

**STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, R.I. 02920**

IN THE MATTER OF:

Construction Edge d/b/a Constructionedge.site

Respondent.

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DBR No. 25DP001

DECISION

I. INTRODUCTION

The above-entitled matter came for hearing on April 30, 2025 pursuant to an Order to Show Cause Why a Cease and Desist Order Should not be Issued for Unregistered Conduct and/or Other Administrative Penalties Assessed; Notice of Hearing and Appointment of Hearing Officer (“Order to Show Cause”) issued on April 10, 2025 to Construction Edge d/b/a Constructionedge.site (“Respondent”) by the Department of Business Regulation (“Department”). The Respondent did not appear at hearing. Pursuant to § 2.9 of the 230-RICR-10-00-2, *Rules of Procedure for Administrative Hearing* (“Rules”), service may be made by hand-delivery or first-class mail and service is complete upon mailing when sent to the last known address of the party. In this matter, the Order to Show Cause was sent to the Respondent’s last known address by first class and certified mail and by email.¹ Since the Respondent was adequately noticed of hearing, a hearing

¹ The Order to Show Cause was sent by first class mail and certified mail, return receipt requested to the Respondent’s address on record with the Department. The Order to Show Cause was also sent to the Respondent’s email addresses on record with the Department. Department’s Exhibit One (1) (Order to Show Cause); and Two (2) (certified mail receipt and United States Post Office tracking sheet showing attempted delivery of certified mail with attempted delivery notice left for Respondent, and the email forwarding the Order to Show Cause to Respondent).

was held before the undersigned on April 30, 2025. Additionally, § 2.21 of the Rules provides that a default judgment may be entered based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Department 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 § 5-8-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and the Rules.

III. ISSUE

Whether the Respondent violated R.I. Gen. Laws § 5-8-1 *et seq.*, and if so, what should be the sanction(s).

IV. MATERIAL FACTS

Based on the pleadings and undisputed evidence, the following is a summary of the material facts in this matter. On December 11, 2024, John Hampton (“Hampton”), a Rhode Island registered professional engineer (“PE”), filed a complaint with the Department against the Respondent. The complaint detailed the Respondent’s fraudulent claim to offer professional engineering services in Hampton’s name without his knowledge or permission.

More specifically, Quinn Kampf (“Kampf”), a Rhode Island registered contractor, needed a PE to prepare and stamp plans for a pool installation in Warwick when he found Respondent's website online. The Respondent's website claimed to offer a range of expeditious and on-demand PE services, including but not limited to matching customers with professional engineers licensed in Rhode Island. Kampf engaged with the Respondent to obtain a quote for professional engineering services, and the Respondent agreed specifically to have Hampton provide services for the project. The Respondent provided

Kampf with a so-called invoice for engineering services to be provided by Hampton for the total cost of \$1,800.

The Respondent's invoice was entitled "CONSTRUCTION EDGE _____ SITE" and numbered as "Invoice #59483." Kampf was provided with a quote for a project entitled, "Pool Design & Stamped Plans for Warwick Job" which included preparation of engineered pool designed drawings and a Rhode Island specific PE stamp for the plans. The Respondent's invoice indicated \$900 would be due for an "upfront payment" by "12/08/2024" and a second \$900 would have been due for a "final payment" by "12/16/2024." The Respondent's invoice indicated the "Engineer Information" was for Hampton and provided Hampton's actual Rhode Island PE registration number.²

The Respondent did not have permission and never sought permission from Hampton to offer his PE services to consumers in Rhode Island or elsewhere. The Respondent fraudulently used Hampton's PE stamp/registration number for a Rhode Island planned construction project without Hampton's permission and/or knowledge.

On February 5, 2025, the Respondent was provided notice of Hampton's complaint. On February 6, 2025, the Department received a response from Respondent which stated, "Mr. [Kampf] had no deal with us. He didn't pay the 50% payment to us and the deal was cancelled. We are not practicing any violations. Best Regards, Mark." On about February 24, 2025, in a subsequent response to the Department, the Respondent provided "[Mr. Hampton] doesn't work with us. It was a mistake by our invoice creation person. We have panelized (sic) him for the mistake and humbly request you to kindly close this matter as a human error. I accept our negligence and apologize for the inconvenience. Thanks."

² It is noted that Krampf did not enter into any agreement with and did not make any payments to the Respondent but rather contacted Hampton directly for services.

The Respondent is not a registered entity with the Department and has never held a certificate of authorization to perform or offer to perform professional engineering services.

The Respondent advertised/advertises professional engineering services online to Rhode Island consumers.

The Respondent specifically offered to provide the professional engineering services of Hampton to Kampf without Hampton's permission and/or knowledge.

On or about January 30, 2025, a Department staff member engaged with a customer service chat window on the homepage of Respondent's website in order to gather information about the Respondent. During the chat, the Department obtained email contact information for the Respondent. The Respondent's customer service chat window claimed to be operated by "Dan Badaluta ("Badaluta") Professional Engineer," and included a picture of a young man with dark hair. An internet search for "Dan Badaluta, PE" revealed that he is a Texas professional engineer. Badaluta's LinkedIn profile includes a picture of a different man, older than the one on the Respondent's website and with gray hair. Department staff member contacted Badaluta at his firm in Texas to ask him if he was aware of the Respondent's use of his name in the website chat and also what appeared to be his Texas PE stamp on sample plans of completed work. After Badaluta personally reviewed Respondent's website, he confirmed to the Department staff member that Respondent's use and offering of his name and professional engineer credentials was done without his consent or knowledge.

Department's Exhibits One (1) (Order to Show Cause); Three (3) (Hampton complaint); Four (4) (Respondent's invoice to Krampf with price and deliverables and Hampton's name and PE number as the PE for the project); Five (5) (Department

investigation report about Respondent with timelines, emails with Badaluta and Respondent, confirmation that Respondent not have a certificate of authority to offer PE services in R.I.); Six (6) (Hampton affidavit); Seven (7) (Krampf affidavit); Eight (8) (screenshots of Respondent’s website offering PE services); Nine (9) (chatbot conversation on Respondent’s website claiming to be with Badaluta); Ten (10) (Badaluta affidavit), and 11 (Respondent’s LinkedIn advertising).

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). The statutory provisions must be examined in their entirety and the meaning most consistent with the policies and purposes of the legislature must be effectuated. *Id.*

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 in order to prevail. *Id.* See *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 130, 134 (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 and Regulation

R.I. Gen. Laws § 5-8-1 provides as follows:

Registration required for practice of engineering.

In order to safeguard life, health, and property, and to promote the public welfare, the practice of engineering in this state is declared to be subject to regulation in the public interest. It is unlawful for any person to practice, or to offer to practice, engineering in this state, as defined in the provisions of this chapter, or to use in connection with his or her name or otherwise assume, or advertise any title or description tending to convey the impression that he or she is an engineer, unless that person has been registered or exempted under the provisions of this chapter. The right to engage in the practice of engineering is deemed a personal right, based on the qualifications of the individual as evidenced by his or her certificate of registration, which is not transferable.

R.I. Gen. Laws § 5-8-24 provides in part as follows:

Sole proprietorship, partnership, limited-liability partnership, corporation, and limited-liability company.

(a) The practice or offer to practice engineering as defined by this chapter by a sole proprietorship, partnership, limited-liability partnership, corporation, or limited-liability company, subsequently referred to as the “firm,” through individuals is permitted; provided, that the individuals: (1) Are in direct control of the practice; (2) Exercise personal supervision of all personnel who act in behalf of the firm in professional and technical matters; and (3) Are registered under the provisions of this chapter; and provided, that the firm has been issued a certificate of authorization by the board of engineers.

R.I. Gen. Laws § 5-84-6 provides as follows:

Cease and desist authority.

If the director has reason to believe that any person, firm, corporation, or association is conducting any activity under the jurisdiction of the division of building, design and fire professionals including professional engineering, professional land surveying, architecture, or landscape architecture without obtaining a license or registration, or who after the denial, suspension, or revocation of a license or registration is conducting that business, the director, or the director's designee, may, either on his or her own initiative or upon recommendation of the appropriate board, issue an order to that person, firm, corporation, or association commanding them to appear before the department at a hearing to be held not sooner than ten (10) days, nor later than twenty (20) days, after issuance of that order to show cause why the director, or the director's designee, should not issue an order to that person to cease and desist from the violation of the provisions of this chapter or chapters 1, 8, 8.1, 51, and/or 65 of this title. That order to show cause may be served on any person, firm, corporation, or association named by any person in the same manner that a summons in a civil action may be served, or by mailing a copy of the order, certified mail, return receipt requested, to that person at any address at which that person has done business or at which that person lives. If during that hearing the director, or the director's designee, is satisfied that the person, firm, corporation, or association is in fact violating any provision of this chapter, the director, or the director's designee, may order that person, firm, corporation, or association, in writing, to cease and desist from that violation and/or impose an appropriate fine under § 5-84-5 or other applicable law and/or refer the matter to the attorney general for appropriate action under chapters 1, 8, 8.1, 51, and/or 65 of this title. All these hearings are governed in accordance with the administrative procedures act. If that person fails to comply with an order of the department after being afforded a hearing, the superior court for Providence county has jurisdiction upon complaint of the department to restrain and enjoin that person from violating chapters 1, 8, 8.1, 51, 65, and/or 84 of this title.

D. Whether the Respondent Violated R.I. Gen. Laws § 5-8-1 *et seq.*

Neither Hampton nor Badaluta have any association with the Respondent. The Respondent does not have a certificate of authority from the board of engineers to practice engineering as a sole proprietorship, partnership, limited-liability partnership, corporation, or limited-liability company. The Respondent pretended it had an association with registered professional engineers and offered such services without permission.

Based on the foregoing, the Respondent violated R.I. Gen. Laws § 5-8-1 and R.I. Gen. Laws § 5-8-24 by offering to practice engineering and conveying the impression it could offer engineering services when it did not hold a certificate of authority nor had any association with any professional engineers and was not exempt from the licensing statute.

E. Conclusion

Pursuant to R.I. Gen. Laws § 5-84-6, the Respondent is enjoined from engaging in any unregistered professional engineering activity as defined by R.I. Gen. Laws § 5-8-1 *et seq.*

VI. FINDINGS OF FACT

1. The Order to Show Cause was sent by the Department to the Respondent on April 10, 2025.


2. A hearing was scheduled for April 30, 2025, at which time the Respondent did not appear. As the Respondent had adequate notice of hearing, the undersigned held the hearing that day.

3. The facts contained in Section IV and V are reincorporated by reference herein.

VII. CONCLUSIONS OF LAW

Pursuant to R.I. Gen. Laws § 5-84-6, the Respondent is enjoined from engaging in any unregistered professional engineering activity as defined by R.I. Gen. Laws § 5-8-1 *et seq.*

Dated: May 14, 2025



Catherine R. Warren
Hearing Officer

ORDER

I have read the Hearing Officer's Decision and Recommendation in this matter, and I hereby take the following action with regard to the Decision and Recommendation:

 ✓ ADOPT
 REJECT
 MODIFY

Dated: May 16, 2025


Elizabeth Kelleher Dwyer, Esquire
Director

NOTICE OF APPELLATE RIGHT

THIS ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

CERTIFICATION

I hereby certify that on this 16th day of May, 2025, that a copy of the within Decision and Notice of Appellate Rights was sent by first class mail, postage prepaid and certified mail, return receipt requested to Construction Edge d/b/a Construction.edge, [REDACTED] [REDACTED] [REDACTED] [REDACTED] and by electronic delivery to contactconstructionedge@gmail.com and contact@constructionedge.site and by electronic delivery to Joshua Nault, Esquire, and Amy Stewart, Esquire, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue, Cranston, R.I.02920.

