

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

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<b>IN THE MATTER OF:</b>	:	
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<b>PRESTON LELAND,</b>	:	
<b>d/b/a OAKLEY CONSTRUCTION,</b>	:	<b>GC No. 40576</b>
	:	<b>Complaint No. 24-126</b>
	:	
<b>RESPONDENT.</b>	:	

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On or about October 9, 2024, Respondent was provided a Notice of Hearing (“NOH”) by the Department of Business Regulation (“Department”).<sup>1</sup> 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, Respondent and the Department (the “Parties”) reached an agreement to settle the matter without the need for a 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:

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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 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.

### STATEMENT OF FACTS

1. Respondent Preston Leland first became a registered contractor, GC Number 40576, with the Board on or around November 17, 2016.<sup>2</sup>
2. On or about April 24, 2024, the Board received Complaint No. 24-126 (the "Complaint"), alleging that on or about July 10, 2023, Respondent Leland Preston agreed to perform contractor services for the complainant at their residential property located in Cranston, Rhode Island, for the total cost of \$18,350.
3. According to the contract appended to the Complaint, the total cost of the project was to be \$18,350, and a 50% deposit was to be paid in the amount of \$9,175.
4. According to the Complaint, Respondent accepted a monetary deposit in the amount of \$9,175, via personal check (check no. 11335), made out to Oakley Construction and the memo line provides "1<sup>st</sup> Payment."
5. According to the Complaint, no materials were delivered for the project and Respondent did not begin or complete any aspect of the work as outlined in the contract.
6. According to the Respondent, on several occasions Respondent sent workers to the property but the Complainant then cancelled the work the same day.
7. According to the Complainant, Respondent did provide a partial repayment of the deposit in the amount of \$4,500, and the Respondent disputes what amount remains owed to the Complainant.
8. An investigation conducted by an inspector for the Board between April 24, 2024, and August 27, 2024, confirmed Respondent accepted a monetary deposit from the complainant in the amount of \$9,175, pursuant to a contract to perform contractor services at

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<sup>2</sup> On or about May 18, 2022, Respondent paid a negotiated reduced fine of \$250, to address the penalty associated with V-6381 for failure to secure permits prior to commencing work.

complainant's residence in Cranston, Rhode Island and after accepting the monetary deposit from complainant Respondent thereafter failed to begin and/or complete any aspect of the work agreed to in the contract for contractor services, but did provide a partial refund to the Complainant in the amount of \$4,500.

9. 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 Chapter 5-65, by unjustly retaining all or part of a deposit related to a contract for construction.

#### **STATEMENT OF LAW**

10. 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.

11. 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.

...

12. 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.”
13. Pursuant to R.I. Gen. Laws § 5-65-10(c), a fine may be imposed for each violation of Chapter 5-65.
14. 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”)<sup>3</sup>.

**TERMS**

15. Respondent neither admits to nor denies the allegations outlined herein, and in order to amicably resolve this matter without an administrative hearing the Parties enter in to 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 agrees to pay an administrative fine of \$250.00, made payable to the R.I. General Treasurer, and deliver said payment upon signing this Stipulated Consent Agreement.
  - b. Upon receipt of payment from Respondent Preston Leland, in the amount of \$250 as outlined above, the Board shall consider the asserted violations of Chapter 5-65 in Paragraph 8 resolved.
16. 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

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<sup>3</sup> 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.

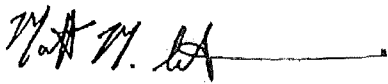
and how to practice being a contractor in the State of Rhode Island, R.I. Gen. Laws Chapter 5-65, as well as the CRLB's General Rules and Regulations for Applications, Registration, Licensing, Claims, Violations, and Administrative Hearings, 440-RICR-10-00-1, and the Rules and Regulations for Contractors, 440-RICR-10-00-2.

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 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.
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:**



Print Name: Matthew Santacroce  
Title: Deputy Director

2/4/2025  
Date

**For the Respondent:**



Print Name:

Preston Leland

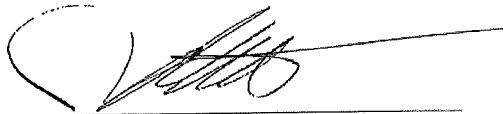
2-20-2025  
Date

**NOTARIAL CERTIFICATE**

STATE OF R.I.

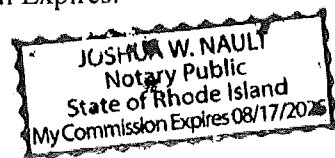
COUNTY OF Providence

On this 20<sup>th</sup> day of February, 2025 before me the undersigned notary public, personally appeared Preston Leland, 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.



Print Name and ID Number  
Notary Public Joshua W. Nault

My Commission Expires:



So Ordered:



Catherine R. Warren, Esq.  
Hearing Officer

Date: March 9, 2025

**CERTIFICATION OF SERVICE**

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

<p>Preston Leland Oakley Construction 345 Church Avenue Warwick, RI 02886</p>	<p>Preston Leland Oakley Construction 9 Howard Street, Unit B Cranston, RI 02920</p>
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And by email to:

1. Catherine Warren, Hearing Officer ([Catherine.warren@doa.ri.gov](mailto:Catherine.warren@doa.ri.gov));
2. Joshua W. Nault, DBR Legal Counsel ([joshua.nault@dbr.ri.gov](mailto:joshua.nault@dbr.ri.gov));
3. James P. Cambio, Building Commissioner ([james.cambio@dbr.ri.gov](mailto:james.cambio@dbr.ri.gov));
4. Anthony Whitfield, CRBL Chief ([anthony.whitfield@dbr.ri.gov](mailto:anthony.whitfield@dbr.ri.gov));
5. Preston Leland, Respondent ([oakleyconstructionllc@yahoo.com](mailto:oakleyconstructionllc@yahoo.com)).



Print Name: Meredith Cotta