

**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:	:	
JAMES R. GRUNDY,	:	
ATLANTIC CONTROL SYSTEMS, INC.,	:	GC No. 9160
	:	Violation No. V-6857
RESPONDENT.	:	

STIPULATION AND CONSENT ORDER

PROCEDURAL BACKGROUND AND TRAVEL

On or about February 14, 2024, 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” or 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 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 James R. Grundy, GC No. 9160, is a registered contractor under Chapter 5-65.

¹ See R.I. Gen. Laws § 5-84-3.1

2. According to Respondent James R. Grundy's 2023 renewal application for registration filed with the Board, he does business under the name of Atlantic Control Systems.
3. On or about January 30, 2024, the Board investigated an active construction site located at 21 Victor Street in Providence, Rhode Island, and confirmed that foundation work had been performed in anticipation of erecting structures on the foundations, yet no permits had issued for the foundation work.
4. Pursuant to R.I. Gen. Laws § 5-65-10(c), subject to providing notice and an opportunity for a hearing, if a contractor violates any provision of Chapter 5-65 of the Rhode Island General Laws or the Regulations, the Department's State Building Office ("Office" or "SBO"), 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.
5. According to R.I. Gen. Laws § 5-65-3(m), a contractor is required to ensure that permits required by the State Building Code are secured on behalf of the owner prior to commencing the work involved. The contractor's registration number must be affixed to the permit as required by the State Building Code.
6. Section 104.2 of the International Building Code (IBC), 2018 Edition, which, together with 510-RICR-00-00-1, has been adopted and promulgated as the Rhode Island State Building Code (the "State Building Code") provides, "[t]he building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which the permits have been issued and enforce compliance with the provisions of this code." (Emphasis omitted)
7. Section 105.1 of the IBC states,

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

(Emphasis omitted)

8. 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

9. 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 the Respondent enter into this Consent Order solely for the purpose of avoiding the burdens and expenses of litigation. The Respondent and the CRLB agree to resolve the matter based upon the satisfaction of the following terms and conditions:
 - a. Respondent James R. Grundy agrees to pay an administrative fine of \$500.00, made payable to the R.I. General Treasurer.
 - b. Respondent agrees to deliver the above payment, upon signing this agreement.
10. Respondent acknowledges that if the above terms are not fully satisfied, 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.

11. If the above terms and conditions are satisfied by the 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."
12. *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.
13. *Completeness.* The CRLB and the Respondent agree that the terms and conditions of this Stipulation and Consent Order represent the final determination of this matter.
14. *Waiver of Hearing and Appeal.* By agreeing to enter in 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.
15. *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 had signed this Stipulation and Consent Order knowingly and voluntarily.

16. *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.

17. *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:

Matthew Santacrocce

3.5.24

Print Name: Matthew Santacrocce

Date

Title: Deputy Director, DBE

For the Respondent:

James Grundy
Print Name:

2-29-24

Date

NOTARIAL CERTIFICATE

STATE OF Rhode Island
COUNTY OF Washington

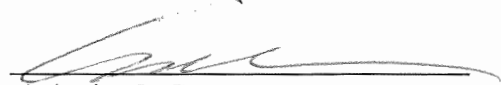
On this 29 day of February, 2024, before me, the undersigned notary public, personally appeared James Grundy, and proved to me through satisfactory evidence of identification to be the person whose name is signed above, and acknowledged that they signed it voluntarily for its stated purpose.

Julia M Woods
Print Name and ID Number
Notary Public

My Commission Expires:

Julia M Woods
Notary Public #752184
State of Rhode Island
My Comm. Exp. 9-22-26

So Ordered:


Catherine R. Warren, Esq.
Hearing Officer

Date: 3/4/24

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 6th day of March, 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:

James R. Grundy
Atlantic Control Systems
P.O. Box 313
Exeter, Rhode Island 02822

James R. Grundy
Atlantic Control Systems
318 Drybridge Road
Exeter, Rhode Island 02822

James R. Grundy
Atlantic Control Systems
131 Shady Cove Road
North Kingstown, Rhode Island 02852

And by email:

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. James R. Grundy, Respondent (jim@atlanticcontrolsystems.com).



Print Name: Meredith Cotta