

**STATE OF RHODE ISLAND  
DEPARTMENT OF BUSINESS REGULATION  
CONTRACTORS' REGISTRATION AND LICENSING BOARD  
560 JEFERSON BOULEVARD  
WARWICK, RI 02886**

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<b>IN THE MATTER OF:</b>	:	
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<b>MICHAEL DESOUSA, d/b/a</b>	:	<b>VIOLATION NO. 6762</b>
<b>DESOUSA CONSTRUCTION &amp;</b>	:	<b>GC # 42382</b>
<b>REMODELING,</b>	:	
	:	
<i>Respondent.</i>	:	

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**STIPULATION AND CONSENT ORDER**

**PROCEDURAL BACKGROUND AND TRAVEL**

On or about May 28, 2024, Respondent was issued a Notice of Hearing (“NOH”) by the Department of Business Regulation’s State Building Office, which includes the Contractors’ Registration and Licensing Board (“CRLB” or “Board”). 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 any part of Chapter 5-65 of the Rhode Island General Laws (“Chapter 5-65”) and whether fines and/or relief should be ordered.

After holding a pre-hearing conference 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. According to R.I. Gen. Laws § 5-65-1(7)(i)(a), a “Contractor” is someone who,

in the pursuit of an independent business,1 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.

2. R.I. Gen. Laws § 5-65-3(o) requires that a written contract be used by a contractor offering or arranging to perform work for \$1,000 or more, and that subsection of Chapter 5-65 also requires that a notice of possible mechanic’s lien be included in such written contract for construction.
3. Pursuant to R.I. Gen. Laws § 5-65-1(11) “incomplete or defective work” means “labor, materials, or any other item required for full performance by a person seeking payment of retainage that remains to be furnished by the person under the person’s contract for construction or that has been furnished by the person but requires correction, repair, further completion, revision, or replacement . . .”
4. Pursuant to R.I. Gen. Laws § 5-65-3(m), “[t]he contractor must see 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.”
5. Respondent Michael DeSousa is a registered contractor with the Board, GC No. 42382 who operates a business by the name of DeSousa Construction & Remodeling.
6. On or about November 16, 2022, the CRLB received Complaint No. C-11149 (“Complaint”) against the Respondent regarding the repair and partial reconstruction of a deck (the “Work”) at a property in Smithfield, Rhode Island (the “Property”).
7. An investigator for the CRLB performed an investigation into the complaint, including a review of the Smithfield building permit database and a site visit.
8. On or about January 3, 2023, the CRLB issued a *Final Order and Suspension of Registration* (“Final Order”) for V-6762 to the Respondent, wherein the Respondent was ordered to pay a fine of two thousand five hundred dollars (\$2,500) and cited for violating:
  - a. R.I. Gen. Laws § 5-65-3(j), for hiring of a non-registered subcontractor;
  - b. R.I. Gen. Laws § 5-65-3(m), for failing to secure permits prior to commencing work;
  - c. R.I. Gen. Laws § 5-65-3(p), for failing to provide a notice of right of rescission;

- d. R.I. Gen. Laws § 5-65-10(a)(12), for performing improper and/or negligent work; and
  - e. R.I. Gen. Laws § 5-65-18, for failing to provide a mechanic's lien notice.
9. On or about January 12, 2023, the Respondent submitted a Request for Appeal of the Final Order.
10. Following the Final Order, on or about March 23, 2023, the Respondent sought and obtained a building permit to perform the Work at the Property.
11. Additionally, on or about April 14, 2023, the Respondent obtained a letter from the Town of Smithfield confirming Respondent's completion of the Work at the Property.
12. On or about May 28, 2024, Respondent was issued a Notice of Hearing ("NOH") in response to the Respondent's Request for Appeal of the Final Order issued for V-6762.
13. The Respondent has sufficiently demonstrated to the CRLB that he:
- a. Did not hire any unregistered subcontractors to perform work in connection with the Complaint;
  - b. Obtained the proper permitting to perform the Work after being issued the Final Order; and
  - c. Completed the Work at the Property in connection with the Complaint after being issued the Final Order.

### TERMS

14. The Respondent and the CRLB agree to resolve this matter based upon satisfaction of the following terms and conditions:
- a. The Respondent Michael DeSousa admits and acknowledges that he committed the following violations in relation to the Work performed at the Property:
    - i. R.I. Gen. Laws § 5-65-3(m), by failing to secure permits prior to commencing work;
    - ii. R.I. Gen. Laws §§ 5-65-3(p) and 5-65-27, by failing to provide a notice of right of rescission;
    - iii. R.I. Gen. Laws § 5-65-10(a)(12), when he performed improper and/or negligent work; and
    - iv. R.I. Gen. Laws § 5-65-18, by failing to provide a mechanic's lien notice.
  - b. Respondent agrees to perform **ten (10) continuing education credit hours**, as recommended by the Board and identified by highlighted text in the attached Addendum A (List of Recommended Continuing Education Courses for Michael DeSousa); among the highlighted courses, Respondent may choose any ten (10) credit hours, so long as those credit hours are **completed no later than thirty (30) days from the date of signing this agreement**.

- c. Respondent may continue to operate his contractor business during the interim period while satisfying the above terms and conditions, however Respondent acknowledges and agrees that if the above terms are not satisfied accordingly, then the Board may move to schedule a hearing in this matter pursuant to the NOH, that may result in administrative fines and/or penalties.
15. If the above terms and conditions are fully satisfied by Respondent, the Board shall consider this matter resolved, and Respondent agrees that the Board shall post this Stipulation and Consent Order to the Department's website under "Enforcement Actions."
16. Respondent acknowledges that if the above terms are not fully satisfied within the agreed upon timeframe, then the Board 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.
17. Respondent agrees that a review hearing in this matter may be scheduled for the 7th day of November 2024, at 10:00 a.m., before the hearing officer assigned to this matter, to confirm whether the above terms have been met.
18. The Respondent agrees that, in addition to the above, going forward, he/she shall abide by all other statutory and regulatory requirements as set forth in the laws governing contractors in the State of Rhode Island, R.I. Gen. Laws Chapter 5-65, as well as the CRLB's General Rules and Regulations for Applications, Registration, Licensing, Claims, Violations, and Administrative Hearings, 440-RICR-10-00-1, and the Rules and Regulations for Contractors, 440-RICR-10-00-2.
19. *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 Board shall be entitled to resume and continue the administrative action before the Hearing Officer assigned to this matter pursuant to the NOH.
20. *Completeness.* The Board and the Respondent agree that the terms and conditions of this Stipulation and Consent Order represents the final determination of this matter.
21. *Waiver of Hearing and Appeal.* By agreeing to enter into this Stipulation and Consent Order, the 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.
22. *Opportunity to Obtain Counsel.* Respondent agrees that he has had an opportunity to retain legal counsel to represent him/her in connection with this matter, and that he/she fully understands and acknowledges all the terms contained within this Stipulation and Consent Order, and that he/she has signed this Stipulation and Consent Order knowingly and voluntarily.

23. *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.
24. *Compliance.* Compliance with the terms of this Stipulation and Consent Order does not relieve the Respondent of any obligations to comply with other applicable laws or regulations administered by or through the CRLB, the Department or any other governmental agency.

[Section Intentionally Left Blank]

For the CRLB:

Signature: \_\_\_\_\_

Date: 9/30/2024

Print Name: James P. Cambio

Title: Building Commissioner

For the Respondent, Michael DeSousa:

Signature: \_\_\_\_\_

Date: 09/26/24

Print Name: Michael DeSousa

**NOTARIAL CERTIFICATE**

STATE OF Rhode Island  
COUNTY OF Providence

On this 26<sup>th</sup> day of September, 2024, before me the undersigned notary public, personally appeared Michael DeSousa, 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.

Rosseline Bencosme 768996  
Print Name and ID Number  
Notary Public

My Commission Expires: 7/1/26

Rosseline Bencosme  
State of Rhode Island  
Notary Public ID: 768996  
My Commission Expires: 07/01/2026

So Ordered:

\_\_\_\_\_

Catherine R. Warren, Esq.  
Hearing Officer

Date: 9/30/24

**CERTIFICATION OF SERVICE**

In accordance with R.I. Gen. Laws § 5-65-6, I hereby certify on this 30th day of September, 2024, that a true copy of the within Order was sent by first class mail and certified mail, return receipt requested to:

<b>Michael DeSousa</b> <b>107 George Street</b> <b>Johnston, RI 02919</b>	<b>Michael DeSousa</b> <b>DeSousa Construction &amp; Remodeling</b> <b>66 Hedley Avenue</b> <b>Johnston, RI 02919</b>
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And by email to:

1. Catherine Warren, Esq., Hearing Officer ([catherine.warren@doa.ri.gov](mailto:catherine.warren@doa.ri.gov));
2. Joshua W. Nault, Esq., DBR Legal Counsel ([joshua.nault@dbr.ri.gov](mailto:joshua.nault@dbr.ri.gov));
3. Kallie Longval, Esq., DBR Legal Counsel ([kallie.longval@dbr.ri.gov](mailto:kallie.longval@dbr.ri.gov));
4. Donna Costantino, DBR Associate Director ([donna.costantino@dbr.ri.gov](mailto:donna.costantino@dbr.ri.gov));
5. Anthony Whitfield, CRLB Chief ([anthony.whitfield@dbr.ri.gov](mailto:anthony.whitfield@dbr.ri.gov));
6. Michael DeSousa, Respondent ([desousaconstruction.dcr1998@gmail.com](mailto:desousaconstruction.dcr1998@gmail.com))



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Print Name: Meredith Cotta