

KEITH RAMSAY et al.

v.

LORNE JEFFREY BROWN

Submitted on Briefs April 29, 2010
Decided May 11, 2010

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,
GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Lorne Jeffrey Brown appeals from the judgment of the Superior Court (York County, *Brennan, J.*) finding a violation of the Maine Unfair Trade Practices Act, 5 M.R.S.A. §§205-A to 214 (1989 & Pamph. 2000), and awarding Keith and Deana Ramsay a judgment, including attorney fees, in the amount of \$31,579.39. The court entered judgment in favor of Brown on separate claims for violation of the Home Construction Contracts Act, 10 M.R.S.A. §§ 1486-1490 (1997), and for negligent misrepresentation.¹ Brown contends that the Superior Court erred in certain pretrial orders relating to discovery and alternative dispute resolution and in its findings regarding his personal liability for violation of the Unfair Trade Practices Act.

No transcript of the trial in this matter has been provided. Without a transcript, we are unable to assess the validity of Brown's claims regarding the findings made by the court and the discretionary rulings of the court incident to its

¹ Portions of the Maine Unfair Trade Practices Act have since been repealed, enacted, or amended by: P.L. 2001, ch. 370, §§ 1-5 (effective Sept. 21, 2001); P.L. 2007, ch. 222, § 1 (effective Sept. 20, 2007); and P.L. 2007, ch. 466, § A-4 (effective July 2, 2007). Portions of the Home Construction Contracts Act have since been enacted or amended by: P.L. 2003, ch. 85, §§ 1-2 (effective Sept. 13, 2003); P.L. 2005, ch. 619, §§ 1-4 (effective Sept. 1, 2006); and P.L. 2009, ch. 173, §1 (effective Sept. 12, 2009).

judgment. *See Advanced Constr. Corp. v. Pilecki*, 2006 ME 84, ¶¶ 13-17, 901 A.2d 189, 195-96 (addressing circumstances in which an individual may be personally liable for violations of the Unfair Trade Practices Act); *Mariello v. Giguere*, 667 A.2d 588, 590 (Me. 1995) (same). When no transcript is available, we must infer that the findings of the court, its discretionary rulings, and the remedies it ordered are supported by evidence in the record. *See Jefts v. Dennis*, 2007 ME 129, ¶ 7, 931 A.2d 1055, 1057.

The entry is:

Judgment affirmed. Remanded for consideration
of attorney fees on appeal.

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