

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

IN THE MATTER OF: :
:
BRANDON MCGARRAHAN : **COMPLAINT No. C-23-317**
d/b/a KB BUILDERS LLC, : **GC-46839 (expired)**
:
RESPONDENT. :
:

On or about November 26, 2024, Respondent was provided a Notice of Hearing (“NOH”) by the Department of Business Regulation (“Department”).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 any part of 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 hearing being scheduled in this matter, the Respondent and the Department (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:

STATEMENT OF FACTS

1. Respondent was registered as a contractor with the Board, holding registration number GC-46839, during the period March 2, 2022, through March 6, 2024. The registration expired on March 6, 2024, without renewal by Respondent.

¹ 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 of 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.

2. On August 8, 2024, the Board received a complaint from a Coventry, Rhode Island property owner (“Complainant”) regarding Respondent’s agreement to install vinyl siding, new doors, and new windows on the property.
3. According to the Complaint and documents provided: Complainant and Respondent executed a written contract on May 4, 2024, with an effective start date of June 10, 2023, and a project cost of fifteen thousand nine hundred seventy-seven dollars (\$15,977), and Complainant paid Respondent seven thousand nine-hundred eighty-eight and 50/100 (\$7,988.50), by check as a deposit.
4. According to the Complaint documents, Respondent’s contract for construction failed to include his registration number.
5. An inspector for the Board confirmed after an investigation that was conducted during August 8, 2024, and September 6, 2024, that on or about May 4, 2023, Respondent, who was then registered as a contractor, arranged to perform work for the complainant, accepted a deposit and thereafter failed to perform any work or provide any materials in violation of R.I. Gen. Laws Chapter 5-65.
6. 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 unjustly retaining a deposit related to a contract for construction.

STATEMENT OF LAW

7. 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.

8. Pursuant to R.I. Gen. Laws § 5-65-10(a), “[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.

...

(11) That the registrant breached a contract.

...

(14) That the registrant has failed to complete a project(s) for construction or willfully failed to comply with the terms of a contract or written warranty.

...

9. According to R.I. Gen. Laws § 5-65-22, “[a]ll 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.”

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

11. Pursuant to R.I. Gen. Laws § 5-65-16(f)(3), in addition to its the authority to impose fines, the Board is authorized to provide any other relief and/or remedy provided under Chapter 5-65 of the Rhode Island General Laws and the Rules and Regulations for Contractors 440-RICR-10-00-2 (the “Regulations”)².

² See also 440-RICR-10-00-1.9.2(F)(2) of the Board’s Rules and Regulations for Administrative Hearings, which provides that if a Hearing Officer determines that a violation of Chapters 5-65, 5-65.1, 5-65.2, 5-65.3, 5-73, and/or Parts 1-6 of 440-RICR-10-00 has occurred, the Hearing Officer may order return of the deposit if no work has commenced.

TERMS

12. Respondent neither admits nor denies the allegations outlined herein, and in order to amicably resolve this matter without an administrative hearing the Parties enter into this Stipulation and Consent Order solely for the purpose of avoiding the burdens and expenses of litigation. The Parties agree to resolve this matter based upon the following:

- a. Respondent hereby agrees to cease and desist from performing and/or offering to perform any and all unregistered contractor activities in the state of Rhode Island.
- b. Respondent agrees and acknowledges that criminal information case number K2-2024-0179A (State of Rhode Island vs. Brandon McGarrahan, K2-2024-0179A (R.I. Super. Ct.), was filed against Respondent in relation to his obtaining a deposit as outlined above, in exchange for contractor work that was never performed for the complainant; the matter has been referred to and accepted by the Rhode Island Superior Court's diversion program to facilitate repayment to the Complainant.
- c. Respondent agrees to cooperate with the Rhode Island Superior Court's diversion program to complete reimbursement to the Complainant.³
- d. Respondent agrees and acknowledges that his future registration as a contractor with the Board shall be contingent upon his complete repayment of the above-referenced deposit to the Complainant.
- e. Respondent agrees and acknowledges, to become registered again as a contractor, he shall completely reimburse the Complainant as outlined above, and shall provide reliable and satisfactory proof of said repayment(s) to the Board, in addition to any and all other applicable application requirements as set forth in R.I. Gen. Laws

³ Legal counsel for the Department confirmed prior to signing this Stipulation and Consent agreement, Respondent was in compliance with the payment agreement arranged through the court's diversion program.

Chapter 5-65, and the Regulations governing contractors in Rhode Island (440-RICR-10-00-1 and 440-RICR-10-00-2).

f. So long as Respondent remains in good standing with the Superior Court's diversion program and completely reimburses the Complainant, the Department shall waive any administrative fines related to the asserted violations outlined in paragraph five (5) of this Stipulation and Consent Order.

13. Respondent agrees that, in addition to the above, going forward he shall abide by all other statutory and regulatory requirements as set forth in the laws governing how to become and how to practice being a contractor 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.

14. If the above terms and conditions are fully satisfied by Respondent, the Board shall consider this matter resolved.

15. Respondent acknowledges that if the above terms are not fully satisfied, 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.

16. *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.

17. *Completeness.* The Parties agree that the terms and conditions of this Stipulation and Consent Order represents the final determination of this matter.
18. *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 Board and the Superior Court under R.I. Gen. Laws Chapter 5-65 and the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.
19. *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 the 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.
20. *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, and it shall be published on the Department's website under "Enforcement Actions."
21. *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 Department, including the Division, the SBO and the Board, or any other governmental agency.
22. *Effective Date.* The effective date of this Stipulation and Consent Order shall be the date it was approved and signed by the Department and the Hearing Officer.

For the Department:

Matthew Santacroce

Print Name: Matthew Santacroce
Title: Deputy Director

2/4/2025
Date

For the Respondent:

Brandon McCarahan
Print Name:

3-10-25
Date

NOTARIAL CERTIFICATE

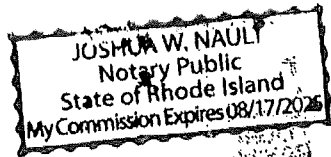
STATE OF Rhode Island

COUNTY OF Providence

On this 10th day of March, 2025 before me the undersigned notary public, personally appeared Brandon McCarahan, 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.

[Signature]
Print Name and ID Number
Notary Public
Josh Naeth

My Commission Expires: 8/17/25



So Ordered:
[Signature]

Catherine R. Warren, Esq.
Hearing Officer
Date: 3/10/25

CERTIFICATION OF SERVICE

In accordance with R.I. Gen. Laws § 5-65-6, I hereby certify on this 12th day of March 2025, that a true copy of the within Notice of Hearing was sent by first class mail and certified mail, return receipt requested to:

Brandon McGarrahan 99 Hollow Tree Drive Cranston, RI 02920	KB Builders LLC Attn: Brandon McGarrahan 99 Hollow Tree Drive Cranston, RI 02920
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And by e-mail to:

1. Catherine Warren, Esq., Hearing Officer (Catherine.Warren@dbr.ri.gov);
2. Joshua W. Nault, Esq., DBR Legal Counsel (joshua.nault@dbr.ri.gov);
3. James P. Cambio, Building Commissioner (James.Cambio@dbr.ri.gov);
4. Anthony Whitfield, Principal State Building Code Official
(Anthony.Whitfield@dbr.ri.gov);
5. Respondent Brandon McGarrahan bmcgarrahan@icloud.com.


Print Name: Meredith Cotta