



STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF BUILDING, DESIGN & FIRE PROFESSIONALS
560 JEFFERSON BLVD.
WARWICK, RI 02886-1394

<p>IN THE MATTER OF:</p> <p>RAYMOND OLIVER, d/b/a T&R CONSTRUCTION, REGISTRATION 18226</p> <p><i>RESPONDENT</i></p>	<p>2021-CRLB-002</p>
--	-----------------------------

CONSENTED TO FINAL ORDER

The Rhode Island Department of Business Regulation through its State Building Office (“Department”) and Raymond Oliver, d/b/a T&R Construction, Registration # 18226 (“Respondent” and, together with the Department, collectively the “Parties”), hereby consent and agree that:

1. The Respondent is a contractor registered with the Contractors’ Registration and Licensing Board (the “Board”) holding registration #18226 which was last renewed on September 4, 2020, for a two-year period expiring September 1, 2022 (the “Registration”).
2. The Board received four complaints against the Respondent during the period February 11, 2021 through August 31, 2021.
3. Complaint 10274 was filed by homeowners [REDACTED] against Respondent on or about February 11, 2021. The complaint alleged that Respondent was hired on or about July 2018 to perform interior and exterior home renovations on a residence in Coventry. Respondent was paid approximately \$60,000.00 of the contract price of \$90,000.00. As of February 11, 2021, the Respondent had not substantially completed the work agreed upon. The homeowners were left without a working kitchen, upstairs bathroom, functional bedrooms, and



no living area other than a portion of the basement within which they had been residing since work commenced.

4. Due to the nature and complexity of the complaint, the Board determined that a court was the appropriate forum for the adjudication of the claim. The homeowners have since filed a civil suit, which is pending in Kent Superior Court, case [REDACTED]
5. As a result of Complaint, 10274, on or about November 30, 2021, Notice of Violation/Proposed Order # 6246 was issued to Respondent alleging the following violations of statute and assessing \$35,000.00 in fines:
 - 1) Engaged in repeated acts in violation of R.I. Gen. Law § 5-65, R.I. Gen. Law § 5-65-10(a)(9)
 - 2) Engaging in conduct as a contractor that is dishonest or fraudulent that the Board finds injurious to the welfare of the public, R.I. Gen. Law § 5-65-10(a)(3)
 - 3) Failing to display a registration number, R.I. Gen. Law § 5-65-22
 - 4) Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
 - 5) Failure to provide mechanic's lien notice, R.I. Gen. Law § 5-65-18
 - 6) Breach of contract, R.I. Gen. Law § 5-65-10(a)(11)
 - 7) Contractor performed improper work, R.I. Gen. Law § 5-65-10(a)(12)
6. Complaint 10426 was filed by homeowner [REDACTED] against Respondent on or about June 13, 2021. The complaint alleged that Respondent was hired to perform home renovations and install a fence on a residence in Coventry but did not perform any work.
7. During an investigation conducted by Senior Investigator Michael Suriani, undertaken on or about June 25, 2021, Investigator Suriani learned that the homeowners entered into an agreement with Raymond Oliver of T & R Construction to erect an addition to their existing home. The addition would consist of a master bedroom, master bath, walk in closet, and laundry room. The cost of the project was \$63,000.00. A check dated March 30, 2021 was provided to Oliver for a deposit of \$21,000.00. As of the date of the complaint, no plans were drawn, no permits were pulled, and no materials were secured. Subsequent to the written



contract for the master bedroom addition, the homeowners entered into an oral contract for the construction of a fence for \$6,300.00. A deposit of \$2,500.00 was paid to the Respondent via check on June 2, 2021. As of the date of the complaint, Oliver had set only 3 wooden poles. The remaining 9 poles were on site but not installed. No vinyl had been delivered.

8. During his investigation, Investigator Suriani also learned that the homeowners asked Respondent to refund their money numerous times and even though he promised to, he never did. The last request was made on June 10, 2021 and Respondent told the homeowner, “he didn’t have it...he had spent it.” In addition to the complaint filed with the Board, the homeowners filed a criminal complaint with the Coventry Police which led to the arrest of Respondent for the charge of Obtaining Money Under False Pretenses.¹
9. As part of the investigation, Investigator Suriani contacted the Respondent to discuss the complaint. In doing so, Respondent admitted that “he owed them money”. Multiple attempts by the Board to negotiate a settlement were unsuccessful and the claim portion of the complaint was closed on August 18, 2021.
10. As a result of the investigation into Complaint 10426, on or about October 27, 2021, the Department issued Notice of Violation/Proposed Order #5973, alleging the following violations of statute and assessing \$2,500.00 in fines:
 - 1) Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
 - 2) Failure to provide mechanic’s lien notice, R.I. Gen. Law § 5-65-18
 - 3) Failing to display a registration number, R.I. Gen. Law § 5-65-22
11. On or about July 30, 2021, a concerned third party sent an email to State Building Code Commissioner, James Cambio, to notify the Board of a situation where the Respondent “had

¹ On July 2, 2021 the homeowners filed with the Coventry Police Department a criminal complaint (21-1041-OF) for the charge of Obtaining Money Under False Pretenses. The case is presently awaiting felony screening by the Attorney General’s Office.



scammed another senior citizen.” As a result of the information, the Board assigned an investigator to follow up. On or about October 15, 2021, Principal State Building Code Official, Matthew Lambert, met with [REDACTED]. Upon interviewing [REDACTED] Principal Lambert learned that [REDACTED] husband had seen Oliver in the neighborhood and asked him about repairing a large shed. Respondent and the [REDACTED] subsequently entered into an oral contract to perform the work. Although the total value of the work is unknown, [REDACTED] paid Respondent a deposit of \$8,000.00 on April 29, 2021. Over the next several months, [REDACTED] and then [REDACTED] (after [REDACTED] passed away²) made multiple attempts to contact Respondent because the work was never started and there had been no further communication from Respondent.

12. Lambert was also told that on August 24, 2021, that [REDACTED] filed a criminal complaint against Respondent with the Coventry Police Department.³ After being notified of the pending charge, Respondent, through his attorney, contacted [REDACTED] and the Coventry Police Department to arrange for the return of the \$8,000.00. The money was returned on September 3, 2021 and the criminal complaint was withdrawn.

13. As a result of this investigation, on or about October 27, 2021, the Department issued Notice of Violation/Proposed Order # 6181, alleging the following violations of statute and assessing \$40,000.00 in fines:

- 1) Failure to provide written contract for work over \$1,000, R.I. Gen. Law § 5-65-3(o)
- 2) Failure to provide right of rescission, R.I. Gen. Law § 5-65-3(p)
- 3) Engaged in conduct as a contractor that is dishonest or fraudulent that the Board finds injurious to the welfare of the public, R.I. Gen. Law § 5-65-10(a)(3)
- 4) Engaged in repeated acts in violation of R.I. Gen. Law § 5-65, R.I. Gen. Law § 5-65-10(a)(9)

² [REDACTED] who entered into the oral agreement with Respondent, passed away on July 4, 2021.

³ Criminal complaint [REDACTED] dated August 24, 2021 is for the charge of Obtaining Money Under False Pretenses. The criminal complaint was later withdrawn.



- 5) Breach of contract, R.I. Gen. Law § 5-65-10(a)(11)
- 6) Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
- 7) Failure to provide mechanic's lien notice, R.I. Gen. Law § 5-65-18
- 8) Failing to display a registration number, R.I. Gen. Law § 5-65-22

14. Complaint 10549 was filed by a homeowner [REDACTED] against Respondent on or about August 31, 2021. The complaint alleged that Respondent was hired to perform a home renovation, but the Respondent failed to timely perform the work. As a result of the complaint, the Board assigned an investigator to follow up.

15. On or about September 22, 2021, Chief of Inspections Michael Scallon met with the homeowner. Upon interviewing the homeowner, Chief Scallon learned that the homeowner had hired Respondent in December of 2020 to complete a home renovation. However, no written contract was executed. The homeowner paid Respondent a total of \$55,000.00 via cash and checks, as partial payment for the work⁴. The homeowner stated that "Respondent probably hasn't actually done any work on my house since last June and I took over as "general contractor" since early July....I assumed the role of finding construction help, roofers, gutters, etc... as well as the purchase of all materials needed for each step of the job. In addition, Tommy and Dennis (referred to on my payment summary) were originally on Raymond's payroll but I had to also assume the weekly payments to those men in order to keep my project moving."

16. After filing the complaint with the Board, and without Board involvement, the Parties advised the Board that they were entering into a private agreement to resolve the matter.⁵ Based on that

⁴ \$10,000.00 via check on December 29, 2020; \$20,000.00 via check on February 26, 2021; \$10,000.00 in cash in March of 2021; \$10,000.00 via check on April 22, 2021; and \$5,000.00 via check on May 25, 2021.

⁵ The homeowner informed Chief Scallon that terms of the agreement called for the Respondent to repay the homeowner the sum of \$50,000 in monthly installments of a minimum of \$2,000 per month until the full amount was paid. The total was due on or before July of 2022. Per the homeowner, the only payment made by the Respondent was in the amount of \$2,000.00 on December 21. The balance due is \$48,000.00



information, the Board discontinued processing the claim portion of the complaint but maintained its regulatory authority to impose sanctions for violations of statute.

17. As a result of the investigation into Complaint 10549, on or about October 27, 2021, the Department issued Notice of Violation/Proposed Order #6180, alleging the following violations of statute and assessing \$35,000.00 in fines:

- 1) Failure to provide written contract for work over \$1,000, R.I. Gen. Law § 5-65-3(o)
- 2) Breach of contract, R.I. Gen. Law § 5-65-10(a)(11)
- 3) Engaging in conduct as a contractor that is dishonest or fraudulent that the Board finds injurious to the welfare of the public, R.I. Gen. Law § 5-65-10(a)(3)
- 4) Engaged in repeated acts in violation of R.I. Gen. Law § 5-65, R.I. Gen. Law § 5-65-10(a)(9)
- 5) Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
- 6) Failure to provide mechanic's lien notice, R.I. Gen. Law § 5-65-18
- 7) Failing to display a registration number, R.I. Gen. Law § 5-65-22

18. Based upon the foregoing, on October 27, 2021, the Department issued an Emergency Order summarily suspending Respondent's Registration and an Order to Show Cause why Respondent's Registration should not be permanently revoked, Respondent should not be fined or otherwise be sanctioned (collectively the "OSC"). The OSC included the Department's appointment of a Hearing Officer and Notice of Hearing to Respondent.

19. It is the Department's position that the multitude and serious nature of the Respondent's violations and the corresponding detrimental impact upon the public warrant revocation of the Respondent's Registration and imposition of the maximum fines pursuant to R.I. Gen. Laws § 5-65-10 and 440-RICR-10-00-1 (the "CRLB Regulations").

20. The Parties have conducted a pre-hearing conference and status conferences with the Hearing Officer in this matter.

21. In an effort to affect a timely and amicable resolution of the issues raised in the OSC without an administrative hearing with its attendant time and costs, the Department and the Respondent



enter into this Consented to Final Order solely for the purpose of avoiding the burdens and expense of litigation. The Parties agree to resolve the matter based upon the satisfaction of each of the following terms and conditions:

22. Complaint 10274

- 1) The Respondent shall pay restitution in the amount of \$30,000.00 to [REDACTED]
- 2) Payments shall be made over a 24-month period, with each payment due on or before the 1st of each month.
- 3) The first payment shall be due on or before March 1, 2022.
- 4) Payments 1 through 24 shall be in the amount of \$1,250.00
- 5) Payments shall be in the form of a certified or bank check and made directly to [REDACTED]

23. Complaint 10426

- 1) The Respondent shall pay restitution in the amount of \$23,500.00 to [REDACTED]
- 2) Payments shall be made over a 24-month period, with each payment due on or before the 1st of each month.
- 3) The first payment shall be due on or before March 1, 2022.
- 4) Payments 1 through 23 shall be in the amount of \$979.00
- 5) Payment 24 shall be in the amount of \$983.00.
- 6) Payments shall be in the form of a certified or bank check and made directly to [REDACTED]

24. Complaint 10549

- 1) The Respondent shall pay restitution in the amount of \$48,000.00 to [REDACTED]
- 2) Payments shall be made over a 24-month period, with each payment due on or before the 1st of each month.
- 3) The first payment shall be due on or before March 1, 2022.
- 4) Payments 1 through 24 shall be in the amount of \$2,000.00
- 5) Payments shall be in the form of a certified or bank check and made directly to [REDACTED]

25. Notice of Violation/Proposed Order #5973⁶

⁶ Associated with Complaint 10426



1) Respondent admits that had the matter proceeded to a hearing, the State would have met its burden, to a preponderance of the evidence, that the Respondent committed the following violations:

- a. Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
- b. Failure to provide mechanic's lien notice, R.I. Gen. Law § 5-65-18
- c. Failing to display a registration number, R.I. Gen. Law § 5-65-22

26. Notice of Violation/Proposed Order # 6246⁷

1) Respondent admits that had the matter proceeded to a hearing, the State would have met its burden, to a preponderance of the evidence, that the Respondent committed the following violations:

- a. Engaged in repeated acts in violation of R.I. Gen. Law § 5-65, R.I. Gen. Law § 5-65-10(a)(9)
- b. Engaging in conduct as a contractor that is dishonest or fraudulent that the Board finds injurious to the welfare of the public, R.I. Gen. Law § 5-65-10(a)(3)
- c. Failing to display a registration number, R.I. Gen. Law § 5-65-22
- d. Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
- e. Failure to provide mechanic's lien notice, R.I. Gen. Law § 5-65-18
- f. Breach of contract, R.I. Gen. Law § 5-65-10(a)(11)
- g. Contractor performed improper work, R.I. Gen. Law § 5-65-10(a)(12)

27. Notice of Violation/Proposed Order #6181⁸

1) Respondent admits that had the matter proceeded to a hearing, the State would have met its burden, to a preponderance of the evidence, that the Respondent committed the following violations:

- a. Failure to provide written contract for work over \$1,000, R.I. Gen. Law § 5-65-3(o)
- b. Failure to provide right of rescission, R.I. Gen. Law § 5-65-3(p)
- c. Engaged in conduct as a contractor that is dishonest or fraudulent that the Board finds injurious to the welfare of the public, R.I. Gen. Law § 5-65-10(a)(3)
- d. Engaged in repeated acts in violation of R.I. Gen. Law § 5-65, R.I. Gen. Law § 5-65-10(a)(9)
- e. Breach of contract, R.I. Gen. Law § 5-65-10(a)(11)
- f. Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)

⁷ Associated with Complaint 10274

⁸ Associated with [REDACTED] investigation



- g. Failure to provide mechanic's lien notice, R.I. Gen. Law § 5-65-18
- h. Failing to display a registration number, R.I. Gen. Law § 5-65-22

28. Notice of Violation/Proposed Order #6180⁹

1) Respondent admits that had the matter proceeded to a hearing, the State would have met its burden, to a preponderance of the evidence, that the Respondent committed the following violations:

- a. Failure to provide written contract for work over \$1,000, R.I. Gen. Law § 5-65-3(o)
- b. Breach of contract, R.I. Gen. Law § 5-65-10(a)(11)
- c. Engaging in conduct as a contractor that is dishonest or fraudulent that the Board finds injurious to the welfare of the public, R.I. Gen. Law § 5-65-10(a)(3)
- d. Engaged in repeated acts in violation of R.I. Gen. Law § 5-65, R.I. Gen. Law § 5-65-10(a)(9)
- e. Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
- f. Failure to provide mechanic's lien notice, R.I. Gen. Law § 5-65-18
- g. Failing to display a registration number, R.I. Gen. Law § 5-65-22

29. To resolve violations 5973, 6246, 6181, and 6180, Respondent shall be fined \$40,000.00.

- 1) Payments shall be made over a 12-month period, with each payment due on or before the 1st of each month.
- 2) The first payment shall be due on or before March 1, 2024.
- 3) Payments 1 through 23 shall be in the amount of \$3,333.00
- 4) Payment 24 shall be in the amount of \$3,337.00.
- 5) Payments shall be made to the State of Rhode Island via bank or certified check or through the Contractors' Registration and Licensing Board online portal.

30. Upon the execution of this Consented to Final Order, the Respondent's Registration, GC 18226, shall be permanently revoked, and all rights and privileges associated therewith shall immediately and irrevocably terminate and be null and void.

31. Respondent shall not hereafter undertake, offer to undertake, submit a bid, perform or arrange to perform work as a contractor.

⁹ Associated with Complaint 10549



32. Respondent certifies to the Department that, except for the homeowners of Complaint # 10274, Complaint #10426 and Complaint #10549, there are no other persons for whom Respondent has unperformed work or other outstanding contractor related obligations.
33. If there are other persons for whom Respondent had unperformed work or other outstanding contractor related obligations, Respondent shall immediately cease to perform any work and notify said individuals of the revocation of Respondent's Registration.
34. By agreeing to resolve this matter through the execution of this Consented to Final Order, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1, *et seq.*
35. If the Respondent fails to comply with any term or condition of this Consented to Final Order within any applicable time period set forth herein, including Respondent's obligation to make any initial or periodic payment to a homeowner as described in ¶¶ 22-24 or to the State as described in ¶¶ 25-29, the Respondent will be in violation hereunder and the Department shall be entitled to immediately take enforcement or other action in accordance with applicable law.
36. Respondent acknowledges and agrees that while the Department has agreed to reduced monetary fines at this time, the Department expressly reserves and shall have the right to impose all applicable fines under R.I. Gen. Laws § 5-65-10 and the CRLB Regulations on account of the violations described herein in the event Respondent fails to comply with any term or condition of this Order, including Respondent's obligation to make any initial or periodic payments as described in ¶¶ 22-29.



37. The Parties agree that upon full payment of restitution, as described in ¶¶ 22-24, the Respondent shall have thirty (30) days to file a Motion to Amend the fines as described in ¶ 29.

38. Compliance with the terms of this Consented to Final Order does not relieve the Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

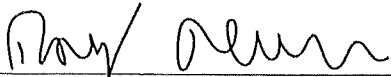
[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]



Signature Page

For the Respondent:

**RAYMOND OLIVER, d/b/a T&R
CONSTRUCTION, REGISTRATION 18226**



Raymond Oliver
Respondent

2/18/22

Date

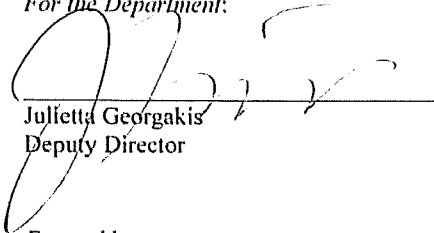
Albert E. Medici, Jr.

Albert Medici, Esq.
Counsel for the Respondent

Feb 18, 2022

Date

For the Department:

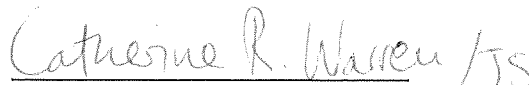


Julietta Georgakis
Deputy Director

Feb. 18, 2022

Date

Entered by:



Catherine R. Warren, Esq.
Hearing Officer

2/21/2022

Date

Signature: Albert E. Medici, Jr.
Albert E. Medici, Jr. (Feb 18, 2022 10:19:51)

Email: am@medicisciaccia.com

Signature: Ray Oliver

Email: trnoliver73@yahoo.com

Signature: 

Email: julietta.georgakis@dbr.ri.gov

Signature:

Email: catherine.warren@doa.ri.gov

Certification:

I, /s/ Jenny Shaw hereby certify that on this 21st day of February, 2022, that a copy of the within Consent to Final Order was sent by first class mail and email to Al Medici (AM@MSLAW-PC.COM) and by electronic delivery to John Dean, Esquire (john.dean@dbr.ri.gov), Ania Zielinski, Esquire (ania.zielinski@dbr.ri.gov), and Matthew Lambert (matthew.lambert@dbr.ri.gov).