

DLLR

STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION

MARTIN O'MALLEY, Governor
ANTHONY G. BROWN, Lt. Governor

Division of Occupational & Professional Licensing
Maryland Home Improvement Commission
Stanley J. Botts, Commissioner

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IN THE MATTER OF THE CLAIM OF * BEFORE ROBERT F. BARRY,
LAWRENCE J. CONNELL, * AN ADMINISTRATIVE LAW JUDGE
AGAINST THE MARYLAND HOME * OF THE MARYLAND OFFICE
IMPROVEMENT GUARANTY FUND * OF ADMINISTRATIVE HEARINGS
FOR THE ALLEGED VIOLATIONS OF * OAH No.: DLR-HIC-02-09-04522
MICHAEL DRONET, JR., t/a * MHIC No.: 07 (75) 2518
ROOF REPAIR EXPERTS, INC. *

* * * * *

PROPOSED DEFAULT ORDER

On July 31, 2007, Lawrence J. Connell ("Claimant") filed a claim with the Maryland Home Improvement Commission ("MHIC") Guaranty Fund ("Fund") for reimbursement of \$3,850.00 for actual losses allegedly suffered as a result of home improvement work performed by Michael Dronet, Jr., t/a Roof Repair Experts, Inc. ("Respondent").

On June 10, 2009, the Office of Administrative Hearings (OAH) issued Notices of Hearing (Notices) to the Claimant and to the Respondent via certified and first class mail at their addresses of records. The Notices stated that a hearing was scheduled for Wednesday, October 7, 2009, at 10:00 a.m. at the La Plata Branch of the Charles County Public Library, 2 Garrett Avenue, La Plata, Maryland 20646. The Notices further advised the parties that failure to attend the hearing might result in "a decision against you".

The United States Postal Service returned to the OAH a receipt for proof of certified mail delivery of Notice to the Claimant. The receipt was signed by the Claimant, postmarked on June



13, 2009 in Waldorf, Maryland, and received by the OAH on June 15, 2009. The Claimant did not request a postponement of the hearing.

On Wednesday, October 7, 2009, Administrative Law Judge Robert F. Barry convened the hearing as scheduled on behalf of the MHIC Md. Code Ann., Bus. Reg. §§ 8-312(a) and 8-407(c)(2)(i) (Supp. 2009). Neither the Claimant or Respondent, nor anyone authorized to represent them, appeared. Hope M. Sachs, Assistant Attorney General, Department of Labor, Licensing, and Regulation, represented the Fund. After waiting approximately twenty-five minutes, during which time the Claimant still had not appeared, Mrs. Sachs made a motion for default.

THEREFORE, it is **PROPOSED** that the Maryland Home Improvement Commission **ORDER** that:

1. The Claimant is found 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 28.02.01.20A; and
3. In accordance with COMAR 09.01.03.09A and 28.02.01.20C, the Claimant or their representative may file with the MHIC, a written exceptions within twenty (20) days from the postmark date of the Default Order. Any such motion must state the grounds for the request to modify or vacate the Default Order. If good cause is not shown to excuse the default, the Default Order will be upheld.

December 15, 2009
Date

John Borz
John Borz, Chairman
Maryland Home Improvement Commission

Copies to:

Lawrence J. Connell
3059 Huntington Circle
Waldorf, MD 20602

Michael Dronet, Jr.
t/a Roof Repair Experts, Inc.
7840 Water Oak Point
Pasadena, MD 21122