

**IN THE MATTER OF
THE CLAIM OF SANDRA LEVY
AGAINST THE
MARYLAND HOME IMPROVEMENT
GUARANTY FUND ON ACCOUNT OF
ALLEGED VIOLATIONS OF
MARK ANTHONY SIMS t/a
POWERKLEEN CONSTRUCTION
SERVICES**

**MARYLAND HOME
IMPROVEMENT COMMISSION**

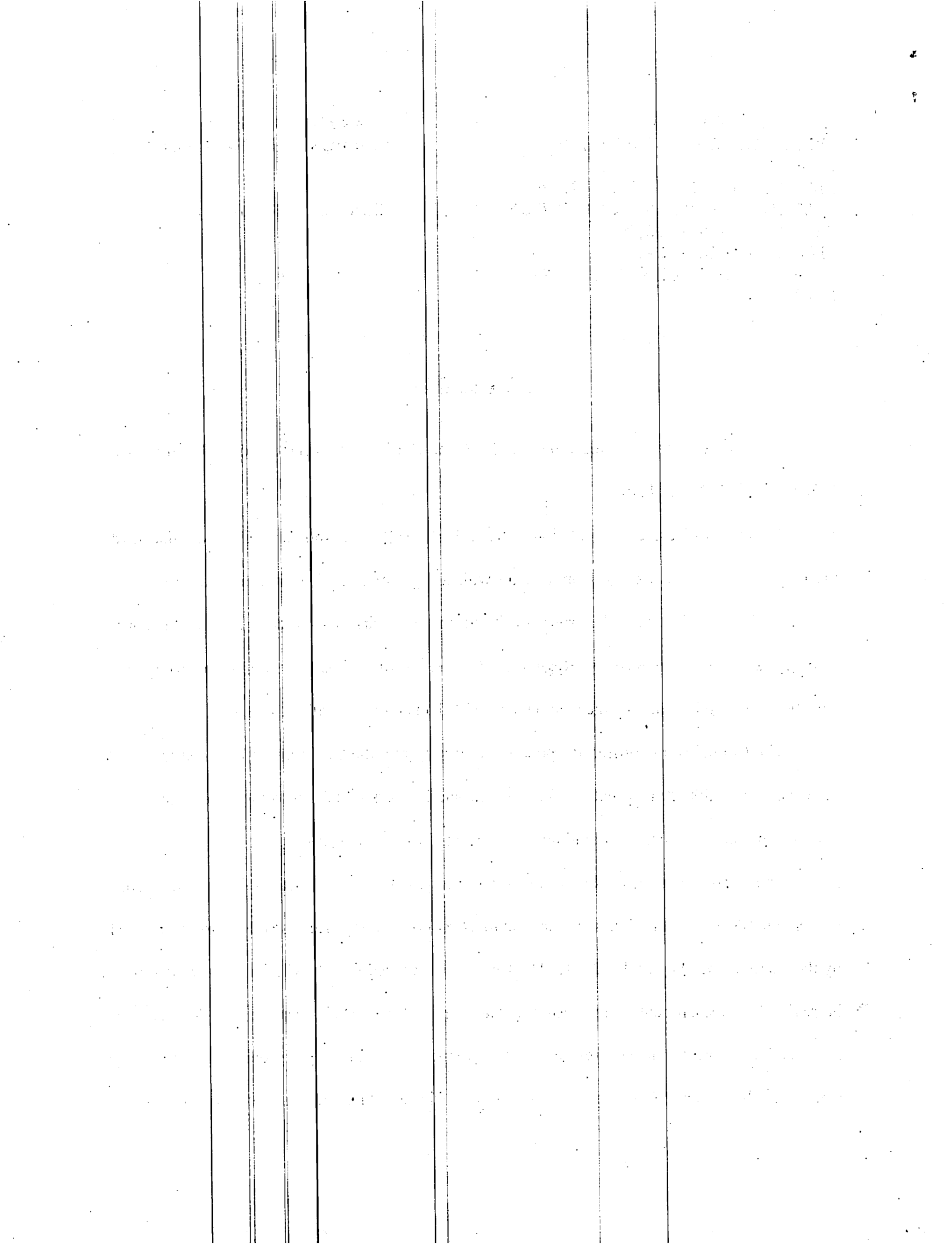
Case No. 21(75)1160

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FINAL ORDER

On this 20th day of December 2021, Panel B of the Maryland Home Improvement Commission ORDERS that:

1. Pursuant to Business Regulation Article, §8-408(b)(3)(i), Annotated Code of Maryland, the Claimant has provided the Commission with a copy of a final arbitrator's decision dated February 10, 2021, in which the arbitrator found on the merits that the conditions precedent to recovery, as set forth in Business Regulation Article, §8-405(a), Annotated Code of Maryland, have been met, and found that the Claimant sustained an actual loss of \$3,500.00.
2. The Commission notified Respondent in writing that the Commission intended to award the Claimant \$3,500.00 and that the Respondent had 21 days to submit to the Commission any reasons why the Commission should not pay the award to the Claimant.
3. The Respondent responded to notice and presented evidence that his liability insurance carrier paid \$677.06 to the Claimant pursuant to a Property Damage Release ("Release") executed by the Claimant on August 14, 2021. The Respondent argued that the Claimant's award should be reduced by the amount of the insurance payment. However, the terms of the Release and accompanying correspondence reveal that the payment was for property damage, specifically damage to the Claimant's downspout and window trim and "leak marks," which were not the



subject of the home improvement contract between the parties and do not relate to the correction or completion of the contracted work. Accordingly, the Commission will not reduce the award because of the insurance payment.

4. The Commission directs payment from the Home Improvement Guaranty Fund of \$3,500.00 to the Claimant, Sandra Levy.

5. Pursuant to Business Regulation Article, §8-411(a), Annotated Code of Maryland, any home improvement licenses held by the Respondent, Mark Anthony Sims t/a Powerkleen Constructions Services, 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.

Joseph Tunney
Chair

