

CLAIM. IN A CONSOLIDATED PROCEEDING, THE CLAIMANT SHALL BE A PARTY AND MAY PARTICIPATE IN THE HEARING TO THE EXTENT NECESSARY TO ESTABLISH THE CLAIM.

(3) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A CLAIMANT MAY NOT CONCURRENTLY ADJUDICATE A CLAIM TO RECOVER FROM THE FUND BEFORE THE COMMISSION AND INITIATE LEGAL PROCEEDINGS AGAINST A LICENSED CONTRACTOR ARISING FROM THE SAME FACTS AND CIRCUMSTANCES IN A COURT OF COMPETENT JURISDICTION. UPON THE FILING OF SUCH A LEGAL ACTION, THE COMMISSION SHALL STAY ITS PROCEEDINGS ON THE CLAIM UNTIL THERE IS A FINAL JUDGMENT WITH ALL APPEAL RIGHTS EXHAUSTED. THE COMMISSION SHALL DISMISS THE PENDING CLAIM IF A FINAL JUDGMENT OR AWARD IN ARBITRATION IS DECIDED IN FAVOR OF THE DEFENDANT. TO THE EXTENT THAT A FINAL JUDGMENT OR FINAL AWARD IN ARBITRATION IS DECIDED IN FAVOR OF THE CLAIMANT, THEN THE COMMISSION SHALL APPROVE A CLAIM AGAINST THE FUND TO THE EXTENT AUTHORIZED UNDER § 257E OF THIS SUBTITLE.

257E.

(A) SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (B), THE COMMISSION MAY DIRECT PAYMENT FROM THE FUND ONLY IF:

(1) THE COMMISSION'S DECISION OR ORDER HAS BECOME FINAL IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT WITH ALL RIGHTS OF APPEAL EXHAUSTED; OR

(2) THE CLAIMANT PROVIDES THE COMMISSION WITH A CERTIFIED COPY OF A FINAL JUDGMENT OF A COURT OF COMPETENT JURISDICTION, OR A FINAL AWARD IN ARBITRATION, WITH ALL RIGHTS OF APPEAL EXHAUSTED, IN WHICH THE COURT OR ARBITRATOR HAS EXPRESSLY FOUND ON THE MERITS THAT THE CONDITIONS PRECEDENT TO RECOVERY SET FORTH IN § 257A(A) ARE MET AND HAS MADE A FINDING AS TO THE DOLLAR VALUE OF ANY ACTUAL LOSS.

(B) THE COMMISSION MAY DENY A CLAIM IF IT FINDS THAT A CLAIMANT UNREASONABLY REJECTED GOOD FAITH EFFORTS BY THE LICENSEE TO RESOLVE THE CLAIM.

(C) THE COMMISSION MAY NOT:

(1) AWARD ANY 1 CLAIMANT MORE THAN \$10,000 ON ACCOUNT OF CONDUCT OF ANY 1 LICENSED CONTRACTOR TO ANY 1 CLAIMANT MORE THAN \$10,000, LESS ANY AMOUNT AWARDED TO THE CLAIMANT FROM A BOND PROVIDED FOR IN SECTION 257(C) OF THIS ARTICLE, FOR A CLAIM AGAINST THE FUND AS A RESULT OF THE CONDUCT OF ANY 1 LICENSED CONTRACTOR;

(2) AWARD MORE THAN \$50,000 TO CLAIMANTS ON ACCOUNT OF THE CONDUCT OF ANY 1 LICENSED CONTRACTOR, UNLESS AFTER THE COMMISSION HAS PAID OUT \$50,000 ON ACCOUNT OF THE CONDUCT OF 1 LICENSED CONTRACTOR THAT THE LICENSEE HAS REPAID THE FUND THE FULL \$50,000;