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STATE OF RHODE ISLAND  
DEPARTMENT OF BUSINESS REGULATION  
CONTRACTORS' REGISTRATION AND LICENSING BOARD  
560 JEFFERSON BOULEVARD, SUITE 200  
WARWICK, R.I. 02886

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**In the Matter of:**

**Aaron Baribault,**

**Respondent.**

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**Complaint Nos. 23-250**

**DECISION**

**I. INTRODUCTION**

This matter arose pursuant to a Notice of Hearing (“Notice”) issued on November 20, 2024 by the Department of Business Regulation Contractors’ Registration and Licensing Board (“Department” or “Board”) to Aaron Baribault (“Respondent”). The Respondent is not registered as a contractor pursuant to R.I. Gen. Laws § 5-61-1 *et seq.*; however, the Board still has jurisdiction in disciplinary proceedings over the Respondent pursuant to R.I. Gen. Laws § 5-65-10(a)(10).<sup>1</sup> A hearing was scheduled for December 10, 2024 at which time the Respondent did not appear. Pursuant to R.I. Gen. Law § 5-65-6 and § 1.15.1 of 440-RICR-10-00-1 *General Rules and Regulations for Applications, Registration, Licensing, Claims, Violations, and Administrative Hearings* (“Regulation”), service may be made by first-class mail or certified mail and service is complete upon mailing when sent to the last known address of the party. The Notice was sent to the Respondent’s last known addresses by first class and certified mail.<sup>2</sup> Since the Respondent was adequately noticed of hearing, a hearing was held before the mail undersigned on December

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<sup>1</sup> R.I. Gen. Laws § 5-65-10(a)(10) provides in part, “[t]he board may take disciplinary action against a contractor who performed work, or arranged to perform work, while the registration was suspended, invalidated, or revoked.”

<sup>2</sup> See Department’s Exhibits One (1) (Notice of Hearing sent by first class mail, certified mail; no mail was returned to the Department); and Three (3) (complaint with one of the Respondent’s mailing addresses).

10, 2024.<sup>3</sup> Additionally, § 1.17 of the Regulation<sup>4</sup> provides that a default judgment may be entered based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Board was represented by counsel who rested on the record.

## **II. JURISDICTION**

The administrative hearing was held pursuant to R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 5-65-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and 440-RICR-10-00-1 *General Rules and Regulations for Applications, Registration, Licensing, Claims, Violations, and Administrative Hearings*.

## **III. ISSUE**

Whether the Respondent violated R.I. Gen. Laws § 5-65-10.

## **IV. MATERIAL FACTS**

Based on the pleadings and exhibits entered at hearing, it is undisputed as follows:

On or about July 17, 2022, the Respondent entered into an oral contract with a homeowner in Coventry to construct a closet and install exterior handrails. The homeowner paid a deposit of \$1,000 by check on July 17, 2022 to the Respondent. The Respondent was not registered as a contractor, and the work to be performed required registration as a contractor. The Respondent accepted the deposit but failed to perform any work on the project for which he contracted to perform. Department's Exhibits One (1) (notice); Two (2) (Board investigative report with copy of the deposit check); and Three (3) (complaint).

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<sup>3</sup> The undersigned hearing officer heard this matter pursuant to R.I. Gen. Laws § 5-65-12.

<sup>4</sup> Section 1.17 of the Regulation provides as follows:

If any Party to a proceeding fails to answer a complaint, plead, appear at a prehearing conference or hearing or otherwise fails to prosecute or defend an action as provided by these Rules, the Hearing Officer or Board may enter a default judgment against the defaulting Party or take such action based on the pleadings and/or other evidence submitted by the non-defaulting Party as the forum deems appropriate. Challenge to such an order shall be made as a motion for reconsideration per § 1.15.6 of this Part.

## V. DISCUSSION

### A. **Legislative Intent**

The Rhode Island Supreme Court has consistently held that it effectuates legislative intent by examining a statute in its entirety and giving words their plain and ordinary meaning. *In re Falstaff Brewing Corp.*, 637 A.2d 1047 (R.I. 1994). If a statute is clear and unambiguous, “the Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.” *Oliveira v. Lombardi*, 794 A.2d 453, 457 (R.I. 2002) (citation omitted). The Supreme Court has also established that it will not interpret legislative enactments in a manner that renders them nugatory or that would produce an unreasonable result. See *Defenders of Animals v. DEM*, 553 A.2d 541 (R.I. 1989) (citation omitted). In cases where a statute may contain ambiguous language, the Rhode Island Supreme Court has consistently held that the legislative intent must be considered. *Providence Journal Co. v. Rodgers*, 711 A.2d 1131, 1134 (R.I. 1998).

### B. **Standard of Review for an Administrative Hearing**

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, the initial burdens of production and persuasion rest with the moving party. 2 Richard J. Pierce, *Administrative Law Treatise* § 10.7 (2002). Unless otherwise specified, a preponderance of the evidence is generally required to prevail. *Id.* See *Lyons v. R.I. Pub. Employees Council 94*, 559 A.2d 130 (R.I. 1989) (preponderance standard is the “normal” standard in civil cases). This means that for each element to be proven, the fact-finder must believe that the facts asserted by the proponent are more probably true than false. *Id.* When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. *Narragansett Electric Co. v. Carbone*, 898 A.2d 87 (R.I. 2006).

**C. Relevant Statutes**

R.I. Gen. Laws § 5-65-10 provides in part as follows:

(a) The board or office may revoke, suspend, or refuse to issue, reinstate, or reissue a certificate of 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.

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(10) The board may take disciplinary action against a contractor who performed work, or arranged to perform work, while the registration was suspended, invalidated, or revoked. Deposits received by a contractor and ordered returned are not considered a monetary award when no services or supplies have been received.

(11) That the registrant breached a contract.

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(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. \*\*\*

(c) Subject to providing notice and an opportunity for a hearing:

(1) For each first violation of a particular section of this chapter or any rule or regulation promulgated by the board, a fine not to exceed five thousand dollars (\$5,000) may be imposed. \*\*\* Fines for violations may be imposed against registered contractors, as well as those persons required to be registered, by the board.

(2) For each subsequent violation of a particular subsection of this chapter or of a rule or regulation promulgated by the board, a fine not to exceed ten thousand dollars (\$10,000) may be imposed. \*\*\*

R.I. Gen. Laws § 5-65-3 provides in part as follows:

\*\*\* Duties of contractors \*\*\*

(a) 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. \*\*\*

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(o) All work performed, including labor and materials, in excess of one thousand dollars (\$1,000) shall be accompanied by a contract in writing. \*\*\*

**D. Whether the Respondent violated R.I. Gen. Laws § 5-65-1 et seq.**

It was undisputed the Respondent did not perform the work for which he entered into a contract with the homeowner and did not return the homeowner's deposit. It is undisputed the Respondent is not registered as a contractor in Rhode Island and undertook work that required registration as a contractor. The Respondent failed to have a written contract for the work to be performed that was worth over \$1,000 as the deposit was for \$1,000. The Respondent did not perform any work so breached the contract with the homeowner. Therefore, the Respondent violated R.I. Gen. Laws § 5-65-3(a) (undertaking work without a valid registration); R.I. Gen. Laws § 5-65-10(a)(10) (failed to return deposit); and (11) (breach of contract). The Respondent also violated R.I. Gen. Laws § 5-65-3(o) by failing to have a written contract for work over \$1,000.

**E. Sanctions**

Violations of R.I. Gen. Laws § 5-65-3(a) and (o) are violations of R.I. Gen. Laws § 5-65-10(a)(1). The Board requested that a cease and desist order be entered against the Respondent and that he be ordered to return the homeowner's deposit. R.I. Gen. Laws § 5-65-10(c) provides for penalties up to \$5,000 for first offences and \$10,000 for the subsequent offenses. The Respondent had a violation in 2016 for unregistered work as a contractor. Department's Exhibit Four (4). The Board requested that administrative penalties be imposed on the Respondent for his statutory violations. The Respondent did not appear and did not provide any reason not to impose penalties.

Pursuant to R.I. Gen. Laws § 5-65-10(a)(10), the Respondent is ordered to return the homeowner's deposit of \$1,000.

Pursuant to R.I. Gen. Laws § 5-65-10(c), an administrative penalty of \$3,000 is imposed for Respondent's violations of R.I. Gen. Laws § 5-65-3(a) (undertaking work without a valid registration); and (11) (breach of contract). An administrative penalty of \$1,000 is also imposed

for the Respondent's violations of R.I. Gen. Laws § 5-65-3(o) (failing to have a written contract for work over \$1,000). Therefore, a total administrative penalty of \$4,000 is imposed.

Pursuant to R.I. Gen. Laws § 5-65-10(b), the Respondent is ordered to cease and desist from violating R.I. Gen. Laws § 5-65-1 *et seq.* so that he shall not engage in work that requires registration under said statute.

## **VI. FINDINGS OF FACT**

Based on the foregoing, the undersigned makes the following findings of fact:

1. The Notice was issued on November 20, 2024 by the Board to the Respondent.
2. A hearing was scheduled for December 10, 2024 at which time the Respondent did not appear. As the Respondent was adequately notified, the hearing was held with the Board resting on the record.
3. The Respondent entered into an oral agreement on or about July 17, 2022 with a homeowner to perform work and took a deposit of \$1,000 and did not perform the work and has not returned the deposit to said homeowner.
4. The Respondent was not registered as a contractor at the time of the contract, and the contract required the performance of work that requires registration as a contractor.
5. Pursuant to § 1.17 of the Regulation, the Respondent is declared to be in default for failing to appear at the hearing.
6. The facts contained in Sections I, IV, and V are incorporated by reference herein.

## **VII. CONCLUSIONS OF LAW**

Based on the foregoing, pursuant to R.I. Gen. Laws § 5-65-10(a)(10), the Respondent is ordered to return the deposit of \$1,000 to the homeowner and confirm the same with the Board within 20 days of the date of this decision.


Pursuant to R.I. Gen. Laws § 5-65-10(b), the Respondent is ordered to cease and desist from violating R.I. Gen. Laws § 5-65-1 *et seq.* so that he shall not engage in work that requires registration under said statute.

Pursuant to R.I. Gen. Laws § 5-65-10(a)(c), a total administrative penalty of \$4,000 is imposed on the Respondent for his violations of R.I. Gen. Laws § 5-65-3(a) and (o); and R.I. Gen. Laws § 5-65-10(a)(11).

The administrative penalty is due 20 days from the execution of this decision.<sup>5</sup>

Issued by R.I. Contractors' Registration and Licensing Board.

Entered: December 19, 2004

  
Catherine R. Warren  
Hearing Officer

**NOTICE OF APPELLATE RIGHTS**

**Pursuant to R.I. Gen. Laws § 5-65-20 and § 1.13.2 of the Regulation, this decision may be appealed to the full Board by requesting an appeal in writing to the Contractors' Registration and Licensing Board within twenty (20) days of the date of mailing or issuance of this decision.**

Any appeal shall give the specific reasons why a party believes that the findings of the hearing officer are incorrect, based on testimony or evidence received at the hearing. No new testimony or evidence will be accepted. The Board does not rehear any issues but can only accept argument as to why a wrong decision may have been reached in this case. If an appeal is filed, the parties will be notified of the date, time, and location of the Board's meeting. Either party may appear before the Board to give oral argument. Failure of either party to appear before the Board may result in an adverse decision against the party. If no appeal is filed, payment of the administrative penalties is due within 20 days as stated above.

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<sup>5</sup> Payment should be made to Contractors' Registration and Licensing Board at 560 Jefferson Boulevard, Warwick, R.I. 02886.

**CERTIFICATION**

I hereby certify on this 19<sup>th</sup> day of December, 2024 that a copy of the within Decision and Notice of Appellate Rights were sent by first class mail, postage prepaid and certified mail, return receipt requested to:

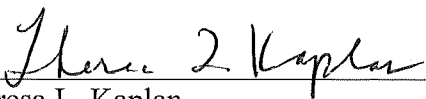
Mr. Aaron Baribault  
84 Gallatin Street  
Providence, R.I. 02907

Mr. Aaron Baribault  
2 Edgewood Blvd.  
Providence, R.I. 02905

and by electronic delivery to:

James Cambio, Building Code Commissioner (james.cambio@dbr.ri.gov)  
Donna Costantino, Associate Director (donna.constantino@dbr.ri.gov)  
Matthew Lambert, Principal State Building Code Officer (matthew.lambert@dbr.ri.gov)  
Christina Santos, Administrator Management (christina.santos@dbr.ri.gov)  
Megan Mihara, Principal Program Manager (megan.mihara@dbr.ri.gov)  
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Theresa L. Kaplan