

**IN THE MATTER OF THE CLAIM
OF JAMES WADE**

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**MARYLAND HOME IMPROVEMENT
COMMISSION**

**AGAINST THE MARYLAND HOME
IMPROVEMENT GUARANTY FUND
FOR THE ACTS OR OMISSIONS
OF DENNIS WASHINGTON
t/a WASHINGTON BOYZ
CONSTRUCTION, LLC**

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MHIC CASE NO. 18(75)501

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FINAL ORDER

On this 9th day of March, 2020, the Maryland Home Improvement Commission (“Commission”) ORDERS that:

1) Pursuant to Business Regulation Article, §§ 8-408(b)(3)(i) and 8-409(a)(2), Annotated Code of Maryland, James Wade (“Claimant”) provided the Commission with documentation of a final civil judgment, with all rights of appeal exhausted, in which the Circuit Court for Prince George’s County in case number CAL19-04275 entered a judgment of \$19,322.00 in compensatory damages in favor of the Claimant and against “Dennis Washington, Jr. for Washington Boyz Construction, LLC.”

2) On January 10, 2020, the Commission sent a letter to Dennis Washington t/a Washington Boyz Construction, LLC (“Contractor”) stating that the Claimant provided the Commission with a civil judgment through which he sought an award from the Home Improvement Guaranty Fund. The letter further set forth the grounds on which the Commission could make an award based on the civil judgment in the amount of \$19,322.00. Pursuant to Code of Maryland Regulations (“COMAR”) 09.08.03.02F, the Contractor was provided twenty-one (21) days to submit in writing any reasons why the Commission should not pay \$19,322.00 from the Guaranty Fund to the Claimant.

3) On February 5, 2020, the Commission received a letter from the Contractor arguing

that the claim should be denied. Mr. Washington's contentions focus on the underlying merits of the Circuit Court's decision, and what he claims was unfair treatment in that forum. Mr. Washington's opportunity to challenge the Circuit Court's decision was through the appellate process in that case. The time to file an appeal of the Circuit Court's decision has expired, and therefore the Commission is permitted to make an award based on the final civil judgment in case number CAL19-04275. Business Regulation Article, §§ 8-408(b)(3)(i) and 8-409(a)(2), Annotated Code of Maryland.

4) Mr. Washington also claims that a homeowner cannot file a claim against the Guaranty Fund if they have already filed a civil action against the contractor. Pursuant to Business Regulation Article, § 8-408(b)(2), Annotated Code of Maryland, if a homeowner brings an action in court based on the same facts and circumstances as their claim against the Guaranty Fund, then the claim is to be stayed "until there is a final judgment and all rights to appeal are exhausted." That is what occurred in this case. Once the judgment in the civil action CAL19-04275 became final with all rights to appeal exhausted, the Claimant was permitted to seek reimbursement from the Guaranty Fund based on the civil judgment.

5) Pursuant to Business Regulation Article, §§ 8-408(b)(3)(i) and 8-409(a)(2), Annotated Code of Maryland, the Commission directs payment of **\$19,322.00** from the Home Improvement Guaranty Fund to the Claimant based on the civil judgment entered by the Circuit Court for Prince George's County in case number CAL19-04275.

6) Pursuant to Business Regulation Article § 8-411(a), Annotated Code of Maryland, any home improvement licenses held by Dennis Washington and Washington Boyz Construction, LLC, shall be **SUSPENDED**, and both Dennis Washington and Washington Boyz Construction, LLC shall remain ineligible for any home improvement licenses, until they have repaid all money

awarded from the Home Improvement Guaranty Fund pursuant to this Order, with 10 percent annual interest.

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

8) 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