

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

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IN THE MATTER OF:	:	
	:	
CAROL BENOIT,	:	VIOLATION NO. 6916
and CRYSTAL WATERS HOT	:	
TUBS, LLC,	:	
	:	
<i>Respondent.</i>	:	

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**CONSENT AGREEMENT**

The Department of Business Regulation (“Department”)<sup>1</sup> and Carol Benoit and Crystal Waters Hot Tubs, LLC (“Respondent”) (collectively, the “Parties”), hereby consent and agree that:

**STATEMENT OF FACTS**

1. On November 1, 2023, the Department’s State Building Office received a complaint from the daughter of the property owner of 100 Cooper Lane, East Greenwich, RI 02818 (the “Site”) regarding the demolition and partial construction of a front and rear deck at the Site’s home (“Complaint”).
2. The Complainant stated that the individual who completed some of the deck construction (“Worker”) was referred to the Property owner by a good friend, the Respondent Carol Benoit; the Complaint did not allege any wrongdoing by Respondent.
3. The Department subsequently issued the Worker a *Notice of Intent to Assess Civil Penalty and Opportunity for a Hearing – Proposed Order* (“NOI”), which assessed a five-hundred-dollar (\$500.00) penalty for not being registered while performing the work of a contractor and for not securing the necessary permits for work at the Site.
4. In the course of investigating the Complaint, the Department obtained information from the Worker indicating that he was approached by Respondent for the demolition and re-construction work on portions of the front and back decks at the Site, with which he agreed to assist. The Worker stated that upon his arrival at the Site to begin work, the

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<sup>1</sup> Within the jurisdiction of the Department of Business Regulation (“Department”) there is the Division of Building, Design and Fire Professionals (“Division”) that includes the State Building Office (“Office” or “SBO”), which includes several professional boards including the Contractors’ Registration and Licensing Board (“Board”). See R.I. Gen. Laws §§ 42-14-1, 5-65-1, 5-84-2, and 5-84-3.1.

deck had already been completely demolished by Respondent's employees, and no material was left. The Worker stated that Respondent Benoit called and texted to arrange Worker's availability to assist with the deck project at the Site, and that Respondent Benoit dictated the evolution of the project at the Site.

5. The Worker's Invoice for the Site's deck construction dated June 5, 2023, was billed to Respondent Benoit at 115 Magnolia St., Cranston, RI 02910.
6. On May 20, 2024, the Department issued a *Notice of Intent to Assess Civil Penalty and Opportunity for Hearing – Proposed Order* ("Notice") to Respondent Benoit and Respondent Crystal Waters Hot Tubs.
7. The Respondent's appeal of the Notice contained the following statement:

"The work that was done on 100 Cooper Lane on 8/22/23 [sic] by Jason Mills of Anvil & Plane LLC. I only Referred Jason Mills to the home owner Vivian Albert & Nicole Albert. I did no work on this home."
8. Respondent represents that she received no remuneration as a part of the arrangement of work completed at the Site, and that she was merely attempting to assist a friend.

#### STATEMENT OF LAW

9. Pursuant to R.I. Gen. Laws § 5-65-1(7)(i):

"Contractor" means a person 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, porch, patio, decks, docks, sheds, tents, gazebos, walkways, fencing, driveways, retaining walls, swimming pools, sidewalks, stone/masonry walls, and parking lots.

(ii) "Contractor" includes, but is not limited to, any person who purchases or owns property and constructs, or for compensation arranges for the construction of, one or more structures.

(iii) A certificate of registration is necessary for each "business entity" regardless of the fact that each entity may be owned by the same individual.

10. Pursuant to R.I. Gen. Laws § 5-65-3(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...

11. Pursuant to R.I. Gen. Laws § 5-65-10, “[t]he board or office may revoke, suspend, or refuse to issue, reinstate or reissue a registration if the board or office determines, after notice and an 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.

...

12. Pursuant to R.I. Gen. Laws § 5-65-10(c), a fine may be imposed for each violation of Chapter 5-65.

### CONDITIONS

13. The Parties have agreed to an amicable resolution of this matter without an administrative hearing, subject to the following terms and conditions:

- a. Respondent shall deliver to the Department’s State Building Office an administrative penalty of one-hundred dollars (\$100.00), made payable to the “Rhode Island General Treasurer” on or before **December 20, 2024**;
- b. Respondent neither admits nor denies that she violated R.I. Gen. Laws §§ 5-65-1 or -3 as outlined by ¶ 1-8; and
- c. Respondent enters into this Consent Agreement knowingly, voluntarily and of her own free will.

14. *Final Determination.* The Parties agree that this Consent Agreement and its terms represent the final determination of this matter.

15. *Waiver of Hearing and Appeal.* By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Board and the Superior Court under Chapter 5-65 and the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1, *et seq.*

16. *Opportunity to Obtain Counsel.* Respondent agrees that he/she 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 Consent Agreement, and that he/she has signed this Consent Agreement knowingly and voluntarily.

17. *Public Record.* Once executed, this Consent Agreement 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, and it shall be published on the Department’s website under “Enforcement Actions.”

18. *Enforcement.* If Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein, the Respondent will be in violation hereunder and the Department shall be entitled to immediately take enforcement or other action in accordance with applicable law.
19. *Compliance; Laws.* Compliance with the terms of this Consent Agreement does not relieve Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department, including the Division, the SBO and the Board, or any other governmental agency.

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**SIGNATURE PAGE**

For the Department:

Respondent:

Carol Benoit

Signature

Print Name:

Title:

Date: 12/19/2024



Signature

By: Ms. Carol Benoit

CEO and Owner,

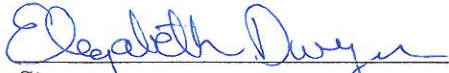
Crystal Waters Hot Tubs, LLC

Date: 12/19/2024

**SIGNATURE PAGE**

For the Department:

Respondent:



*Signature*

Print Name: Elizabeth Dwyer

Title: Director

Date: 12/20/24

\_\_\_\_\_  
*Signature*

By: Ms. Carol Benoit  
CEO and Owner,  
Crystal Waters Hot Tubs, LLC

Date: \_\_\_\_\_