

IN THE MATTER OF THE CLAIM  
OF FRANK UZOMA

\*

MARYLAND HOME IMPROVEMENT  
COMMISSION

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AGAINST THE MARYLAND HOME  
IMPROVEMENT GUARANTY FUND  
FOR THE ACTS OR OMISSIONS  
OF LULZIM SHABIU  
t/a DMV HANDYMAN, LLC

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MHIC CASE NO. 17(90)622  
OAH CASE NO. DLR-HIC-02-18-30847

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**PROPOSED ORDER**

WHEREFORE, this 1<sup>st</sup> day of July, 2019, the Maryland Home Improvement Commission (“Commission”) ORDERS that:

- 1) The Findings of Fact of the Administrative Law Judge are Affirmed.
- 2) The Conclusions of Law of the Administrative Law Judge are Amended as follows and otherwise Affirmed:

A) The ALJ found the Claimant’s evidence regarding the calculation of his actual loss to be “insufficiently reliable and inadequately precise,” but did not challenge the veracity of the Claimant himself. The Commission, however, finds the unchallenged testimony of the Claimant to be probative of the actual loss suffered in this case. The Claimant testified that he paid \$11,000.00 to have the work completed by another contractor, and agreed that \$1,100.00 of that work went towards items beyond the scope of the original contract with the Respondent. The Respondent had the opportunity to challenge this testimony at the hearing but failed to appear despite receiving proper notice.

B) Utilizing the following formula specified in COMAR 09.08.03.03B(3)(c), the Commission finds the actual loss to be as follows:

i) Amount Paid to the Respondent: \$14,000.00

PLUS

ii) Cost to Correct and/or Complete the Work \$9,900.00  
(Amount paid to subsequent contractor, \$11,000.00, minus the value of the work that went beyond the scope of the original contract with the Respondent, \$1,100.00.)

MINUS

iii) Original Contract Price: \$17,000.00

**EQUALS**

iv) Actual Loss: \$6,900.00

3) **The Recommended Order of the Administrative Law Judge is Amended as follows and otherwise Affirmed:**

A) **The Claimant is awarded \$6,900.00.**

4) **Unless any party 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, any party then has an additional thirty (30) day period during which they may file a petition for judicial review to Circuit Court.**

**Joseph Tunney**

**Panel B**

**Maryland Home Improvement  
Commission**