

**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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| <b>In the Matter of:</b>                        | : |                                   |
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|   | : |                                   |
| <b>Shawn Perry d/b/a Shawn Perry,</b>           | : | <b>Complaints: 23-357, 24-373</b> |
| <b>d/b/a Rhode Island Chimney Sweeps Pros</b>   | : |                                   |
| <b>and d/b/a Clear Vision Construction, LLC</b> | : |                                   |
| <b>Respondent.</b>                              | : |                                   |
|   | : |                                   |

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**DECISION**

**I. INTRODUCTION**

This matter arose pursuant to an Amended Notice of Hearing (“Notice”) issued on November 26, 2024 by the Department of Business Regulation Contractors’ Registration and Licensing Board (“Department” or “Board”) to Shawn Perry d/b/a Shawn Perry, d/b/a Rhode Island Chimney Sweeps Pros, and d/b/a Clear Vision Construction, LLC (“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 prehearing conference was held on December 10, 2024 at which time the Respondent appeared. A status conference was scheduled for January 10, 2025 at which time, the Respondent did not appear. Therefore, a hearing was scheduled for February 11, 2025 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

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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.”

class mail or certified mail and service is complete upon mailing when sent to the last known address of the party. In this matter, the notice of hearing was sent to the Respondent's last known addresses by first class and certified mail and by email.<sup>2</sup> Since the Respondent was adequately noticed of hearing, a remote hearing was held before the undersigned on February 11, 2025.<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 § 5-65-3, R.I. Gen. Laws § 5-65-10, and R.I. Gen. Laws § 5-65-22.

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<sup>2</sup> Department's Exhibits One (1) (Notice sent last known addresses on record with Department). The Notice was also sent to the Respondent's email address. *Id.* The Respondent appeared at the prehearing conference and supplied the Department with an updated email address. After the Respondent did not appear at the status conference, the matter was notified for hearing on February 11, 2025. Notice of the February 11, 2025 hearing was forwarded to the Respondent by letter dated January 13, 2025 and sent by first class and certified mail and by email. Department's Exhibit Two (2). The Department's counsel indicated on the record that she spoke to the Respondent before the hearing, and he stated that he would attend the hearing. He did not appear at the hearing, but he had received notice.

<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.

#### IV. MATERIAL FACTS

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

The Respondent applied for a contractor registration on or about August 12, 2020 and on or about November 11, 2020, the Respondent's application for a contractor registration, OC-4482, was rejected for outstanding violations, and the Respondent is not registered as a contractor.

The Respondent entered into a written contract with a Warwick homeowner on or about July 26, 2023 to rebuild a chimney at his property. The contract did not include the statutorily required mechanic's lien and statutorily required right of rescission for those over age 60 which applied to the homeowner. The work to be performed required registration as a contractor. The total cost of work was \$6,500, and the Warwick homeowner paid the Respondent a deposit of \$3,250 via check on September 27, 2023. On or about September 5, 2023, said homeowner filed a complaint, complaint number 23-357 ("C23-357"), regarding the Respondent. On or about August 12, 2024, said homeowner confirmed the Respondent did not perform any work and never returned the \$3,250 deposit.

The Respondent entered in a written contract on or about October 30, 2024 with a Johnston homeowner to repair a chimney at her property for the total cost of work was \$1,500 and said homeowner paid a deposit of \$500 via check on October 30, 2024. The contract did not include the statutorily required mechanic's lien and statutorily required right of rescission for those over age 60 which applied to the homeowner. The work to be performed required registration as a contractor. On or about November 20, 2024, said homeowner filed a complaint, complaint number 24-373 ("C24-373") regarding the Respondent. The Respondent was nonresponsive, did not perform any work nor provided materials, and has not refunded the \$500 deposit.<sup>5</sup>

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<sup>5</sup> On or about November 20, 2024, said homeowner also filed a complaint in small claims court against the Respondent for the return of the \$500 deposit she paid to the Respondent as described in the Notice.

The Respondent has an extensive disciplinary history as follows:

**Violation V-5791:** On or about August 12, 2020, the Respondent was issued a *Notice of Intent to Assess Civil Penalty and Opportunity for Hearing Proposed Order* for V-5791 (“*Notice of Intent*”) for bidding to do work or arranging to perform work without a valid contractor's registration in violation of R.I. Gen. Laws § 5-65-3(a). On or about August 14, 2020, the Respondent appealed V-5791. The Respondent's hearing for his appeal was scheduled for March 1, 2021, but he did not appear for his appeal hearing and a default was entered. On or about March 1, 2021, the Board issued a *Final Order* for V-5791 citing the Respondent for bidding to do work or arranging to do work without a valid contractor's registration in violation of R.I. Gen. Laws § 5-65-3(a) and assessing an administrative fine of \$500. As of the date of the Notice, the Respondent has not paid the \$500 administrative fine.

**Violation V-5848:** On or about October 14, 2020, the Respondent was issued a *Notice of Intent* for V-5848 assessing a \$2,500 penalty and citing the Respondent for breaching a contract in violation of R.L Gen. Laws § 5-65-10(a)(11); performing negligent and/or improper work in violation of R.I. Gen. Laws § 5-65-10(a)(12); failing to complete a project for construction in violation of R.I. Gen. Laws § 5-65-10(a)(14); bidding to do work or arranging to do work without a valid contractor's registration in violation of R.I. Gen. Laws § 5-65-3(a); hiring a nonregistered subcontractor/contractor in violation of R.I. Gen. Laws §§5-65-3(j) and R.I. Gen. Laws § 5-65-10(18); failing to provide a right of rescission in violation of R.I. Gen. Laws § 5-65-3(p); violating state building codes in violation of R.I. Gen. Laws § 5-65-10(a)(7); and engaging in repeated acts of violation of Chapter 5-65 in violation of R.I. Gen. Laws § 5-65-10(a)(9). On or about December 28, 2020, the Respondent was issued a *Final Order* for V-5848 citing the Respondent for the violations cited in the *Notice of Intent* for V-5848 and issuing a \$2,500 administrative fine. The

Respondent did not appeal the *Final Order* for V-5848 and did not pay the administrative fine. The Respondent's unpaid fine for V-5848 was referred to the Department of Revenue Central Collections Unit ("CCU") for collection, and CCU has confirmed the Respondent has not paid the debt from V-5848.

**Violation V-5893:** On or about March 18, 2021, the Respondent was issued a *Notice of Intent* for V-5893 assessing a \$5,000 fine and citing the Respondent for bidding or arranging for work without a valid contractor's registration in violation of R.I. Gen. Laws § 5-65-3(a); breaching a contract in violation of R.I. Gen. Laws § 5-65-10(a)(11); performing negligent and/or improper work in violation of R.I. Gen. Laws § 5-65-10(a)(12); and engaging in repeated acts of violation of Chapter 5-65 in violation of R.I. Gen. Laws § 5-65-10(a)(9). On or about April 15, 2021, the Respondent was issued a *Final Order and Suspension of Registration* for V-5893 citing the Respondent for the violations cited in the *Notice of Intent* for V-5893 and issuing a \$5,000 administrative fine. The Respondent did not appeal the Final Order for V-5893 and did not pay the administrative fine. The Respondent's unpaid fine for V-5893 was referred to CCU for collection, and CCU has confirmed the Respondent has not paid the debt from V- 5893.

**Violation V-5721:** On or about August 11, 2021, the Respondent was issued a *Notice of Intent* for V-5721 for performing or arranging to perform work without a valid registration in violation of R.I. Gen, Laws § 5-65-10(a)(10). On or about October 13, 2021, the Respondent was issued a *Final Order and Suspension of Registration* for V-5721 assessing a \$250 penalty for performing or arranging to perform work without a valid registration in violation of R.I. Gen. Laws § 5-65-10(a)(10) and notifying the Respondent he had 20 days to pay the penalty or request an appeal hearing. The Respondent did not appeal the *Final Order* for V-5721 and did not pay the administrative fine.

**Violation V-6284:** On or about January 26, 2022, the Respondent was issued a *Notice of Intent* for V-6284 assessing a \$7,000 penalty and citing the Respondent for bidding for or arranging work without a valid contractor's registration in violation of R.I. Gen. Laws § 5-65-3(a) and R.I. Gen. Laws § 5-65-10(a)(10); advertising while not being registered in violation of R.I. Gen. Laws § 5-65-3(1); failing to secure permits for work in violation of R.I. Gen. Laws § 5-65-3(m); failing to have a written contract for work in excess of \$1,000 in violation of R.I. Gen. Laws § 5-65-3(o); failing to have the required workers compensation insurance in violation of R.I. Gen. Laws § 5-65-7(b); and performing improper work in violation of R.I. Gen. Laws § 5-65-10(a)(12). On or about March 30, 2022, the Respondent was issued a *Final Order and Suspension of Registration* for V-6284 citing the Respondent for the violations cited in the *Notice of Intent* for V-6284 and issuing a \$7,000 administrative fine. The Respondent did not appeal the *Final Order* for V-6284 and did not pay the administrative penalty. The Respondent's unpaid fine for V-6284 was referred to CCU for collection, and CCU has confirmed the Respondent has not paid the debt from V-6284. On or about October 2, 2022, criminal charges were brought by the State of Rhode Island against the Respondent for violating R.I. Gen. Laws § 11-41-4 and R.I. Gen. Laws § 11-41-5. These charges arose from the same facts and issues that caused the Board to issue the *Final Order* for V-6284. On or about September 21, 2023, judgment was entered in case number K2-2022-0611A wherein the Respondent was found guilty and convicted of obtaining property by false pretenses and ordered to pay restitution in the amount of \$2,500 and to serve three (3) years' probation.

**Violation V-6944:** On or about July 11, 2024, the Respondent was issued a *Notice of intent* for V-6944 assessing a \$5,000 penalty and citing the Respondent for performing or arranging to perform work without a valid contractor's registration in violation of R.I. Gen. Laws § 5-65-10(a)(10). On or about August 1, 2024, the Respondent was issued a *Final Order and Suspension*

*of Registration* for V-6944 citing the Respondent for the violation cited in the *Notice of Intent* for V-6944 and issuing a \$5,000 administrative fine. The Respondent did not appeal the V-6944 Final Order and did not pay the administrative penalty.

**Decision V2023-138:** On or about July 25, 2023, a decision was issued by a Hearing Officer appointed by the Board wherein it was found that the Respondent violated RI. Gen. Laws § 5-65-3 and RI. Gen. Laws § 5-65-10(a)(1) and (10) and was ordered to pay an administrative penalty of \$5,000 and cease and desist from violating R.I. Gen. Laws § 5-65-1 *et seq.* The administrative penalty was due 20 days from the execution of the decision. The Respondent did not pay the administrative penalty and has not complied with cease and desist order.

**Violation V-6961:** On or about August 28, 2024, the Respondent was issued a *Notice of Intent* for V-6961 assessing a \$5,000 penalty and citing the Respondent for performing or arranging to perform work without a valid contractor's registration in violation of R.I. Gen. Laws § 5-65-10(a)(10). On or about October 3, 2024, the Respondent was issued a *Final Order and Suspension of Registration* for V-6961 citing the Respondent for the violations cited in the *Notice of Intent* for V-6961 and issuing a \$5,000 administrative fine. The Respondent did not appeal the *Final Order* for V-6961 and has not paid the administrative penalty.

Department's Exhibits One (1) (Notice); Three (3) (Respondent's 2020 contractor registration application); Four (4) (Board's record of Respondent's violations); Five (5) (court records of V-6284 criminal charges); Six (6) (CCU's confirmation on nonpayment of penalties by Respondent); Seven (7) (decision for V2023-138); Eight (8) (investigative report for C23-357 including deposit check); Nine (9) (investigative report for C24-373); Ten (10) (copy of contract, deposit check, C24-373 complaint); and 11 (lawsuit filed against Respondent for C24-373).

## 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 § 5-65-22 provides as follows:

Display of certificate of registration. All contractors subject to the provisions of this chapter must include their certificate of registration number on all advertising proposals, contracts, and invoices displayed in a conspicuous manner.

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

Registration for work on a structure required of contractor — Issuance of building permits to unregistered or unlicensed contractors prohibited — Evidence of activity as a contractor — 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. A partnership, corporation, limited liability company, or joint venture may do the work; offer to undertake the work; or submit a bid to do the work only if that partnership, corporation, limited liability company, or joint venture is registered for the work.

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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. Contracts required pursuant to this subsection shall include consumer disclosures and information required pursuant to regulations promulgated by the board and the following notice by the contractor to the homeowner:

NOTICE OF POSSIBLE MECHANIC'S LIEN  
[the required notice is then set forth in the statute]

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(p) Contracts entered into must contain notice of right of rescission as stipulated in all pertinent Rhode Island consumer protection laws and/or § 5-65-27, if applicable.

\*\*\*

R.I. Gen. Laws § 5-65-27 provides in part as follows:

Elderly person<sup>6</sup> in-home solicitation — Right to cancel.

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(b) In addition to all other methods of consumer protection provided by federal or state law, any contract that originates from an in-home solicitation of an elderly person for the purposes of performing work as a contractor pursuant to this chapter, as well as other disciplines governed by the board pursuant to statutory law, shall provide that any consumer who is an elderly person shall, in the absence of an emergency as defined herein, have three (3) days within which to cancel the in-home solicitation contract for contractor services.

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<sup>6</sup> R.I. Gen. Laws § 5-65-27(a) refers to the definition of elderly person in R.I. Gen. Laws § 42-66-4.1 which is 60 years of age or older.

(c) The contractor shall, at the time of the agreement in accordance with § 5-65-3, give notice to the elderly person of all the rights that substantially comply with this section. The notice must:

[statute then sets forth required language]

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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

\*\*\*

(4) Has violated a rule or order of the board.

\*\*\*

(9) That a registrant has engaged in repeated acts in violation of this chapter and the board's rules and regulations inclusive of substandard workmanship and any misuse of registration.

(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.

\*\*\*

(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. An injunction shall not be issued for failure to maintain the list provided for in § 5-65-3(h) unless the court determines that the failure is intentional.

(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. Where corrective work is completed and/or if restitution is made to the person for whom the work was to be performed, the fine assessed may be reduced as determined by the board. 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. \*\*\*

**D. Whether the Respondent violated R.I. Gen. Laws § 5-65-3 and R.I. Gen. Laws § 5-65-10 and R.I. Gen. Laws § 5-65-22**

**a. Complaint No. 23-357 and Complaint No. 24-373**

It was undisputed the Respondent performed or arranged to perform contractor work without a valid registration for both the Warwick and Johnston homeowner in violation of R.I. Gen. Laws § 5-65-3(a). It was undisputed that the Respondent never started and never completed either project so breached contracts in violation of R.I. Gen. Laws § 5-65-10(a)(11). For both homeowners, it was undisputed the Respondent failed to provide a contract with the required mechanic's lien clause in violation of R.I. Gen. Laws § 5-65-3(o). For both homeowners, it was undisputed the Respondent failed to provide a contract with the required right of rescission clause in violation of R.I. Gen. Laws § 5-65-3(p). For both homeowners, it was undisputed the Respondent failed to provide a contract and invoices with his contractor's registration number in violation of R.I. Gen. Laws § 5-65-22.

**b. Board Orders**

As detailed above, it was undisputed that the Respondent has not complied with any order or decision entered in the matters: V-5791, V-5848, V-5893, V-5721, V-6284, V-6944, V2023-138, and V-6961. Thus, the Respondent violated Board orders and committed multiple violations of R.I. Gen. Laws § 5-65-10(a)(4).

**c. Repeated Violations**

As detailed above, the Respondent has engaged in repeated acts in violation of this chapter and the Board's rules and regulations in violation of R.I. Gen. Laws § 5-65-10(a)(9).

**E. Sanctions**

R.I. Gen. Laws § 5-65-10(c) provides for administrative penalties up to \$5,000 for first violations and up to \$10,000 for subsequent violations.

The Respondent has continuously engaged in violations of the contractor registration statute. He is not registered as a contractor. He takes deposits and fails to do work. He fails to comply with orders of the Board by not paying his administrative penalties and continuing to work as a contractor while unregistered. He has repeatedly violated the statute. The 2023 decision found the Respondent previously engaged in unregistered work as a contractor and imposed an administrative penalty of \$5,000 for Respondent's violation of R.I. Gen. Laws § 5-65-3 and R.I. Gen. Laws § 5-65-10(a)(1) and (10). The decision issued a cease and desist order against the Respondent from acting as a contractor without registration.

The 2023 decision was issued on July 25, 2023. Prior to the 2023 decision, the Respondent had five (5) other final orders against him finding he committed a variety of violations including acting as an unregistered contractor and performing negligent work and imposing sanctions. One of those final orders resulted in a criminal conviction. The Respondent also had two (2) other final orders against him issued in 2024. The Respondent entered into the contracts with the Johnston and Warwick homeowners after the 2023 decision. Thus, he entered into those contracts after a cease and desist order against him was issued.

The Respondent's continuous and flagrant disregard for the statutes and his inability to comply with registration requirements and Board orders and his inability to perform work merit the higher penalties as provided for by statute.

Pursuant to R.I. Gen. Laws § 5-65-10(c), the following administrative penalties are imposed against the Respondent for the following violations:

- 1) \$20,000 for two (2) violations of R.I. Gen. Laws § 5-65-10(a)(11) (breach of contract) at \$10,000 each;

- 2) \$20,000 for two (2) violations of R.I. Gen. Laws § 5-65-3(a) (performing work or arranging to perform contractor work without a registration) at \$10,000 each;
- 3) \$10,000 for violating of R.I. Gen. Laws § 5-65-10(a)(4) (failure to comply with Board orders);
- 4) \$10,000 for violating R.I. Gen. Laws § 5-65-10(a)(9) (engaging in repeated acts in violation of this chapter).
- 5) \$6,000 for twice violating R.I. Gen. Laws § 5-65-3(o) (mechanic's lien) and twice violating R.I. Gen. Laws § 5-65-10(p) and R.I. Gen. Laws § 5-65-27 (right of rescission) and twice violating R.I. Gen. Laws § 5-65-22 (failing to provide contractor registration number) at \$1,000 each for those six (6) violations.

Therefore, the Respondent shall pay an administrative penalty of \$66,000.

Pursuant to R.I. Gen. Laws § 5-65-10(a)(10), the Respondent shall return the deposit of \$3,250 to the Warwick homeowner of complaint C23-357.

Pursuant to R.I. Gen. Laws § 5-65-10(a)(10), the Respondent shall return the deposit of \$500 to the Johnston homeowner of complaint C24-373.

Additionally, pursuant to R.I. Gen. Laws § 5-65-1 *et seq.*, the Respondent shall be enjoined from obtaining and/or holding a contractor registration and/or engaging in any work that requires registration as a contractor pursuant to R.I. Gen. Laws § 5-65-1 *et seq.* both individually and through any business activity so that he shall not act as a manager or become an owner or part owner of any company that engages in contracting.

Based on the Respondent's extensive disciplinary history and his repeated and flagrant disregard and inability to comply with the registration statute and with Board orders, the Respondent is barred for three (3) years from applying to act as a contractor. Furthermore, after three (3) years,

the Respondent cannot apply for registration unless he has complied with this decision and all other matters involving his work as a contractor (e.g. Board, court matters). Obviously, if the Respondent chooses, in future, to apply to become a contractor after three (3) years, the Department does not have to issue such a registration, and of course, would consider in any evaluation of such an application how the Respondent complied with this decision and the other matters and was he able to demonstrate knowledge and understanding of the statutory obligations as a contractor, etc.

## **VI. FINDINGS OF FACT**

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

1. A hearing was scheduled for February 11, 2025 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.
2. Pursuant to § 1.17 of the Regulation, the Respondent is declared to be in default for failing to appear at the hearing.
3. 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(c), an administrative penalty of \$66,000 is imposed against the Respondent for the violations as detailed above.

Pursuant to R.I. Gen. Laws § 5-65-10(a)(10), the Respondent shall return the deposit of \$3,250 to the Warwick homeowner of complaint C23-357 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(a)(10), the Respondent shall return the deposit of \$500 to the Johnston homeowner of complaint C24-373 and confirm the same with the Board within 20 days of the date of this decision.

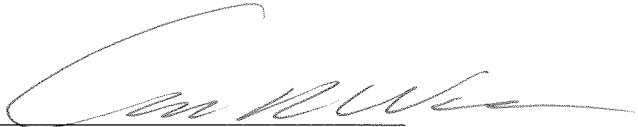
Pursuant to R.I. Gen. Laws § 5-65-1 *et seq.*, the Respondent shall be enjoined from obtaining and/or holding a contractor registration and/or engaging in any work that requires registration as a contractor pursuant to R.I. Gen. Laws § 5-65-1 *et seq.* both individually and through any business activity so that he shall not act as a manager or become an owner or part owner of any company that engages in contracting.

The Respondent is barred for at least three (3) years from applying to act as a contractor as set forth above.

The administrative penalty is due 20 days from the execution of this decision.<sup>7</sup>

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

Entered: February 19, 2025

  
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>7</sup> Payment should be made to Contractors' Registration and Licensing Board at the above address.

**CERTIFICATION**

I hereby certify on this 19<sup>th</sup> day of February, 2025 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. Shawn Perry  
2103 Mayo Drive  
Reading, PA 19601

and by electronic delivery to:

shawnperry984@gmail.com (Respondent)  
shawnperry0905@gmail.com (Respondent)  
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)  
Contractors; Registration and Licensing Board  
560 Jefferson Boulevard, Suite 200  
Warwick, R.I. 02886

Kallie Longval, Esquire (kallie.longval@dbr.ri.gov)  
Pamela Toro, Esquire (pamela.toro@dbr.ri.gov)  
Department of Business Regulation  
Pastore Complex  
1511 Pontiac Avenue  
Cranston, R.I. 02920

  
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Theresa L. Kaplan