

**IN THE MATTER OF
THE CLAIM OF DIEGO VACA
AGAINST THE
MARYLAND HOME IMPROVEMENT
GUARANTY FUND ON ACCOUNT OF
ALLEGED VIOLATIONS OF
DAVID B. BARKLEY
t/a OMEGA CONSTRUCTION
& REMODELING**

*** MARYLAND HOME
* IMPROVEMENT COMMISSION**

*** Case No. 08 (75) 790**

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FINAL ORDER

On this 12th day of June, 2009, Panel B of the Maryland Home Improvement Commission ORDERS that:

1) Pursuant to Business Regulation Article, §8-408(b)(3)(i), Annotated Code of Maryland, the Claimant has provided the Commission with a copy of a final civil judgment, dated August 30, 2007, with all rights of appeal exhausted, in which the Circuit Court for Montgomery County found on the merits that the conditions precedent to recovery, as set forth in Business Regulation Article, §8-405(a), Annotated Code of Maryland, have been met, and found that the Claimant sustained an actual loss of \$44,100.00.

2) Pursuant to Business Regulation Article, §8-405(e)(1), Annotated Code of Maryland, the Commission may not award to any one claimant more than \$20,000.00 from the Home Improvement Guaranty Fund.

3) The Commission directs payment from the Home Improvement Guaranty Fund of \$20,000.00 to the Claimant, Diego Vaca.

4) Pursuant to Business Regulation Article, §8-411(a), Annotated Code of Maryland, any home improvement licenses held by the Respondent, David B. Barkley, t/a Omega Construction & Remodeling, shall be Suspended, and the Respondent shall be ineligible for any home improvement licenses, until the Respondent has repaid any money paid from the Home Improvement Guaranty Fund pursuant to this Order, with 10 percent annual interest.

5) The records and publications of the Maryland Home Improvement Commission shall reflect this decision.

6) The payment to the Claimant from the Home Improvement Guaranty Fund shall be authorized thirty (30) days from the date of this Order. During the thirty (30) day period, any party may file an appeal of this decision to Circuit Court.

Joseph Tunney _____

Chair - Panel B