

**IN THE MATTER OF THE CLAIM  
OF SVETLANA LIKICH  
AGAINST THE MARYLAND HOME  
IMPROVEMENT GUARANTY FUND  
FOR ALLEGED VIOLATIONS OF  
MARKO JOVETIC,  
t/a MARKO JOVETIC, LLC**

\* **MARYLAND HOME  
IMPROVEMENT COMMISSION**  
\* **MHIC CASE NO. 15 (05) 479**

\* \* \* \* \*

**PROPOSED DEFAULT ORDER**

On March 26, 2015, Svetlana Likich (“Claimant”) filed a claim with the Maryland Home Improvement Commission (“MHIC”) Guaranty Fund (“Fund”) for reimbursement of actual losses allegedly suffered as a result of a home improvement contract with Marko Jovetic, t/a Marko Jovetic, LLC (“Respondent”).

By order dated August 18, 2015, the MHIC referred the matter to the Office of Administrative Hearings (“OAH”) for a hearing on the claim. By letter dated January 19, 2016, the OAH issued a Notice of Hearing to the Claimant and the Respondent, which was sent via certified and first class mail to their last addresses of record. The Notice of Hearing informed the parties that the hearing was scheduled for March 8, 2016, at 10:30 a.m., at the OAH Headquarters, 11101 Gilroy Road, Hunt Valley, Maryland. The Notice of Hearing informed the parties that the failure of the Claimant to attend the hearing might result in a decision against the Claimant.

The U.S. Postal Service returned the signed “green card” to the OAH evidencing certified mail delivery of the Notice of Hearing to the Claimant’s address. The OAH did not receive any

request for postponement prior to the date of the hearing.

On March 8, 2016, Administrative Law Judge Tracy L. Parker-Warren convened the hearing as scheduled, pursuant to Business Regulation Article, §§8-312(a) and 407(c)(2), Annotated Code of Maryland. Assistant Attorney General Jessica B. Kaufman was present to represent the Fund. Neither the Claimant nor the Respondent appeared at the hearing. After waiting more than fifteen (15) minutes, during which time the Claimant still failed to appear, the Administrative Law Judge opened the record for the Fund to introduce preliminary exhibits related to licensing information and the hearing notice. On March 9, 2016, the Administrative Law Judge issued a recommended Default Order. (copy attached).

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

1. Pursuant to Business Regulation Article, §407(e)(1), Annotated Code of Maryland, at a hearing on a claim, the claimant has the burden of proof.
2. The Claimant, Svetlana Likich, be found in **DEFAULT**;
3. A disposition of **DISMISSAL** be entered with respect to the Claimant's claim against the Fund.
4. In accordance with COMAR 09.01.03.09A, the Claimant may file with the MHIC, within twenty (20) days of the date of this order, written exceptions setting forth the grounds why the MHIC should modify or vacate this Default Order.

***Joseph Tunney*** \_\_\_\_\_

**Chair**

**Maryland Home Improvement Commission**

**April 1, 2016**

IN THE MATTER OF THE CLAIM	* BEFORE TRACEY L. PARKER-WARREN,
OF SVETLANA LIKICH,	* AN ADMINISTRATIVE LAW JUDGE
CLAIMANT	* OF THE MARYLAND OFFICE
AGAINST THE MARYLAND HOME	* OF ADMINISTRATIVE HEARINGS
IMPROVEMENT GUARANTY FUND	*
FOR THE ALLEGED ACTS OR	*
OMISSIONS OF MARKO JOVETIC,	*
T/A MARKO JOVETIC LLC,	* OAH No.: DLR-HIC-02-15-28724
RESPONDENT	* MHIC No.: 15 (05) 479

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**PROPOSED DEFAULT ORDER**

On March 26, 2015, Svetlana Likich (Claimant) filed a claim (Claim) with the Maryland Home Improvement Commission (MHIC) Guaranty Fund (Fund) for reimbursement of \$28,001.60 for alleged actual losses suffered as a result of a home improvement contract with Marko Jovetic, trading as Marko Jovetic LLC, (Respondent). On August 18, 2015, the MHIC issued a Hearing Order on the claim.

On January 19, 2016, the Office of Administrative Hearings (OAH) issued a Notice of Hearing (Notice) to the Claimant and to the Respondent via certified and first class mail at their last addresses of record. The Notice stated that a hearing was scheduled for March 8, 2016 at 9:30 a.m. at OAH Headquarters, 11101 Gilroy Road, Hunt Valley, Maryland, and that failure to attend the hearing might result in “dismissal of your case or a decision against you.”

The United States Postal Service did not return the Notice that the OAH issued to the Claimant and to the Respondent, but it did return the certified mail receipt evidencing delivery to the Claimant. The OAH did not receive any requests for postponement.

On March 8, 2016, I convened the hearing as scheduled. Md. Code Ann., Bus. Reg. §§ 8-312, 8-407 (2015).<sup>1</sup> Neither the Claimant nor the Respondent nor anyone authorized to represent them appeared. Jessica B. Kaufman, Assistant Attorney General, Department of Labor, Licensing, and Regulation, was present to represent the Fund. After waiting more than fifteen minutes, during which time the Claimant and the Respondent still failed to appear, I went on the record, and the Fund offered several exhibits related to notices, licensing information, and the Fund's Hearing Order. The Fund moved to dismiss the Claim.

The Claimant bears the burden of proving, by a preponderance of the evidence, that she suffered an actual loss incurred as a result of misconduct by a licensed contractor in order to be compensated by the Fund. Bus. Reg. §§ 8-405(a), 8-407(e)(1); COMAR 09.08.03.03A(3). The Claimant failed to appear or to introduce evidence in support of the Claim.

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
3. In accordance with COMAR 09.01.03.09A and 28.02.01.23C, the Claimant or the Claimant's representative may file written exceptions with MHIC within twenty (20) days from the postmark date of the Default Order. Any such exceptions must state the grounds for a request to modify or vacate the Default Order.

March 9, 2016  
Date Order Issued

**Signature on File**

Tracey L. Parker-Warren  
Administrative Law Judge

TLP-W/da  
#161224

<sup>1</sup> Unless otherwise noted, all citations of the Business Regulation Article hereinafter refer to the 2015 Replacement Volume.