



**STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
DIVISION OF BUILDING, DESIGN & FIRE PROFESSIONALS
560 JEFFERSON BLVD.
WARWICK, RI 02886-1394**

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| <p>IN THE MATTER OF:</p> <p>RAYMOND OLIVER, d/b/a T&R CONSTRUCTION, REGISTRATION 18226</p> <p style="text-align: center;"><i>RESPONDENT</i></p> | <p>2021-CRLB-002</p> |
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EMERGENCY ORDER SUMMARILY SUSPENDING REGISTRATION AND ORDER TO SHOW CAUSE WHY REGISTRATION SHOULD NOT BE REVOKED; WHY RESPONDENT SHOULD NOT BE FINED OR OTHERWISE SANCTIONED; NOTICE OF VIOLATIONS/PROPOSED ORDERS; AND NOTICE OF HEARING AND APPOINTMENT OF HEARING OFFICER

The Director of the Rhode Island Department of Business Regulation (“Department”) hereby issues this Emergency Order summarily suspending the Registration of Respondent Raymond Oliver, d/b/a T&R Construction, Registration # 18226 (“Respondent”); Order to Show Cause why Respondent’s Registration should not be revoked; Why Respondent should not be fined or otherwise be sanctioned; Notice of Violations/Proposed Orders; and Notice of Hearing and Appointment of Hearing Officer (collectively the “Order”) to Respondent, pursuant to R.I. Gen. Laws § 5-65-10(f), 440-RICR-10-00-1 (the “CRLB Regulation”), the Administrative Procedures Act (the “APA”), R.I. Gen. Laws Chapter 42-35, specifically R.I. Gen. Laws § 42-35-14(c), and the Department’s Rules of Procedure for Administrative Hearings, 230-RICR-10-00-2 (the “Rules of Procedure”). This Emergency Order is issued pursuant to the Director’s emergency authority found in R.I. Gen. Law § 5-65-10(f) having determined that the Respondent is acting to the detriment of the health, welfare and safety of the general public, and continues to so threaten the public if he remains registered by the Department.

This Order requires the Respondent to appear before a Hearing Officer within thirty (30) days to answer why the Hearing Officer should not issue an order revoking Respondent’s Registration. This Order is effective upon issuance.



The Director issues these Orders for the following reasons:

RELEVANT LAW

1. In an emergency situation, R.I. Gen. Laws § 5-65-10(f) empowers the Director of the Department of Business Regulation, or the Director's Designee, to revoke or suspend a registration *without a hearing* for just cause for a period of thirty (30) days.
2. R.I. Gen. Laws § 5-65-10(a) authorizes the Board (Contractors' Registration and Licensing Board ("Board")) or the Office (State Building Office) ("Office") to 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.
 - (2) That the insurance required by § 5-65-7 is not currently in effect.
 - (3) That the registrant, licensee, or applicant has engaged in conduct as a contractor that is dishonest or fraudulent that the board finds injurious to the welfare of the public.
 - (4) Has violated a rule or order of the board.
 - (5) That the registrant has knowingly assisted an unregistered person to act in violation of this chapter.
 - (6) That a lien was filed on a structure under chapter 28 of title 34 because the registrant or applicant wrongfully failed to perform a contractual duty to pay money to the person claiming the lien.
 - (7) That the registrant has substantially violated state or local building codes.
 - (8) That the registrant has made false or fraudulent statements on his or her application.
 - (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.
 - (12) That the registrant performed negligent and/or improper work.



(13) That the registrant has advertised with a license number instead of using a registration number.

(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.

(15) That the registrant has misrepresented his or her registration status as valid when the registration was suspended, revoked, invalidated, inactive, or unregistered as required by the board.

(16) That the registrant has failed to pay a fine or comply with any order issued by the board.

(17) That the registrant has failed to obtain or maintain the required continuing education/units required by the board, or failed to sign the statement required by the board for registration or renewal.

(18) When a violation for hiring a nonregistered contractor, working as a nonregistered contractor, or not maintaining the insurance required is issued, the registration may become invalidated until the violation is resolved or hearing is requested on this offense.

(19) That the registrant has violated any of the provisions of chapter 3 of title 25; 3, 12, 14, 36, or 50 of title 28; or 13 of title 37. A finding that the registrant has violated any of those chapters shall not be grounds for imposition of a monetary penalty under subsection (c) below.

3. R.I. Gen. Laws § 5-65-10(k)(3) provides: “When upon investigation a complaint reveals: serious code infractions; ... abandonment of a job for a substantial period of time without apparent cause; or any other conduct detrimental to the public, the board can double the fines.”

4. RI Gen. Law § 5-65-1 *et seq.* and 440-RICR-10-00-1.12.2(A) of the Rhode Island Code of Regulations authorizes the issuance of notice of violations for the following:

- 2. Claims;
- 9. No registration/license number on contract;
- 11. No mechanics’ lien release form/notice provided in contract;
- 12. No right of rescission clause;
- 15. Violation of State Building Code;
- 16. Violation of rule, regulation or order of the Board;
- 18. Registrant/licensee engaged in conduct dishonest or fraudulent conduct;
- 22. Engaged in any act, conduct, or practice which violates this Subchapter;
- 24. Failure to provide list of sub-contractors or employees;
- 25. Failure to comply with the disclosure requirements...



JUST CAUSE

For cause, the Director finds the following:

5. The Respondent is a contractor who has been registered with the Board since January 2000. The Respondent holds contractor registration #18226 which was last renewed on September 4, 2020, for a two-year period expiring September 1, 2022 (the “Registration”).
6. The following recent complaints have been filed with the Board against the Respondent.
7. Complaint 10426 was filed by homeowners against Respondent on or about June 13, 2021. The complaint alleged that Respondent was hired to perform home renovations and install a fence on a residence in Coventry but did not perform any work.
8. During an investigation conducted by Senior Investigator Michael Suriani, undertaken on or about June 25, 2021, Investigator Suriani learned that the homeowners entered into an agreement with Raymond Oliver of T & R Construction to erect an addition to their existing home. The addition would consist of a master bedroom, master bath, walk in closet, and laundry room. The cost of the project was \$63,000.00. A check dated March 30, 2021 was provided to Oliver for a deposit of \$21,000.00. As of the date of the complaint, no plans were drawn, no permits were pulled, and no materials were secured. Subsequent to the written contract for the master bedroom addition, the homeowners entered into an oral contract for the construction of a fence for \$6,300.00. A deposit of \$2,500.00 was paid to the Respondent via check on June 2, 2021. As of the date of the complaint, Oliver had set only 3 wooden poles. The remaining 9 poles were on site but not installed. No vinyl had been delivered.
9. During his investigation, Investigator Suriani also learned that the homeowners asked Respondent to refund their money numerous times and even though he promised to, he never did. The last request was made on June 10, 2021 and Respondent told the homeowner, “he didn’t have it...he had spent it.” In addition to the complaint filed with the Board, the homeowners filed a criminal



complaint with the Coventry Police which led to the arrest of Respondent for the charge of Obtaining Money Under False Pretenses. ¹

10. As part of the investigation, Investigator Suriani contacted the Respondent to discuss the complaint.

In doing so, Respondent admitted that “he owed them money”. Multiple attempts by the Board to negotiate a settlement were unsuccessful and the claim portion of the complaint was closed on August 18, 2021. As a result of this incident, Notice of Violation/Proposed Order # 5973, which is issued contemporaneous with this Emergency Order, alleges the following violations of statute:

- (1) Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
- (2) Failure to provide mechanic’s lien notice, R.I. Gen. Law § 5-65-18
- (3) Failing to display a registration number, R.I. Gen. Law § 5-65-22

11. On or about July 30, 2021, a concerned third party sent an email to State Building Code Commissioner, James Cambio, to notify the Board of a situation where the Respondent “had scammed another senior citizen.” As a result of the information, the Board assigned an investigator to follow up. On or about October 15, 2021, Principal State Building Code Official, Matthew Lambert, met with the spouse of the homeowner. Upon interviewing the spouse, Principal Lambert learned that the homeowner had seen Oliver in the neighborhood and asked him about repairing a large shed. Respondent and the homeowner subsequently entered into an oral contract to perform the work. Although the total value of the work is unknown, the homeowner paid Respondent a deposit of \$8,000.00 on April 29, 2021. Over the next several months, homeowner and/or homeowner’s spouse (after homeowner passed away²) made multiple attempts to contact Respondent because the work was never started and there had been no further communication from Respondent.

¹ On July 2, 2021 the homeowners filed with the Coventry Police Department a criminal complaint (21-1041-OF) for the charge of Obtaining Money Under False Pretenses. The case is presently awaiting felony screening by the Attorney General’s Office. As to CRLB Notice of Violation/Proposed Order # 5973 and this Emergency Order, the allegations are based upon the CRLB investigation and not the criminal charge.

² The homeowner who entered into the oral agreement with Respondent passed away on July 4, 2021.



12. Lambert was also told that on August 24, 2021, the spouse filed a criminal complaint against Respondent with the Coventry Police Department.³ The spouse stated that after she had filed the criminal complaint, Respondent, through his attorney, contacted her and the Coventry Police Department to arrange for the return of the \$8,000.00. The money was returned on September 3, 2021 and the complainant withdrew her complaint. As a result of this incident, Notice of Violation/Proposed Order # 6181, which is issued contemporaneous with this Emergency Order, alleges the following violations of statute:

- (1) Failure to provide written contract for work over \$1,000, R.I. Gen. Law § 5-65-3-(o)
- (2) Failure to provide right of rescission, R.I. Gen. Law § 5-65-3(p)
- (3) Engaged in conduct as a contractor that is dishonest or fraudulent that the Board finds injurious to the welfare of the public, R.I. Gen. Law § 5-65-10(a)(3)
- (4) Engaged in repeated acts in violation of R.I. Gen. Law § 5-65, R.I. Gen. Law § 5-65-10(a)(9)
- (5) Breach of contract, R.I. Gen. Law § 5-65-10(a)(11)
- (6) Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
- (7) Failure to provide mechanic's lien notice, R.I. Gen. Law § 5-65-18
- (8) Failing to display a registration number, R.I. Gen. Law § 5-65-22

13. Complaint 10549 was filed by a homeowner against Respondent on or about August 31, 2021. The complaint alleged that Respondent was hired to perform a home renovation, but the Respondent failed to timely perform the work. As a result of the complaint, the Board assigned an investigator to follow up.

14. On or about September 22, 2021, Chief of Inspections Michael Scallon met with the homeowner. Upon interviewing the homeowner, Chief Scallon learned that the homeowner had hired

³ Criminal complaint 21-1459-OF dated August 24, 2021 is for the charge of Obtaining Money Under False Pretenses. As to CRLB Notice of Violation/Proposed Order # 6181 and this Emergency Order, the allegations are based upon the CRLB investigation and not the criminal complaint since that charge was withdrawn.



Respondent in December of 2020 to complete a home renovation. However, no written contract was executed. The homeowner paid Respondent a total of \$55,000.00 via cash and checks, as partial payment for the work⁴. The homeowner stated that “Respondent probably hasn't actually done any work on my house since last June and I took over as "general contractor" since early July....I assumed the role of finding construction help, roofers, gutters, etc... as well as the purchase of all materials needed for each step of the job. In addition, Tommy and Dennis (referred to on my payment summary) were originally on Raymond's payroll but I had to also assume the weekly payments to those men in order to keep my project moving.”

15. After filing the complaint with the Board, and without Board involvement, the Parties advised the Board that they were entering into a private agreement to resolve the matter.⁵ Based on that information, the Board discontinued processing the claim portion of the complaint but maintained its regulatory authority to impose sanctions for violations of statute.

16. As a result of this incident, Notice of Violation/Proposed Order # 6180, which is issued contemporaneous with this Emergency Order, alleges the following violations of statute:

- (1) Failure to provide written contract for work over \$1,000, R.I. Gen. Law § 5-65-3-(o)
- (2) Breach of contract, R.I. Gen. Law § 5-65-10(a)(11)
- (3) Engaging in conduct as a contractor that is dishonest or fraudulent that the Board finds injurious to the welfare of the public, R.I. Gen. Law § 5-65-10(a)(3)

⁴ \$10,000.00 via check on December 29, 2020; \$20,000.00 via check on February 26, 2021; \$10,000.00 in cash in March of 2021; \$10,000.00 via check on April 22, 2021; and \$5,000.00 via check on May 25, 2021.

⁵ The homeowner informed Chief Scallon that terms of the agreement called for the Respondent to repay the homeowner the sum of \$50,000 in monthly installments of a minimum of \$2,000 per month until the full amount was paid. The total was due on or before July of 2022. Per the homeowner, the first payment, which was due on October 15, 2021 was not made. The homeowner further advised that he would pursue a civil remedy through the Court.



- (4) Engaged in repeated acts in violation of R.I. Gen. Law § 5-65, R.I. Gen. Law § 5-65-10(a)(9)
- (5) Failure to complete a project, R.I. Gen. Law § 5-65-10(a)(14)
- (6) Failure to provide mechanic's lien notice, R.I. Gen. Law § 5-65-18
- (7) Failing to display a registration number, R.I. Gen. Law § 5-65-22

CONCLUSION & BASIS FOR EMERGENCY ACTION

At this time, the Director has cause to believe that Respondent is in violation of multiple sections of R.I. Gen. Laws § 5-65-1 *et seq.* and is acting to the detriment of the health, welfare, and safety of the general public. For these reasons, the Director finds that there is a serious threat to Rhode Island consumers which requires that Respondent's Contractor Registration be immediately suspended pursuant to R.I. Gen. Laws § 5-65-10(f).

ORDER

Accordingly, it is hereby **ORDERED**:

1. That, pursuant to R.I. Gen. Law § 5-65-10(f), Respondent's Contractor Registration # 18226, is immediately suspended.
2. In accordance with §§ 5-65-3 and 5-65-10, during the period of said suspension, the Respondent cannot undertake, offer to undertake, submit a bid, perform or arrange to perform work as a contractor.
3. That Respondent shall immediately notify all parties, for whom he has outstanding contractor related obligations, that his Registration has been suspended pursuant to this Order.
4. That Respondent shall appear before a Hearing Officer for the Department for an Administrative Hearing on **November 18, 2021 at 1:00 p.m.** (which is within 30 days of this Order) to show cause why the Respondent's Registration should not be revoked, fines imposed and/or other administrative action taken.
5. Said hearing will be held via Zoom teleconference and can be joined as follows:

<https://us02web.zoom.us/j/85788002837?pwd=d01zNk1leWVuRzIQkVwOGpCN2FGUT09>



Meeting ID: 857 8800 2837

Passcode: 666978

One tap mobile

+13126266799,,85788002837#,,,,*666978# US (Chicago)

+16465588656,,85788002837#,,,,*666978# US (New York)

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+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

888 788 0099 US Toll-free

833 548 0276 US Toll-free

833 548 0282 US Toll-free

877 853 5247 US Toll-free

Meeting ID: 857 8800 2837

Passcode: 666978

Find your local number: <https://us02web.zoom.us/j/85788002837>

6. Pursuant to R.I. Gen. Laws § 42-6-8, the Director hereby appoints Catherine R. Warren, Esq. as Hearing Officer for the purpose of conducting the hearing and rendering a decision in this matter.

The proceedings shall be conducted in accordance with the APA and the Rules of Procedure.

It shall be the Respondent's sole responsibility, or that of his/her or its representative, to present his defense to the Hearing Officer. Respondents may be represented by legal counsel admitted in the State of Rhode Island, and individuals may appear *pro se*, but corporations may *not* appear *pro se*. If Respondent fails to appear and has not otherwise notified the Hearing Officer or the Department of his/her or its inability to attend, the Hearing Officer may enter a default judgment against Respondent. Rules of Procedure § 1.17.

Questions regarding this Order may be presented to the prosecuting attorney, John Dean, Esq., at John.Dean@dbr.ri.gov by referencing the case name and number. Please refrain from contacting the Hearing Officer on any matters related to the subject of the above unless all parties are notified of and participate in the communication.

Entered this 27th day of October, 2021.

Elizabeth M. Tanner, Esq., Director



All are welcome at the Rhode Island Department of Business Regulation (“DBR”). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email DBR.dirofficeing@dbr.ri.gov at least three (3) business days prior to the hearing. To request sign language and/or CART services for the deaf and hard of hearing, please contact the Department via email at shirley.dossantos@dbr.ri.gov or via telephone at (401) 462-9551. We strongly encourage you to do this at least five (5) business days before the date of the scheduled hearing to allow adequate time to process your request.