



Rhode Island Department of Business Regulation

Contractors' Registration and Licensing Board

560 Jefferson Blvd. Ste. 100, Warwick, Rhode Island 02886

Telephone: (401) 921-1590 Fax: (401) 889-5535

VIA- Certified Mail

March 28, 2022

JAGG CONSTRUCTION
MICHAEL FEOLE

Registration/License Number: GC-19883
Claim Associated with Violation: C-C-10619

RE: FINAL ORDER AND SUSPENSION OF REGISTRATION
Disciplinary Action - Violation # V-6289

On or about December 17, 2021 , you were provided with a Notice of Violation/Proposed Order, a copy of which is attached and incorporated as if stated again in full, that the Rhode Island Contractors' Registration and Licensing Board determined that you were in violation of Rhode Island General Laws and intended to assess civil penalties.

Because you did not request a hearing or pay the fines as assessed within the time allowed, the Notice of Violation/Proposed Order has converted to a Final Order. The fines, as listed above, are now due and payable. If payment is not received within twenty (20) days, your registration will be suspended and your case may be referred to the Office of the Attorney General for criminal prosecution pursuant to RIGL § 5-65-19 and/or referred to the Central Collections Unit pursuant to RIGL § 42-142-1.

You have the right to appeal this Final Order by completing the attached form and returning to the CRLB within twenty (20) days of the date of this mailing. For additional information, please see our website at www.crb.ri.gov, or contact us by telephone at (401) 921-1590.

Sincerely,

A handwritten signature in black ink, appearing to read "Santiago O. Giron".

Santiago O. Giron
Investigator
Contractors' Registration & Licensing Board
Division of Building, Design & Fire Professionals
Department of Business Regulations
santiago.giron@dbr.ri.gov
Phone (401) 921-1209
Cell (401) 486-1531



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Contractors' Registration and Licensing Board**

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**JAGG CONSTRUCTION
MICHAEL FEOLE**

Registration/License Number: GC-19883
Claim Associated with Violation: C-C-10619

**RE: NOTICE OF INTENT TO ASSESS CIVIL PENALTY AND OPPORTUNITY FOR HEARING –
PROPOSED ORDER
Disciplinary Action - Violation # V-6289**

This letter serves to notify you that the Rhode Island Contractors' Registration and Licensing Board(CRLB) has determined that on or about March 28, 2021, at 22 Bourque Road, Cumberland, RI 02864 violations of the following section(s) of Rhode Island General Laws were discovered and the CRLB intends to assess civil penalties as proposed.

Violation

5-65-3(m) - Failure to secure permits prior to commencing work

Violation Penalty

5,000

Description

On or about May 1, 2021 the respondent began work at 22 Bourque Rd, Cumberland, building an inground pool. This work is of the type which requires that a building permit be taken out prior to commencing work. A check of the permitting database showed that no permit was issued by the town of Cumberland.

Violation

5-65-10(a)(11) - Breach of contract

Violation Penalty

5,000

Description

Respondent entered into a contract with Derek Silva on or about March 28, 2021 for the construction of an inground pool. On or about October 14, 2021 homeowner filed a complaint with the CRLB alleging, in pertinent part, that the Respondent had breached the contract. The investigation showed that the Respondent breached the contract by not completing the work. The contract states the project would be complete by the end of July, 2021.

Violation

5-65-18 - Failure to provide mechanic's lien notice

Violation Penalty

5,000

Description

Contracts for work require notice that the contractor provide the consumer with a notice that the contractor may file a lien in accordance with the Mechanic' Lien Law, as found in R.I. Gen. Law 34-28. Upon review of the written contract, the required notice was absent from the contract.

Fine amount: \$15,000

You have the right to a hearing. You must request a hearing in writing, to the Contractors' Registration Board, 560 Jefferson Blvd, Warwick, RI 02886 within twenty (20) days of the date of this mailing or issuance of the Notice of Intent to Assess Civil Penalty. Failure to apply for, or to attend a scheduled hearing, will result in the issuance of a Final Order.

For additional information, please see our website at www.crb.ri.gov, or contact us by telephone at: (401) 921-1590.

Sincerely,



Santiago O. Giron
Investigator
Contractors' Registration & Licensing Board
Division of Building, Design & Fire Professionals
Department of Business Regulations
santiago.giron@dbr.ri.gov
Phone (401) 921-1209
Cell (401) 486-1531



**Rhode Island Department of Business Regulation
Division of Building, Design & Fire Professionals
STATE BUILDING OFFICE**

REQUEST FOR APPEAL

Please type or print legibly. Incomplete or unreadable applications will be returned. Please allow 7-10 business days for processing

**THIS FORM MUST BE RECEIVED BY THE BOARD WITHIN
TWENTY (20) DAYS OF THE NOTICE OF VIOLATION OR
DECISION OF HEARING OFFICER**

TYPE OF REQUEST	
APPEAL OF NOTICE OF VIOLATION TO HEARING OFFICER	<input type="checkbox"/>
APPEAL OF DECISION OF HEARING OFFICER TO FULL BOARD	<input type="checkbox"/>

APPLICANT INFORMATION			
Notice of Violation Date		Violation/File Number:	
Date of Decision/Final Order		Claim Number:	
Registration/License Type:		Registration/License #	
Name:			
Residential Address:			
City:	State:	Zip Code:	
Mailing Address (if different):			
City:	State:	Zip Code:	
Phone Number:	Cell Phone:	Email:	

BRIEFLY DESCRIBE REASON FOR APPEAL

STANDARD OF REVIEW AND PROCEDURE FOR APPEAL OF NOTICE OF VIOLATION/PROPOSED ORDER

At hearing, the CRLB must prove the alleged violation(s) by a preponderance of the evidence. If proven, the Hearing Office will issue a Decision/Final Order. Decisions/Final Orders may be appealed to the Board as indicated below.

STANDARD OF REVIEW AND PROCEDURE FOR APPEAL OF DECISION OF HEARING OFFICER

In accordance with § 1.13.2 of CRLB regulation 440-RICR-10-00-1,

- a. The Board shall only consider evidence presented to the Hearing Officer, issues raised in the appeal, and written and/or oral argument relative to the Decision/Final Order issued by the Hearing Officer.
- b. The Board may limit the time allowed for oral argument.
- c. The Board will not consider any new or additional evidence not already presented below to the Hearing Officer.
- d. The CRLB staff investigator may report on their investigative findings.

Consistent with §§ 5-65-20, 440-RICR-10-00-1.13.2, and the Administrative Procedures Act § 42-35-1 et seq., the Board will affirm the Hearing Officer’s Decision if it is supported by substantial evidence in the record. The Board will not substitute its judgment for that of the Hearing Officer as to the weight of the evidence on questions of fact. Alternatively, the Board may dismiss or modify the Hearing Officer’s decision if it was arbitrary or capricious, or affected by other error of law. The Board may remand the case for further proceedings, if applicable.

It shall be the Appellant’s sole responsibility, or that of his/her or its representative, to present his/her Appeal to the Board. The Appellant may be represented by legal counsel admitted in the State of Rhode Island. If Appellant fails to appear at the Hearing and has not otherwise notified the Board of his/her or its inability to attend, the Board shall dismiss the Appeal and affirm the Decision of the Hearing Officer.

The deadline for the Appellant to submit briefs and/or written arguments shall be fourteen (14) calendar days prior to the hearing. Oral arguments shall begin with the Party that filed the appeal. Time limits for oral arguments shall be limited to fifteen (15) minutes. A rebuttal time of three (3) minutes may be allowed. The Chair of the Board, or his/her designee, will oversee the proceedings.

AFFIRMATION

I swear, under the pains and penalties of perjury, that the information provided in connection with this Request for Appeal is true to the best of my knowledge, with the understanding that any omissions, inaccuracies, and/or failure to make full disclosures may be deemed sufficient reason to deny or revoke registration/licensure by the CRLB.:

Signature

Date

Print

SUBMISSION

Submit this application to:
RI Contractors’ Registration and Licensing Board
Attn: Matthew Lambert
560 Jefferson Boulevard
Warwick, RI 02886

OR
Email to Matthew.Lambert@dbr.ri.gov