

MARYLAND INSURANCE ADMINISTRATION

EX REL P.G.

v.

LOVRICO ANTOR
JOHNSON, SR.

* REVIEW OF A RECOMMENDED
* DECISION ISSUED BY
* HENRY R. ABRAMS
* AN ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE OF
* ADMINISTRATIVE HEARINGS
* OAH No.: MIA-CC-33-13-31646
* MIA No.: 2013-07-041

* * * * *

FINAL DEFAULT ORDER

As a consequence of the Complainant's failure to file any response to the Proposed Default Order in the above captioned case, it is hereby, **ORDERED** that the attached Proposed Default Order by Administrative Law Judge Abrams be approved by the Maryland Insurance Commissioner as the Final Order in the above-entitled matter, effective as of the date of this Order.

THERESE M. GOLDSMITH
Commissioner

Oct. 31, 2013

Date

Signature on original

Nancy Grodin
Associate Deputy Commissioner

P. G.,

COMPLAINANT¹

v.

LOVRICO ANTOR JOHNSON, SR.,

* BEFORE HENRY R. ABRAMS,
* AN ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE
* OF ADMINISTRATIVE HEARINGS
* OAH NO.: MIA-CC-33-13-31646
* MIA NO.: 2013-07-041

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PROPOSED DEFAULT ORDER²

On or about January 28, 2013, the Complainant filed a complaint (the Complaint) with the Maryland Insurance Administration (the MIA) against Lovrico Antor Johnson, Sr. (Mr. Johnson), alleging that Mr. Johnson had defrauded her. The MIA investigated the Complaint and, on June 24, 2013, notified the Complainant that Mr. Johnson's MIA license had been revoked in August 2012. Consequently, the MIA lacked jurisdiction over the matter. On or about July 25, 2013, the Complainant requested a hearing to appeal the MIA's determination.

On or about August 13, 2013, the MIA transmitted the Complainant's case file to the OAH. On August 20, 2013, the OAH mailed a Notice of Hearing, by first class mail/postage prepaid, to the Complainant at the address supplied by the MIA.³ In the Notice, OAH advised the Complainant that the hearing was scheduled at the OAH, located at 11101 Gilroy Road in Hunt Valley, Maryland, commencing at 1:00 p.m. on October 2, 2013. The Notice further advised the Complainant that failure to attend the scheduled hearing might result in dismissal of her case or a

¹ The Complainant's full name has been omitted to preserve her right to confidentiality.

² Pursuant to Code of Maryland Regulations (COMAR) 31.02.01.04-1A(2)(a)-(d), the Maryland Insurance Administration delegated authority to the Office of Administrative Hearings (OAH) to issue a Recommended or Proposed Order in this case. (See August 13, 2013 Delegation of Authority).

³ The OAH sent an identical notice to Mr. Johnson at the address supplied by the MIA. The United States Postal Service did not return that notice to the OAH as undeliverable.

decision against her. The United States Postal Service did not return the Notice to the OAH as undeliverable.

Neither party requested a postponement prior to the scheduled hearing date. I commenced the hearing as scheduled on October 2, 2013, at 1:00 p.m. Neither party nor any representative of that party appeared. After waiting more than twenty minutes, I ended the hearing, intending to enter a default order against the Complainant.

With respect to default judgments, the relevant procedural rule provides as follows: "If, after receiving proper notice, a party fails to attend or participate in a prehearing conference, hearing, or other state of a proceeding, the judge may proceed in that party's absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party." COMAR 28.02.01.23A.

THEREFORE, I PROPOSE that the MIA **ORDER** that:

1. The record reflect that the Complainant is in default;
2. All further proceedings in the captioned matter are **TERMINATED**;
3. The Complainant may file within fifteen days with the Office of the Commissioner, Maryland Insurance Administration, 200 Saint Paul Place, Suite 2700, Baltimore, Maryland 21202, a written motion to modify or to vacate this Default Order, stating the grounds for the request and demonstrating service on the opposing party. If good cause is not shown to excuse the default, the Default Order will be upheld and the disposition set forth above will stand. COMAR 31.02.01.10; and

4. Any motion requesting that the Default Order be vacated or modified must include a certificate of service indicating that a copy of the written motion was mailed, postage prepaid, to Lovrico Antor Johnson, Sr., 9641 Winchester Road, Bunker Hill, West Virginia 25413.

Signature on original

October 7, 2013
Date Proposed Default Issued

HRA/tc
#145420

Henry R. Aprams
Administrative Law Judge

Copies mailed to:

Claimant

Lovrico Antor Johnson Jr.
9641 Winchester Road
Bunker Hill, WV 25413

Nancy Brown
Enforcement Officer
200 Saint Paul Place, Suite 200
Baltimore, MD 21202