27, 2009, the Claimant, Joanna Hager (“Hager”), filed a claim with the Maryland Home Improvement Guaranty Fund against contractor James A. LaRoche, t/a Lancaster Homes & Commercial Design Build (“Lancaster Homes”).

On January 13, 2011, the Maryland Home Improvement Commission dismissed the claim as legally insufficient under Business Regulation Article, § 8-407(c)(2)(ii), Annotated Code of Maryland. Pursuant to Business Regulation Article, § 8-408(b)(3)(ii), Annotated Code of Maryland, if the dispute between the claimant and contractor has been the subject of an arbitration proceeding, and the final award in arbitration is in favor of the contractor, the Commission is required to dismiss the pending Guaranty Fund claim filed against the contractor.

In the present case, on December 22, 2009, an arbitration decision was issued by Tarrant H. Lomax, arbitrator for the American Arbitration Association, in the matter of the claim of Lancaster Homes against Hager, and the counterclaim of Hager against Lancaster Homes. The arbitrator denied Hager’s counterclaim, and issued an award in favor of contractor Lancaster Homes in the amount of \$4,239.99. Hager did not exercise

her right, under the Maryland Uniform Arbitration Act, to petition for judicial review of the December 22, 2009 arbitration decision.

Pursuant to regulation, claimant Hager was permitted to file a written response with the Commission to the dismissal of her Guaranty Fund claim. Claimant Hager's response, dated February 2, 2011, was reviewed by the Commission Panel, and it was the decision of the Commission Panel to affirm the dismissal of the claim. The Commission Panel concludes that, based on the December 22, 2009 decision issued by the arbitrator, the Commission is required, under Business Regulation Article, § 8-403(b)(3)(ii), Annotated Code of Maryland, to dismiss Hager's Guaranty Fund claim against Lancaster Homes.

Therefore, on this 27th day of April, 2011, Panel B of the Maryland Home Improvement Commission hereby:

ORDERS that the Claimant's claim against the Home Improvement Guaranty Fund is **DISMISSED** as legally insufficient, pursuant to Business Regulation Article §8-407(c)(2)(ii) of the Annotated Code of Maryland.

This Order shall become effective thirty (30) days from this date, to allow time for any party to file an appeal of this decision to the Circuit Court.

Joseph Tunney

Chair - Panel B