

**IN THE MATTER OF THE CLAIM  
OF DONALD ST. AUBIN  
AGAINST THE MARYLAND HOME  
IMPROVEMENT COMMISSION  
GUARANTY FUND ON ACCOUNT  
OF ALLEGED MISCONDUCT OF  
MICHAEL GUSILATAR  
t/a INTEGRITY HOME  
IMPROVEMENT, LLC**

**MARYLAND HOME  
IMPROVEMENT COMMISSION**

**CASE NO. 11 (90) 486**

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**FINAL ORDER OF DISMISSAL**

On October 15, 2010, the Claimant, Donald St. Aubin (“St. Aubin”), filed a claim with the Maryland Home Improvement Guaranty Fund against contractor Michael Gusilatar, t/a Integrity Home Improvement, LLC (“Integrity”).

On July 22, 2011, the Maryland Home Improvement Commission dismissed the claim on the grounds that the claim was barred under Business Regulation Article, § 8-408(b)(3)(ii), Annotated Code of Maryland. That section provides that, if a claimant brings suit against a contractor in civil court and there is a final judgment in favor of the contractor, the Commission shall dismiss a Guaranty Fund claim filed against the contractor.

The investigation of the Commission establishes that St. Aubin filed a civil suit against Integrity for alleged damages arising from Integrity’s installation of a roof on St. Aubin’s home. (*St. Aubin v. Integrity Home Improvement, LLC.*, Case No. 0101-0036215-2009). On January 25, 2011, the District Court for Baltimore City issued a judgment in favor of the defendant contractor, Integrity Home Improvement, LLC.

Pursuant to regulation, claimant St. Aubin was permitted to file a written response to the dismissal of his Guaranty Fund claim. Claimant St. Aubin response 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 January 25, 2011 judgment issued by the District Court for Baltimore City, the Commission is required, under Business Regulation Article, § 8-403(b)(3)(ii), Annotated Code of Maryland, to dismiss St. Aubin's Guaranty Fund claim against Integrity Home Improvement, LLC.

Therefore, on this 4<sup>th</sup> day of August, 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 to the Circuit Court.

***Joseph Tunney*** \_\_\_\_\_

Chair - Panel B