

STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
Division of Building, Design, and Fire Professionals
560 Jefferson Blvd., 1st Floor
Warwick, RI 02886

IN THE MATTER OF:

KELLER, ATTILA, D/B/A
RICON HOMES, LLC, D/B/A
RICON MODULAR HOMES, LLC,
RESPONDENT.

DBR No. 22DP002

CONSENT AGREEMENT

The Department of Business Regulation's State Building Office¹ which includes the Board of Registration for Professional Engineers and the Contractors Registration and Licensing Board ("Department"), enters into this Consent Agreement with Attila Keller ("Respondent").

The Department and the Respondent hereby agree that:

1. Respondent is an individual who now resides in Pest County, Hungary, and who has previously conducted business in the state of Rhode Island as the owner of and principal for RICON Homes, LLC., and RICON Modular Homes, LLC.
2. As of February 14, 2022, RICON Homes, LLC, and RICON Modular Homes, LLC, had their registrations of organization revoked by the Rhode Island Secretary of State's Office for failure to provide an annual report.
3. Respondent has been a registered contractor in Rhode Island since May 11, 1999. His current contractor registration (GC-17309) expires on May 1, 2023.

¹ Pursuant to R.I. Gen. Laws § 5-84-3.1(a): "There shall be the state building office within the department of business regulation's division of building, design and fire professionals which shall consist of: the office of the state building commissioner, the board of registration for professional engineers, the board of registration for professional land surveyors, the board of examination and registration of architects, the board of examiners of landscape architects, and the contractors' registration and licensing board."

4. Upon review of the Department's records, the only other Rhode Island registration or license that has been held by the Respondent is a real estate salesperson license that expired on April 30, 2004. Respondent is not a registered professional engineer in Rhode Island or any other US jurisdiction. No other licenses, registrations or certificates of authorization have been issued by the Department to the Respondent.
5. On or about, September 21, 2022, the Department received a complaint from a municipal building/zoning official that a building permit application had been submitted for construction of a new single-family dwelling with engineering plans that appeared to have been altered by Respondent.
6. The town building/zoning official also informed the Department that Respondent had failed to obtain the necessary building permits before performing foundation excavation work.
7. In his November 21, 2022 response to the Department's notification of the above-described alteration of engineering plans and failure to obtain building permits, Respondent admitted to altering the engineering plans to get a building permit for this project.
8. Also in his response, Respondent stated he has moved out of the country with no intention of returning to Rhode Island, at least not for the purpose of working as a registered contractor.
9. R.I. Gen. Laws § 5-8-1 provides:

It is unlawful for any person to practice, or to offer to practice, engineering in this state, as defined in the provisions of this chapter, or to use in connection with his or her name or otherwise assume, or advertise any title or description tending to convey the impression that he or she is an engineer, unless that person has been registered or exempted under the provisions of this chapter. The right to engage in the practice of engineering is deemed a personal right, based on the qualifications of the individual as evidenced by his or her certificate of registration, which is not transferable.

10. R.I. Gen. Laws § 5-8-20(a) provides:

(a) No individual shall: (1) Practice or offer to practice engineering in this state . . . unless that individual holds a currently valid certificate issued pursuant to this chapter or is specifically exempted from the certificate requirement under the provisions of this chapter.

11. R.I. Gen. Laws § 5-84-6 provides in relevant part:

If the director has reason to believe that any person, firm, corporation, or association is conducting any activity under the jurisdiction of the division of building, design and fire professionals including professional engineering . . . without obtaining a license or registration, . . . the director, or the director's designee, may, either on his or her own initiative or upon recommendation of the appropriate board, issue an order to that person, firm, corporation, or association commanding them to appear before the department at a hearing to be held not sooner than ten (10) days, nor later than twenty (20) days, after issuance of that order to show cause why the director, or the director's designee, should not issue an order to that person to cease and desist from the violation of the provisions of this chapter or chapters 1, 8, 8.1, 51, and/or 65 of this title.

12. R.I. Gen. Laws § 5-65-3(m) provides that a registered contractor “must see that permits required by the state building code are secured on behalf of the owner prior to commencing the work involved.”

13. Rhode Island State Building Code as outlined in R.I. Gen. Laws § 23-27.3-113.1 provides:

It shall be unlawful to construct, enlarge, alter, remove, or demolish a building, or change the occupancy of a building from one use group as defined in this code to another; or install or alter any equipment for which provision is made or the installation of which is regulated by this code, without first filing an application with the building official in writing and obtaining the required permit thereof; except that ordinary repairs as defined in § 23-27.3-102.0 which do not involve any violation of this code shall be exempt from this provision.

14. R.I. Gen. Laws § 5-65-10(a) and (b) (in relevant part) provides:

(a) The board or office may revoke, suspend, or refuse to issue, reinstate, or reissue a registration if the board or office determines, after notice and opportunity for a hearing:

(1) That the registrant or applicant has violated § 5-65-3 or any other provision of this chapter or the regulations promulgated thereunder.

...

(3) That the registrant, licensee, or applicant has engaged in conduct as a contractor that is dishonest or fraudulent that the board or office finds injurious to the welfare of the public.

...

(7) That the registrant has violated state building codes.

...

(b) Subject to providing notice and an opportunity for a hearing, in addition to all other remedies, when the board or office has reason to believe that a person has engaged in, or is engaging in, any act, practice, or transaction that violates the provisions of this chapter or the regulations promulgated thereunder, the board or office may order such person to cease and desist from the violation or request the attorney general to apply to the court for an injunction restraining the person from violating the provisions of this chapter.

15. To affect a timely and amicable resolution of this matter without an administrative hearing, the Department and Respondent agree as follows:

- a. Respondent shall immediately cease and desist from any and all unregistered professional engineering activity within the state of Rhode Island; and
- b. Respondent shall permanently surrender his general contractor's registration, GC-17309, to the Contractor's Registration and Licensing Board (CRLB), and upon signing this Consent Agreement Respondent understands that the CRLB will change his registration status in the Department's registration database to "inactive."

16. By agreeing to enter into this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing in this matter and waives any right to pursue an appeal in this matter to the Superior Court under the Rhode Island Administrative Procedures Acts, R.I. Gen. Laws § 42-35-1, *et. seq.*
17. If Respondent fails to comply with any of the terms contained within this Consent Agreement, then the Board and/or the Department may initiate further administrative proceedings against the Respondent.
18. Respondent agrees that he has had an opportunity to retain legal counsel to represent him in connection with this matter, and that he fully understands and acknowledges all the terms contained within this Consent Agreement, and that he has signed this Consent Agreement knowingly and voluntarily.
19. This Consent Agreement is a public record under the Access to Public Records Act, R.I. Gen. Laws Chapter 38-2, and § 1.5(C) of 440-RICR-10-00-1.

For the Department:


Donna Costantino
Associate Director
State Building Office

Date: 1/18/23

For the Respondent:

Attila Keller
Attila Keller (Jan 18, 2023 13:04 EST)
Attila Keller
d/b/a RICON Homes, LLC
d/b/a RICON Modular Homes, LLC

Date: 1/18/2023

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of January, 2023, a copy of the enclosed Consent Agreement was sent by email to the Respondent at the following email address, ricnhomes1@gmail.com.


