

**BEFORE THE
COMMISSION ON LANDLORD TENANT AFFAIRS
FOR MONTGOMERY COUNTY, MARYLAND**

In the Matter of Pauline Davis Complainant	
v.	Case No.9887
Vikram and Vijay Kushawaha Rental Facility: 11235 Columbia Pike, Silver Spring, MD 20901 (Rental License No. 011472) Respondent	

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BACKGROUND

On July 20, 1999, Pauline Davis (the "Complainant"), former tenant at 11235 Columbia Pike, Silver Spring, MD (the "Property"), a licensed single family rental facility in Montgomery County, Maryland, filed a formal complaint with the Office of Landlord-Tenant Affairs within the Department of Housing and Community Affairs (the "Department"), in which she alleged that Vikram and Vijay Kushawaha (the "Respondents"), owners of the Property, assessed unjust charges against her security deposit after the termination of her tenancy, in violation of § 8-203(f)(1) of the Real Property Article, Annotated Code of Maryland, 1996, as amended ("State Code") and failed to return her security deposit plus accrued interest within 45 days after the termination of her tenancy, in violation of § 8-203(e)(1) of the State Code.

After determining that the complaint was not susceptible to conciliation, the Department duly referred this case to the Commission on Landlord-Tenant Affairs (the "Commission") for its review, and on January 4, 2000, the Commission voted to accept jurisdiction of this case, and scheduled a public hearing for February 9, 2000, at 6:30 P.M.

By a letter dated January 23, 2000 (See pages 89 and 90 of Commission's Exhibit No. 1), Respondent Vikram Kushawaha requested that the public hearing be postponed due the fact that he was scheduled to teach a class at Howard University the evening of February 9, 2000. After reviewing the Respondent's request and supporting documentation, the Commission granted the Respondent's request, and rescheduled the hearing for March 21, 2000, at 6:30 P.M.

The record reflects that both the Complainant and the Respondents were given proper notice of the rescheduled hearing date and time (See pages 78-80 and pages 82-88 of Commission's Exhibit No. 1). Present at the hearing was Respondent Vikram Kushawaha, who was represented by attorney Mark Hessel. Complainant, Pauline Davis, failed to appear as of 6:55 P.M. on March 21, 2000.

ORDER

In view of the foregoing, it is the ruling of the Commission that based on Complainant Pauline Davis' failure to appear at the rescheduled public hearing on March 21, 2000, after being properly notified by the Department and by the Commission, and her failure to bring forward her case-in-chief, this 21st day of April, 2000, Case No. 9887 is hereby **DISMISSED** with prejudice.

The foregoing decision was concurred in unanimously by Commissioner Tina Smith-Nelson, Commissioner Mark Becker and Commissioner Roger Luchs, Panel Chairperson.

Any party aggrieved by the action of the Commission may file an administrative appeal to the Circuit Court of Montgomery County, Maryland, within (30) days from the date of this Order, pursuant to the Maryland Rules governing administrative appeals.

Roger Luchs, Panel Chair

Commission on Landlord-Tenant Affairs