

**STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
CONTRACTORS' REGISTRATION AND LICENSING BOARD
560 JEFFERSON BOULEVARD, SUITE 100
WARWICK, RI 02889**

IN THE MATTER OF:	:	
	:	
JOSEPH CAPRIO,	:	GC# 42958
a/k/a JAY CAPO,	:	Complaint No. 23-420
d/b/a SEALER PRO SEALCOATING, LLC;	:	
d/b/a THE FAMILY COMPANY, LLC;	:	
d/b/a THE FAMILY COMPANY	:	
SEALCOATING; d/b/a DADBODZ	:	
SEALCOATING A FAMILY	:	
COMPANY LLC; d/b/a DAD BODZ	:	
SEALCOATING; d/b/a DAD BODZ	:	
CONSTRUCTION LLC;	:	
	:	
RESPONDENT.	:	
	:	
	:	

STIPULATION AND CONSENT ORDER

PROCEDURAL BACKGROUND AND TRAVEL

On or about December 8, 2023, Respondent was issued a Notice of Hearing (“NOH”) by the Department of Business Regulation (“Department”) for and on behalf of the Contractors’ Registration and Licensing Board (“CRLB” of the “Board”).¹ The NOH provided Respondent with written notice of the appointment of a Hearing Officer to conduct an Administrative Hearing to determine whether Respondent has violated Chapter 5-65 of the Rhode Island General Laws (“Chapter 5-65”) and whether fines and/or other relief should be ordered.

Prior to a pre-hearing conference being held in this matter, the Respondent and the CRLB (the “Parties”) reached an agreement to settle the matter without the need for hearing. This

¹ See R.I. Gen. Laws § 5-84-3.1.

Stipulation and Consent Order confirms the stipulated facts in this matter and the agreed upon terms of said agreement, which are as follows.

FACTS

1. Respondent first became registered as a contractor with the Board on or about May 7, 2019.
2. Records held by the Board confirm that GC-42958 is a general contractor registration number registered to Joseph Caprio with the company name Sealer Pro Sealcoating, LLC.
3. Respondent's contractor registration expired on May 1, 2021, and it was not renewed as of the date of this Notice of Hearing.
4. On or about November 1, 2023, the Board received Complaint No. 23-420 (the "Complaint"), alleging that on or about October 25, 2023, Respondent agreed to sealcoat a driveway at a residential property in Coventry, Rhode Island.
5. According to the Complaint, Respondent and the complainant entered into an oral contract whereby Respondent agreed to sealcoat the driveway of the complainant's home and "cut and patch two holes," for the total cost of \$475.00.
6. According to the Complaint, Respondent accepted a monetary payment from the complainant in the amount of \$475.00, made out to Joseph Caprio for "Driveway Seal," by personal check (Check No. 109).
7. An investigation conducted by an inspector for the Board between November 1, 2023, and November 24, 2023, confirmed the following:
 - a. Respondent did agree to perform contractor services that require registration with the Board;
 - b. Complainant did pay Respondent \$475.00 to perform seal coating to complainant's driveway and "patch two holes;"

- c. When Respondent performed the above-mentioned services Respondent was not a registered contractor with the Board, and
 - d. Respondent performed improper work which left exposed cuts in the driveway “beyond the square patch in both patches,” and a square depression in the driveway approximately three feet (3’) by three feet (3’) and approximately three inches (3”) deep.
8. Pursuant to R.I. Gen. Laws § 5-65-10(c), subject to providing notice and an opportunity for a hearing, if a nonregistered contractor violates any provision of § 5-65-3 of the Rhode Island General Laws or the Regulations, the Department’s State Building Office (“Office” or “SBO”), which includes the Board, may impose a fine of up to \$5,000, for a first violation and a fine of up to \$10,000, for each subsequent violation.
9. According to R.I. Gen. Laws § 5-65-1(7)(i), a “Contractor” is someone who,
- in the pursuit of an independent business, undertakes or offers to undertake or submits a bid, or for compensation and with or without the intent to sell the structure constructs, alters, repairs, improves, moves over public highways, roads, or streets, or demolishes a structure or to perform any work in connection with the construction, alteration, repair, improvement, moving over public highways, roads, or streets, or demolition of a structure, and the appurtenances thereto. For the purposes of this chapter, “appurtenances” includes, but is not limited to, the installation, alteration, or repair of wells connected to a structure consistent with chapter 13.2 of title 46, garage, carport, port, patio, decks, docks, sheds, tents, gazebos, walkways, fencing, *driveways*, retaining walls, swimming pools, sidewalks, stone/masonry walls, and parking lots.
- (Emphasis added)
10. R.I. Gen. Laws § 5-65-3(a) provides, “[a] person shall not undertake, offer to undertake, or submit a bid to do work as a contractor on a structure unless that person has a current, valid certificate of registration for all construction work issued by the board.”

11. Pursuant to R.I. Gen. Laws § 5-65-10(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 ...”
12. Pursuant to R.I. Gen. Laws § 5-65-10(e), “[t]he expiration of a registration by operation of law or by order or decision of the board, the office, or a court, or the voluntary surrender or registration by the registrant, does not deprive the board or office of jurisdiction or an action or disciplinary proceeding against the registrant, or to render a decision suspending or revoking the registration.”
13. Pursuant to R.I. Gen. Laws § 5-65-16(f)(3), in addition to the authority to impose fines, the Board is authorized to provide any other relief and/or remedy provided under Chapter 5-65 of the Rhode Island General Laws and the Rules and Regulations for Contractors 440-RICR-10-00-2².
14. It is the Board’s position that had a hearing been held in this matter, it would have demonstrated by a preponderance of the evidence that Respondent violated R.I. Gen. Laws § 5-65-3, by performing work as a contractor without being properly registered with the Board as is required by R.I. Gen. Laws Chapter 5-65 *et seq.*

TERMS

15. While the Respondent neither admits or denies committing the violations alleged herein, in order to amicably resolve this matter without an administrative hearing, the CRLB and

²See also 440-RICR-10-00-1.9.2(F)(2) of the Board’s Rules and Regulations for Administrative Hearings, which provides that if a Hearing Officer determines that a violation of Chapters 5-65, 5-65.1, 5-65.2, 5-65.3, 5-73, and/or Parts 1-6 of 440-RICR-10-00 has occurred, the Hearing Officer may order return of the deposit if no work has commenced.

the Respondent enter into this Consent Order solely for the purpose of avoiding the burdens and expenses of litigation. The Respondent and the CLRB agree to resolve the matter based upon the satisfaction of the following terms and conditions:

a. Respondent, Joseph Caprio, agrees to become a registered contractor by filing a satisfactory application for registration with the Board, pursuant to R.I. Gen. Laws Chapter 5-65 *et seq.*, and the Rules and Regulations for Contractors, 440-RICR-10-00-1;

i. A satisfactory Contractor Registration Application shall comply with R.I. Gen. Laws § 5-65-5, including but not limited to:

1. Proof of liability insurance;
2. Proof of workers compensation insurance (if applicable);
3. Proof of five (5) hour registration course completion;
4. Payment of \$150.00 payment for one year registration (to be renewed annually).

b. Respondent agrees to pay a \$500.00 administrative penalty, made payable to the R.I. General Treasurer;

c. Respondent agrees to complete the above terms, by becoming registered as a contractor and paying the above administrative penalty, no later than April 15, 2024.

16. Respondent agrees to cease and desist from any and all unregistered contracting activities until he has properly registered with the CRLB in accordance with the above.

17. Respondent acknowledges that if the above terms are not fully satisfied within the agreed upon timeframe, then the CRLB reserves the right to initiate further administrative

enforcement actions and/or refer the Respondent to the Office of the Attorney General for prosecution under R.I. Gen. Laws § 5-65-19.

18. Respondent agrees that a review hearing in this matter may be scheduled for the _____23rd_____ day of _____April_____, 2024, at 10:30a.m., before the hearing officer, to confirm whether the above terms have been met.
19. If the above terms and conditions are fully satisfied by Respondent, the CRLB shall consider this matter resolved, and Respondent agrees that the CRLB shall post this Stipulation and Consent Order to the Department's website under "Enforcement Actions."
20. Respondent understands that once he has become properly registered as a contractor with the Board, the registration must be renewed annually, and it is the Respondent's responsibility going forward to maintain an updated and valid registration with the CRLB so long as he continues to provide contractor services, either individually, or as the owner of a contracting company.
21. *Enforcement.* Respondent acknowledges and agrees that, in the event he fails to complete the above terms of this Stipulation and Consent Order, Respondent will be in violation hereof and, upon ten (10) days written notice to Respondent, the CRLB shall be entitled to resume and continue the administrative action before the Hearing Officer assigned to this matter pursuant to the NOH.
22. *Completeness.* The CRLB and Respondent agree that the terms and conditions of this Stipulation and Consent Order represent the final determination of this matter.
23. *Waiver of Hearing and Appeal.* By agreeing to enter into this Stipulation and Consent Order, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to any further appeals to the CRLB and the Superior Court


under Chapter 5-65 and the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

24. *Opportunity to Obtain Counsel.* 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 Stipulation and Consent Order, and that he has signed this Stipulation and Consent Order knowingly and voluntarily.

25. *Public Record.* Once executed, this Stipulation and Consent Order shall be 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.

26. *Compliance.* Compliance with the terms of this Stipulation and Consent Order does not relieve Respondent of any obligation to comply with other applicable laws or regulations administered by or through the CRLB, the Department or any other governmental agency.

For the CRLB:


Print Name: Donna L. Costantino
Title: Associate Director

27 February 2024
Date

For the Respondent:

Joseph Caprio
Print Name:

02-27-2024
Date

NOTARIAL CERTIFICATE

STATE OF Rhode Island
COUNTY OF KENT

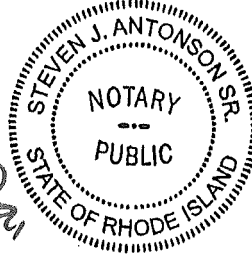
On this 27th day of FEB, 2024, before me, the undersigned notary public, personally appeared Joseph Caprio, and proved to me through Donna Costantino

satisfactory evidence of identification to be the person whose name is signed above, and acknowledged that they signed it voluntarily for its stated purpose.

My Commission Expires: 9/22/2024

Print Name and ID Number

Notary Public
STEVEN J. ANTONSON SR.
NOTARY PUBLIC
STATE OF RHODE ISLAND
NOTARY ID # 765861
MY COMMISSION EXPIRES 09/22/2024



Steven J. Antonson Sr.

So Ordered:

Catherine R. Warren

Catherine R. Warren, Esq.

Hearing Officer

Date: 2/21/24

NOTICE PURSUANT TO R.I. GEN. LAWS § 42-35-12

THIS ORDER CONSTITUTES FINAL AGENCY ACTION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. FINAL BOARD ACTIONS ARE GENERALLY APPEALABLE TO THE BOARD WITH A SUBSEQUENT RIGHT OF APPEAL TO THE SUPERIOR COURT WITHIN THIRTY (30) DAYS OF THE DATE OF THE ACTION BY FILING A PETITION FOR REVIEW OF SAID COURT. HOWEVER, THE RESPONDENT IS HEREBY NOTIFIED THAT BY WAIVING ITS RIGHT TO A COMPLETE HEARING AND AGREEING TO THIS STIPULATION AND CONSENT ORDER, ANY SUCH RIGHT OF APPEAL HAS BEEN WAIVED.

CERTIFICATION OF SERVICE

In accordance with R.I. Gen. Laws § 5-65-6, I hereby certify on this 29th day of February, 2024, that a true copy of the within Stipulation and Consent Order was sent by first class mail and certified mail, return receipt requested to:

<p>Joseph Caprio Sealer Pro Sealcoating 1756 Plainfield Pike Greene, RI 02827</p>	<p>Joseph Caprio The Family Company, LLC. 1756 Plainfield Pike Coventry, RI 02827</p>
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<p>The Family Company, LLC c/o US Corporation Agents, Inc. 222 Jefferson Blvd, Ste 200 Warwick, RI 02888</p>	
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And by e-mail to:

1. Catherine Warren, Esq., Hearing Officer (Catherine.warren@doa.ri.gov);
2. Joshua W. Nault, Esq., DBR Legal Counsel (joshua.nault@dbr.ri.gov);
3. Donna Costantino, DBR Associate Director (donna.costantino@dbr.ri.gov);
4. Matthew Lambert, Principal Investigator, Contractors' Registration and Licensing Board, DBR (matthew.lambert@dbr.ri.gov);
5. Joseph Caprio, Respondent (sealerpro4@gmail.com); and
6. Joseph Caprio, Respondent, (thefamilycompany86@gmail.com).



Print Name: Meredith Cotta