

**IN THE MATTER OF THE CLAIM  
OF TIMOTHY THOMPSON**

\*

**MARYLAND HOME IMPROVEMENT  
COMMISSION**

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**AGAINST THE MARYLAND HOME  
IMPROVEMENT GUARANTY FUND  
FOR THE ACTS OR OMISSIONS  
OF MARTIN LESKA**

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**MHIC CASE NO. 18(75)379**

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**t/a LESKA RESTORATION &  
EUROPEAN ROOF SPECIALISTS, LLC\***

\* \* \* \* \*

**FINAL ORDER**

On this 19<sup>th</sup> day of November, 2019, 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, Timothy Thompson (“Claimant”) provided the Commission with documentation of a final civil judgment, with all rights of appeal exhausted, in which the Circuit Court for Baltimore County in case number 03-C-18-000305 entered a judgment of \$238,101.86 in compensatory damages in favor of the Claimant and against Leska Restoration & European Roof Specialists, LLC.

2) On September 30, 2019, the Commission sent a letter to Martin Leska t/a Leska Restoration & European Roof Specialists, LLC (“Contractor”) stating that the Claimant had 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 a civil judgment, and explained that pursuant to the statutory cap on awards from the Guaranty Fund, the award would be limited to \$20,000.00. Business Regulation Article, § 8-405(e)(1), Annotated Code of Maryland. 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 \$20,000.00 from the Guaranty

Fund to the Claimant.

3) On October 10, 2019, the Commission received a letter from the Contractor arguing that the claim should be denied and that he is not personally liable because the company Leska Restoration & European Roof Specialists, LLC ceased operating as of September 10, 2018.

4) The Claimant's claim against the Home Improvement Guaranty Fund is based on work occurring in 2016 while both Martin Leska and Leska Restoration & European Roof Specialists, LLC held home improvement contractors licenses with the Commission. The subsequent closure of the company and the later lapse in licensure is not relevant because the claim stems from a job that started when the Contractor was still licensed. Moreover, the claim is against the Guaranty Fund, and whether or not a licensee, or former licensee, has the ability to reimburse the Guaranty Fund for an award, has no bearing on whether the Guaranty Fund should award a homeowner's claim. The Guaranty Fund was established to provide homeowners, who proved they suffered an actual loss due to the acts or omissions of a licensed contractor, with a guaranteed source of recovery within certain statutory limitations.

5) Pursuant to COMAR 09.08.01.04C(3) the corporate licensee, and the individual licensee in responsible charge of the corporate licensee's home improvement work, shall be jointly and severally responsible for "[r]epayment to the Home Improvement Commission Guaranty Fund pursuant to Business Regulation Article, §8-410, Annotated Code of Maryland, for any payments made to claimants from the Fund on account of violations by the corporation or partnership or the individual in responsible charge." At the time the work was done in this case, Martin Leska was the individual licensee in responsible charge of the home improvement work of Leska Restoration & European Roof Specialists, LLC. Therefore, Mr. Leska is jointly and severally responsible with Leska Restoration & European Roof Specialists, LLC for repayment to the Commission of an

award made from the Guaranty Fund.

6) Pursuant to Business Regulation Article, §§ 8-408(b)(3)(i) and 8-409(a)(2), Annotated Code of Maryland, the Commission directs payment of **\$20,000.00** from the Home Improvement Guaranty Fund to the Claimant based on the civil judgment entered by the Circuit Court for Baltimore County in case number 03-C-18-000305.

7) Pursuant to Business Regulation Article § 8-411(a), Annotated Code of Maryland, any home improvement licenses held by Martin Leska or Leska Restoration & European Roof Specialists, LLC, shall be **SUSPENDED**, and both Martin Leska and Leska Restoration & European Roof Specialists, 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.

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

9) 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**