

THE MARYLAND HOME IMPROVEMENT COMMISSION

IN THE MATTER OF
THE CLAIM OF Katherine K. Evans

Claimant

Against the Maryland
Home Improvement Commission
Guaranty Fund And

Barry M. Swartz, t/a
Barmark Construction
435-H East Diamond Avenue
Gaithersburg, MD 20878

Respondent

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M.H.I.C. No.: 13 (75) 1404
LICENSE No.: 01-15478

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PROPOSED ORDER

Upon a review of the available evidence, the Commission concludes that the Claimant has established a valid claim against the Maryland Home Improvement Guaranty Fund. It has been established that the Claimant entered into a home improvement contract with the above-named contractor and that the Respondent performed the work in a poor and unworkmanlike manner in violation of Business Regulation, Article 8, Section 311(a)(10), Annotated Code of Maryland. (hereinafter, "BR"). It has further been established that, as a result of the violation by the Respondent, the Claimant has sustained an actual loss in the amount of \$1,035.00. Accordingly, the Commission hereby awards the Claimant \$1,035.00 from the Maryland Home Improvement Guaranty Fund, and Orders that:

1. Pursuant to BR 411(a) any home improvement licenses held by the Respondent are suspended and the Respondent is ineligible for any home improvement license until the Respondent has repaid any money paid from the Home Improvement Guaranty Fund pursuant to this Order with 10% annual interest.
2. The records of the Maryland Home Improvement Commission reflect this decision.
3. This Proposed Order may be challenged by either the Claimant or the Respondent who may request a hearing or file written exceptions with the Commission. Any request for a hearing or exceptions must be in writing and shall be addressed to the Executive Director, Maryland Home Improvement Commission, 500 N. Calvert Street, Room 306, Baltimore, Maryland 21202 and must be received within twenty-one (21) days of receipt of this Proposed Order. If neither party files a timely request for a hearing or written exceptions, this Proposed Order will become final at the end of the twenty-one (21) day period. Once the Commission's Order become final, the parties, by law, have an additional thirty (30) day period to file an appeal to the Circuit Court.

BY ORDER OF: Steven Smitson
Steven Smitson, Executive Director
Maryland Home Improvement Commission

DATE: November 13, 2013
