

**IN THE MATTER OF THE CLAIM
OF SEYIDO ELESINMOGUN**

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**MARYLAND HOME IMPROVEMENT
COMMISSION**

**AGAINST THE MARYLAND HOME
IMPROVEMENT GUARANTY FUND
FOR THE ACTS OR OMISSIONS
OF RICHARD KAUFMAN
t/a AMERICAN HOME AND
HARDSCAPE, LLC**

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MHIC CASE NO. 18(75)731

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FINAL ORDER

On this 6th day of May, 2019, the Maryland Home Improvement Commission ORDERS that:

1) Pursuant to Business Regulation Article, § 8-409(a)(2), Annotated Code of Maryland, Seyido Elesinmogun (“Claimant”) provided the Commission with a copy of a final award in arbitration, dated January 11, 2017, with all rights of appeal exhausted. The arbitrator made a total award of \$27,774.33 to the Claimant, \$19,864.33 of which was based on the cost to repair and complete the home improvement work of Richard Kaufman t/a American Home and Hardscape, LLC (“Respondent”).

2) Pursuant to Business Regulation Article, § 8-405(e)(1), Annotated Code of Maryland, the maximum recovery permitted for a claim against the Home Improvement Guaranty Fund is \$20,000.00. Furthermore, pursuant to Business Regulation Article, § 8-405(e)(3), Annotated Code of Maryland, the Commission may not award from the Guaranty Fund for attorney fees and court costs. As a result, the Claimant cannot be awarded the \$5,860.00 in attorney fees and \$2,050.00 in administrative fees awarded by the arbitrator, and recovery from the Guaranty Fund is limited to \$19,864.33.

3) The Commission originally issued a Final Order in this case on October 9, 2018 whereby it ordered an award of \$19,864.33 to the Claimant from the Guaranty Fund. The

Respondent subsequently filed a petition for judicial review in the Circuit Court for Baltimore City of the Final Order on the grounds that the underlying arbitration award was still on appeal before the Court of Special Appeals. The Circuit Court remanded the case to the Commission so that it could vacate its Final Order and stay the Guaranty Fund claim until the arbitration award was final with all rights to appeal exhausted. The Court of Special Appeals subsequently upheld the arbitration award and no further appeals were taken. Therefore the Commission was able to lift its stay and continue to process the claim. On March 27, 2019, pursuant to Code of Maryland Regulations (“COMAR”) 09.08.03.02F, the Commission sent the Respondent a letter notifying him that he had 21 days to respond as to why the Commission should not award the Claimant \$19,864.33 from the Guaranty Fund. The Commission has not received any response from the Respondent to this letter. Therefore, pursuant to Business Regulation Article, § 8-409(a)(2), the Commission will proceed to make an award to the Claimant from the Guaranty Fund based on the final arbitration award presented by the Claimant.

4) Pursuant to Business Regulation Article, §§ 8-408(b)(3)(i) and 8-409(a)(2), Annotated Code of Maryland, the Commission directs payment of **\$19,864.33** from the Home Improvement Guaranty Fund to the Claimant.

5) Pursuant to Business Regulation Article § 8-411(a), Annotated Code of Maryland, any home improvement licenses held by the Respondent, Richard Kaufman t/a American Home and Hardscape, LLC, 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.

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

7) 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
Chairperson
Maryland Home Improvement
Commission