

**IN THE MATTER OF THE CLAIM**  
**SANDRA CAMPBELL,**  
**CLAIMANT**  
**AGAINST THE MARYLAND HOME**  
**IMPROVEMENT GUARANTY FUND,**  
**FOR THE ALLEGED ACTS OR**  
**OMISSIONS OF**  
**RAJ MANOHARAN,**  
**T/A LAVIRA CORP.,**  
**RESPONDENT**

**\* BEFORE JEROME WOODS, II,**  
**\* AN ADMINISTRATIVE LAW JUDGE**  
**\* OF THE MARYLAND OFFICE**  
**\* OF ADMINISTRATIVE HEARINGS**  
**\* OAH No.: DLR-HIC-02-18-33620**  
**\* MHIC No.: 18 (90) 329**  
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**PROPOSED DEFAULT ORDER**

On April 1, 2018, Sandra Campbell (Claimant) filed a claim (Claim) for reimbursement from the Maryland Home Improvement Commission (MHIC) Guaranty Fund (Fund) for actual monetary losses allegedly suffered as the result of the inadequate, incomplete, or unworkmanlike conduct of Raj Manoharan, t/a Lavira Corp. (Respondent), in the performance of a home improvement contract. Md. Code Ann., Bus. Reg. §§ 8-401 through 8-411 (2015). On October 18, 2018, the MHIC ordered the Claimant should have a hearing to demonstrate her eligibility for an award from the Fund. On October 25, 2018, the MHIC forwarded the matter to the Office of Administrative Hearings (OAH) for a hearing.

On February 14, 2019, the OAH issued a Notice of Hearing (Notice) to the parties at their addresses of record, via first class mail and certified mail-return receipt requested. Code of Maryland Regulations (COMAR) 09.08.03.03A(2). The Notice advised the parties that a hearing was scheduled for Tuesday, April 9, 2019 at 9:30 a.m. at the OAH in Hunt Valley, Maryland. The Notice further advised the parties that failure to appear for the hearing could result in a dismissal of the case or an adverse finding against the party failing to appear. None of the parties requested a postponement of the hearing. The Claimant signed for her certified-mail copy of the Notice. Additionally, the first class mail copy of the Claimant's notice was not returned to the OAH by the United States Postal Service.

On April 9, 2019, I convened the hearing as scheduled. Md. Code Ann., Bus. Reg. § 8-407 (2015). In this case, the Claimant has the burden of proving the validity of the Claim by a preponderance of the evidence. Md. Code Ann., Bus. Reg. §8-407(e)(1) (2015); Md. Code Ann., State Gov't §10-217 (2014); COMAR 09.08.03.03A(3). Neither the Claimant nor anyone authorized to represent her appeared. Jessica Kaufman, Assistant Attorney General, Department of Labor, Licensing and Regulation, appeared on behalf of the Fund.<sup>1</sup> Edward Nelson Griffin, Esquire appeared on behalf of the Respondent, who was also present. After waiting more than thirty minutes, during which time no one appeared on behalf of the Claimant, the Fund and the Respondent moved for a Default Order as the Claimant failed to appear after proper notice was sent to the Claimant's address of record. The Fund further moved that pursuant to the Default Order, no award from the Fund be ordered, as the Claimant did not sustain her burden of proof

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<sup>1</sup> As a preliminary matter, the Fund offered four exhibits. As I will propose that the Fund and Respondent's Motions for Default Order be granted, I have not considered the exhibits, but to preserve the record, they have been entered into the case file.

because she did not appear to present evidence. COMAR 28.02.01.23A.<sup>2</sup> I shall grant the Fund and Respondent's motions as the Claimant was properly notified of the hearing and failed to attend.

I therefore **PROPOSE** that the MHIC issue a **DEFAULT ORDER** as follows:

1. The Claimant is in default; and
2. All further proceedings in the captioned matter are **TERMINATED**, and a

disposition of **DISMISSAL** is entered in this case, pursuant to COMAR 28.02.01.23A; and in accordance with COMAR 09.01.03.09 and 28.02.01.23C, the Claimant or his representative may file written exceptions with MHIC within twenty (20) days from the postmark date of this Proposed Default Order.

## Signature on File

April 9, 2019  
Date Decision Mailed

Jerome Woods, II  
Administrative Law Judge

JW/ej  
#179184

<sup>2</sup> "If, after receiving proper notice, a party fails to attend or participate in a . . . hearing, . . . the judge . . . may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party."

**PROPOSED ORDER**

***WHEREFORE, this 13<sup>th</sup> day of June, 2019, Panel B of the Maryland Home Improvement Commission approves the Recommended Order of the Administrative Law Judge and unless any parties files with the Commission within twenty (20) days of this date written exceptions and/or a request to present arguments, then this Proposed Order will become final at the end of the twenty (20) day period. By law the parties then have an additional thirty (30) day period during which they may file an appeal to Circuit Court.***

***J. Jean White***

***I. Jean White  
Panel B***

**MARYLAND HOME IMPROVEMENT COMMISSION**