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TITLE 440 – CONTRACTORS' REGISTRATION AND LICENSING BOARD

CHAPTER 10 – GENERAL ADMINISTRATION, REGISTRATION, LICENSING, AND FILING CLAIMS

SUBCHAPTER 00 – N/A

PART 7 – RULES AND REGULATIONS FOR LICENSED RESIDENTIAL CONTRACTORS

7.1 Authority

- A. This Part is promulgated in accordance with R.I. Gen. Laws § 5-65.4-3 and R.I. Gen. Laws Chapter 5-84 by the Contractors' Registration and Licensing Board with approval of the Director of the Rhode Island Department of Business Regulation.

7.2 Purpose

- A. The purpose of this Part is to establish the application requirements, practice requirements and professional standards for licensed Residential Structure Construction Supervisors and Residential Structure Remodelers by instituting competency requirements that demonstrate a proficiency and understanding of current residential building codes, standards, and techniques in order to safeguard and protect individual consumers and the health, safety and welfare of the general public.

7.3 Scope

- A. This Part applies to licensing, regulation, and the practice of being a Residential Structure Construction Supervisor and Residential Structure Remodeler in the State of Rhode Island.

7.4 Definitions

- A. In addition to the terms defined in R.I. Gen. Laws Chapter 5-65.4 and R.I. Gen. Laws § 5-65-1, for the purposes of this Part, the following terms shall have the following meanings:
1. "5-Hour Pre-License Course" or "Pre-License Course" – means the Board approved 5-Hour Course, that educates contractors on statutory and regulatory requirements and the different license requirements and responsibilities for building residential structures, performing structural

remodeling for residential structures, and nonstructural residential improvements, and which shall be required as a prerequisite to obtaining any registration and/or license with the Board, pursuant to R.I. Gen. Laws §§ 5-65-5(e), 5-65.4-3(g)(3) and this Part.

2. "Act" or "Rhode Island Residential Contractor Licensing Law" means R.I. Gen. Laws Chapter 5-65.4.
3. "Applicant" means a person applying for a License under R.I. Gen. Laws Chapter 5-65.4 and this Part.
4. "Business Entity" means a corporation, limited liability company, limited partnership, sole proprietorship, or other corporate entity required to be registered with the Rhode Island Secretary of State.
5. "Department" means the Department of Business Regulation.
6. "Final Order" is as defined in R.I. Gen. Laws Chapter 42-35.
7. "Hearing Officer" means the individual(s) authorized by law or duly designated by the Board to conduct hearings and write decisions in contested cases.
8. "Injurious to the Public" means any failure to abide by, comply with or adhere to the Act or other applicable statutory, regulatory and/or building code requirements that may result in a harm to any consumer and/or the health, safety and welfare of the general public, directly or indirectly, any conduct of a character likely to deceive or defraud a consumer or the general public, and/or any unscrupulous conduct that a consumer would consider relevant when hiring a contractor to perform work as a Residential Structure Construction Supervisor and/or Residential Structure Remodeler.
9. "License" means the Residential Structure Construction Supervisor License or the Residential Structure Remodeler License issued to an individual person pursuant to this Part and R.I. Gen. Laws § 5-65.4-3.
10. "Licensee" means the holder of a Residential Structure Construction Supervisor License or the Residential Structure Remodeler License issued pursuant to R.I. Gen. Laws § 5-65.4-3 and this Part.
11. "Nonstructural Home Improvement" means non-load-bearing alterations which do not contribute to the overall stability of a building.
 - a. Examples include, but are not limited to, ceilings, flooring, doors trim, finishes, paint, cabinetry, in-kind window replacement that does not involve alteration of rough openings, headers, or other structural components, plastering, tiling, and decorative materials.

- b. Non-structural home improvements are improvements that may be added, removed, or altered without affecting the stability or load capacity of a building.
12. "Registrant" means a holder of a contractor registration issued pursuant to R.I. Gen. Laws Chapter 5-65.
13. "Residential Construction Remodeler License" or "Home Remodeler License" refers to a license issued under R.I. Gen. Laws § 5-65.4-3(d)(2) and which shall grant the holder of said license the ability to perform Residential Structural Remodeling to existing Residential Structures.
14. "Residential structure" is defined in R.I. Gen. Laws § 5-65.4-2 as "a building consisting of one- to four-family (4) dwelling units", and shall also include any load-bearing appurtenances thereto, such as an in-ground pool, garage, carport, port, deck, dock, shed, or gazebo, but shall not include non-load bearing appurtenances such as tents, fences, driveways, or sidewalks.
15. "Residential Structure Construction Supervisor" or "Supervisor of New Residential Construction" means a Licensee who performs on-site supervision of the construction of new residential structures. This includes the demolition of an existing building for the purpose of constructing a new residential structure.
16. "Residential Structure Construction Supervisor License" or "Home Builder License" refers to a license issued under R.I. Gen. Laws § 5-65.4-3(d)(1) and which shall grant the holder of said license the ability to perform work as a Residential Structure Construction Supervisor.
17. "Residential Structure Remodeling" and "Structurally Remodeling" are defined in R.I. Gen. Laws § 5-65.4-2 ("work performed by a contractor identified by the board as impacting components that support a building's safety or integrity, and any other work identified by the board that requires permits and/or inspections under the state building code.").
18. "Respondent" means a party who is subject to an administrative action pursuant to § 7.9 of this Part.
19. "Structural" means load-bearing and/or essential to the safety and stability of a Residential Structure, including, but not limited to, foundations, interior partition walls, retaining walls, load-bearing walls, beams, columns, joists, rafters, fascia, sheathing, floor slabs, sheeting, shoring, window installation or replacement that involves alteration of rough openings, headers, or other structural components, and underpinning. Structural alterations or improvements cannot be added, removed, or altered without affecting the overall stability or load capacity of a building.

20. "Supervising construction" is defined in R.I. Gen. Laws § 5-65.4-2 ("the performance, management, guidance, or oversight of the physical development of structures."), and shall also include the professional responsibility of licensees to provide adequate supervision as outlined in § 7.10 of this Part.

7.5 License Application Requirements

A. License Eligibility.

1. All Applicants seeking a license under this Part must demonstrate that they are in "good standing" with the Board.
- a. An Applicant shall be considered in good standing with the Board if:
- (1) The Applicant does not have any outstanding continuing education courses to complete, any unpaid administrative fines, or any unpaid deposits owed to consumers as a result of any Board initiated enforcement action(s) or any consent agreement by and between the Board and the Applicant; and
- (2) The Applicant has not been criminally convicted of or pled guilty or nolo contendere to a felony offense substantially related to the profession of or performance of work as either a Registrant, Residential Structure Construction Supervisor or Residential Structure Remodeler in the five (5) years preceding the application for this License.

B. Application Requirements.

1. All applications for either License shall be on forms prescribed by the Board and shall contain, at a minimum, consistent with R.I. Gen. Laws § 5-65.4-3(f) & (g), whatever information the Board requires including, but not limited to:
- a. Full name and valid government-issued photo identification of the individual Applicant;
- b. Mailing address, email address, and telephone number for the Applicant;
- c. If the Applicant is associated with a business entity:
- (1) The full name of the business as well as mailing address, email address, and telephone number for the business.
- (2) If the business is a corporation, limited liability company, partnership or other business entity required to be registered

with the Secretary of State, the Applicant must provide proof of a valid business entity registration.

- d. Any registration number and/or other license number issued to the individual applicant and any associated business by the Board, any other Rhode Island state agency, and/or any city, or town to perform and/or offer work in the construction trades or as a contractor;
- e. Any registration and/or license number issued to the individual applicant or the business by another state's licensing authority to perform and/or offer work in the construction trades or as a contractor;
- f. A Statement of Skills, Training and Experience as required by § 7.5(C) of this Part;
- g. Proof of insurance as required by § 7.5(D) of this Part;
- h. Proof of a passing exam or eligibility for exam waiver pursuant to § 7.5(F) of this Part;
- i. Proof of completing the required pre-licensing education courses as required by § 7.5(E)(2) of this Part; and
- j. Designation of an agent for service of process (for out-of-state applicants only).

- 2. Notwithstanding other provisions of this section, the Board may require correction of any information found to be in error and submission of additional information as is necessary to make an informed decision.

C. Statement of Skills, Training, and Experience.

- 1. In accordance with R.I. Gen. Laws § 5-65.4-3(f)(6), all applicants seeking to obtain a License shall attest that they currently have and shall maintain the necessary skills, experience & training to supervise construction of new residential structures and/or to perform Residential Structure Remodeling in Rhode Island as applicable, and shall as part of their application provide an attestation that includes, but is not limited to the following:
 - a. I have the necessary skills, training, and experience to be properly licensed.
 - b. I have read and understand R.I. Gen. Laws Chapter 5-65.4 and the rules and regulations promulgated by the Contractors' Registration and Licensing Board pursuant to the Act and all of the laws, rules,

and regulations applicable to building and remodeling residential structures that contain one (1) to four (4) family dwelling units contained within the Rhode Island Building Code, R.I. Gen. Laws Chapter 23-27.3 and regulations promulgated thereunder in Title 510 of this Code.

- c. I have sufficient knowledge and experience to supervise and perform residential construction work and will comply with all applicable laws, regulations and applicable building codes.
- d. I will adhere to, abide by and comply with all the requirements of the Act and the Board's regulations for Licensees, and state building code requirements in the supervision and performance of construction work under the License, to advance and ensure public health, safety, and welfare insofar as they are affected by building construction, through structural, sanitary, mechanical, electrical, energy and other health and safety code requirements.
- e. I will personally and directly maintain responsible control and supervision over all aspects of the licensed work.
- f. I understand that "Supervising Construction" is defined in state law at R.I. Gen. Laws § 5-65.4-2 and means the performance, management, guidance, or oversight of the physical development of structures.
- g. I understand that I am personally responsible for the provision of all contractually outlined construction work and related professional services.
- h. I will be regularly present on the construction site when licensed work is being performed and ensure that all work is proceeding in accordance with the documents approved for the building permit(s) and any other applicable laws, regulations and/or building code requirements.

D. Insurance Requirements.

- 1. In accordance with R.I. Gen. Laws § 5-65.4-3(f), all Applicants shall provide proof of insurance in the form of a certificate of insurance issued by an insurance company licensed or otherwise authorized to transact business in Rhode Island and certifying that at the time of application the applicant has a policy of insurance which includes, at a minimum, the following coverage:
 - a. General liability insurance coverage of not less than two million dollars (\$2,000,000), general aggregate, covering both bodily injury and property damage.

- (1) The Contractors' Registration and Licensing Board must be listed as the Certificate Holder on the certificate of insurance provided by the applicant.
 - b. Applicants with employees must provide proof of valid workers' compensation insurance as required under R.I. Gen. Laws Chapter 28-29.
2. Failure to maintain general liability or workers' compensation insurance throughout the term of the License shall be grounds for License revocation and/or suspension of the License and may result in the imposition of administrative penalties.

E. Exam

1. All applicants shall provide proof of a passing score on the examination designated and approved by the Board for the License that they are applying for.
 - a. The examination(s) shall be administered by a Board approved test provider.
 - b. The fee for the examination(s) shall be set by the Board approved test provider.
2. Exam Waiver – Only available until January 1, 2030
 - a. An exam waiver License pathway shall only be available to eligible Applicants who submit a completed application by January 1, 2030. All those who submit a complete application to obtain a License via the exam waiver pathway prior to January 1, 2030, and whose application is approved shall not be required to take an exam in order to obtain and timely renew their License.
 - b. In addition to the License application requirements in this Part, Applicants shall also provide the following in lieu of proof of a passing exam:
 - (1) An additional \$100 application fee to have the Board review an exam waiver application.
 - (2) Proof that the Applicant held a contractor registration prior to January 1, 2027.
 - (3) References, completed on forms provided by the Board, from at least two (2) similarly situated construction professionals that sufficiently evidences the applicant's competency (i.e. sufficient skills and experience) to hold the

requested License. All references must be based on the referencing party's first-hand knowledge and experiences.

(4) References from at least three (3) and no more than five (5) Consumers for whom the applicant has previously performed work that would now require a License.

(5) Portfolio of work that shows proof of completion of at least five (5) and no more than ten (10) construction projects of the type for which the applicant seeks to be licensed.

(A) Each project provided as part of the applicant's portfolio of work shall sufficiently show the applicant's skills and experience performing as a construction supervisor for the type of work for which the applicant seeks to be licensed.

(6) Financial disclosures from the applicant, including disclosure of any taxes due to the State, on forms prescribed by the Board and accompanied by an affidavit of the applicant and/or an affidavit of a certified public accountant, tax attorney, enrolled agent or other licensed tax professional.

c. All exam waiver application packages must be submitted to the Board through its online portal or in a digital format as directed by the Board. Paper applications will not be accepted.

d. To assist in the time it will take to review application materials, all exam waiver application packages must be compiled and submitted as one complete application package.

e. Incomplete or defective application packages shall be handled in accordance with § 7.6(B) of this Part.

F. Pre-License Education Requirements

1. First-time License applicants shall provide copies of pre-license completion certificates in their application materials for the following education courses from Board approved providers:

a. The 5-Hour Pre-License Course; and

b. A minimum of 12.5 hours of education courses, previously approved by the Board pursuant to § 1.8.9 of this Subchapter, focused on current residential building code requirements.

(1) The 10-hour safety course provided by the Office of Occupational Safety and Health Administration (OSHA) may

be used by the Applicant to satisfy 10 hours' worth of the pre-license education requirements.

2. All education courses shall be from Board approved providers. Education Providers for all pre-licensing education shall be approved in accordance with § 1.8.9 of this Subchapter.
3. Completion certificates for all pre-licensing education shall comply with § 1.8.5 of this Subchapter.
4. Pre-License Education Partial Exemption
 - a. Any Applicant that has successfully obtained a certification of graduation or program completion in construction or another relevant trade discipline from an accredited technical training school within the two (2) years preceding submission of an application for licensure shall be exempt from having to complete all but the 5-Hour Pre-License Course in order to satisfy the pre-license education requirements.
 - b. An Applicant seeking this partial exemption must provide an official transcript as part of their application for a License.
 - c. Applicants who hold a valid contractor registration at the time they apply to obtain a License shall be exempt from having to retake the 5-Hour Pre-License Course.

7.6 Application Submission Procedures

- A. All applicants seeking a license shall submit an application to the Board through its online portal, or through other means as directed by the Board. Paper applications will not be accepted.
- B. Incomplete or Deficient Applications
 1. Once a complete application is received, it will be reviewed by the Board. If an application is not complete as submitted, the Board shall provide the Applicant with a deficiency notice.
 2. Materials listed in the deficiency notice are due within sixty (60) calendar days of the date of said notice. If the listed items are not received within the required sixty (60) calendar days the application will be deemed withdrawn and the applicant will be required to submit a new application, including any and all application fees.
 3. Applicants seeking an exam waiver must submit a complete application on or before January 1, 2030. If an Applicant fails to submit a complete

application by that date, the Applicant will not be eligible for the exam waiver License pathway.

C. Late Renewal

1. Any person who otherwise satisfies the renewal requirements for a License may renew an expired License within 120 calendar days after its expiration date by submitting:
 - a. A complete renewal application containing the information required in § 7.5(B) of this Part; and
 - b. The applicable renewal and late fees.
2. After the License has been expired for more than 120 calendar days, but not more than two (2) years, the applicant must submit to the Board:
 - a. A complete renewal application containing the information required in § 7.5(B) of this Part;
 - b. The applicable renewal and late fees;
 - c. An attestation that the applicant has not performed unlicensed conduct; and
 - d. If applicable, an affidavit including a written explanation of any activity requiring a license or registration under R.I. Gen. Laws Chapters 5-65 or 5-65.4 in Rhode Island during the lapsed period.
3. If a person or entity has engaged in unlicensed and/or unregistered activity in Rhode Island, the Board will determine whether the person is eligible for License renewal and may initiate an enforcement action pursuant to § 7.9 of this Part.

D. Reinstatement of License

1. If the License has been expired for more than two (2) years or other period of time otherwise approved by the Board, the Applicant shall be required to meet the requirements for an original License and shall be required to submit to the Board:
 - a. A complete License application containing the information required in § 7.5(B) of this Part;
 - b. The applicable renewal fees; and

- c. Proof of the applicant successfully passing the Board required examination for their particular License and completion of all required pre-license education pursuant to § 7.5(F) of this Part.
- E. The Board shall issue and renew Licenses for individuals who have qualified under the provisions of R.I. Gen. Laws Chapter 5-65.4 and this Part.
- F. Any party aggrieved by the Board's decision regarding License issuance or renewal may, within ten (10) business days of the decision, submit a written request for a formal hearing on the denial to be conducted in accordance with the provisions of this Part.

7.7 License Terms, Renewals and Continuing Education

- A. All application requirements outlined in this Part must be maintained and kept current for the duration of the License.
- B. Term of License
 - 1. The term of a License issued under this Part shall be two (2) years.
 - 2. It is the obligation of the Licensee to timely renew their License.
- C. Renewal of License
 - 1. Renewal applications must be submitted by the Applicant and received by the Board prior to the expiration of the Applicant's current License.
 - 2. Renewal applications shall include the following:
 - a. Proof of completing the continuing education requirements set forth in § 7.7(D) of this Part;
 - b. Proof of insurance and business entity documentation as described in §§ 7.5(B)(1)(c), (d), (e), (g) and (j) and § 7.5(D) of this Part, if applicable;
 - c. Attestation from the applicant that all other information contained in the application is up to date as of the renewal submission, and is accurate and true to the best of the applicant's knowledge and belief;
 - d. Affirmation of the applicant's continued competency and maintaining the necessary skills, training and experience to obtain a License; and
 - e. Payment of the applicable fees.

3. Any renewal of a License shall be subject to the same provisions and requirements covering issuance, suspension, and revocation of any License as originally issued.

D. Continuing Education

1. Licensees shall complete a minimum of twelve (12) hours of continuing education every two years prior to renewing their Residential Structure Construction Supervisor or Residential Structure Remodeler Licenses. Courses may be of the Licensee's choosing but must be approved by the Board pursuant to § 1.8.9 of this Subchapter. Said courses must also include:
 - a. Four (4) hours of Board approved continuing education courses with a focus on building code;
 - b. Two (2) hours of Board approved continuing education courses with a focus on building safety; and
 - c. Licensees must perform at least six (6) of the required continuing education credit hours in-person.
2. All continuing education courses and educational providers shall be preapproved by the Board in accordance with § 1.8.9 of this Subchapter.

E. Licenses are Not Transferable.

1. A License shall be granted only to the applicant. Licenses may not be transferred, assigned, or leased to another without prior approval by the Board.

F. Death or Incapacity of Licensee

1. In accordance with R.I. Gen. Laws § 5-65.4-3(j), in the event of the death or incapacity of the Licensee, the Board may authorize limited continuing operations of a Licensed person or organization.
2. In such cases, a representative from the deceased or incapacitated Licensee's business must notify the Board of the Licensee's death or incapacity to perform their duties as soon as possible, but no later than ten (10) business days from death or date of incapacity.
3. A representative of the Licensee's business shall inform the Board of its plans to identify a new Licensee or wind down the business.

G. Dissolution of Licensee's business entity

1. When a Licensee dissolves its business entity or otherwise ceases operations, the Licensee must notify the Board within ten (10) business days of ceasing operations.

7.8 Tiered Licensing and Registration

A. Tiered Licensing for Contractors

1. Pursuant to R.I. Gen. Laws Chapter 5-65.4, in addition to the structural work authorized by the applicable License, a License issued to an individual shall permit the individual License holder to perform nonstructural contractor work that would otherwise require the individual License holder to obtain a contractor registration pursuant to R.I. Gen. Laws Chapter 5-65.
2. Tier A – A Residential Structure Construction Supervisor License shall permit the licensee to perform home building, Residential Structure Remodeling work that would otherwise require the individual license holder to obtain a Residential Structure Remodeler License, and Nonstructural Home Improvements that would otherwise require the individual license holder to obtain a contractor registration pursuant to R.I. Gen. Laws Chapter 5-65.
3. Tier B – A Residential Structure Remodeler License shall permit the individual license holder to perform Residential Structure Remodeling and Nonstructural Home Improvements that would otherwise require the individual license holder to obtain a contractor registration pursuant to R.I. Gen. Laws Chapter 5-65.
4. Tier C – Nonstructural Home Improvements are governed by R.I. Gen. Laws Chapter 5-65 and the Board's Rules and Regulations for Registered Contractors in Parts 1 and 2 of this Subchapter.

B. Corporations, Limited Liability Companies and Other Entities

1. An individual License holder may undertake, offer to undertake, submit a bid to do work, and/or perform work, which requires a License, in the name of and/or on behalf of a Business Entity, provided that:
 - a. The individual License holder certifies in their application to the Board that they are:
 - (1) An owner of the corporate Business Entity, or
 - (2) An employee of the business entity who has received the owner's written authorization to undertake and perform work in the name and on behalf of, the Business Entity;

- b. The individual License holder and Business Entity shall be jointly and severally responsible for compliance with the Act and these regulations; and
 - c. All work performed under the License, regardless of the scope, is personally supervised and overseen by the individual License holder.
 - 2. If the individual Licensee undertakes, offers to undertake, submits bids for and/or performs work that requires a contractor License under Chapter 5-65.4 or a contractor registration under Chapter 5-65 in the name and/or on behalf of any other corporation, limited liability company, or partnership, they shall be required to obtain and maintain an additional separate License or registration for such work.

7.9 Complaints, Investigations, Hearings and Enforcement

A. Investigations

- 1. The Board may investigate the activities of any Licensee or other person engaged in the building and construction industry in accordance with R.I. Gen. Laws §§ 5-65-10, 5-65-16, 5-65.4-3(h), and 5-65.4-5 to determine compliance with all applicable statutes and regulations.
- 2. Notwithstanding any resolution of contractual disputes between private parties, the Board shall maintain the authority and discretion to investigate any complaint matter for regulatory compliance and upon confirmation of any regulatory violations the Board may initiate enforcement proceedings.

B. Complaint Processing

- 1. Limitations on the Board's authority to adjudicate contractual disputes.
 - a. The Board has neither the authority to compel specific performance by any Licensee to or for any consumer and/or complainant, nor the authority to adjudicate private claims, causes of action, rights or remedies, contractual or otherwise for or on behalf of a Complainant.
- 2. The Board shall accept and consider complaints against Licensees for purposes of determining whether a Licensee or other persons who are required to be licensed have violated the provisions of the Act, any applicable provisions of R.I. Gen. Laws Chapter 5-65, any applicable Building Codes, and/or this Part.
- 3. The Board may decline to accept or at any time discontinue processing a complaint or determine to hold a complaint in abeyance pursuant to R.I. Gen. Laws § 5-65-12(b).

4. Nothing in this Part shall alter or impair the ability of a Licensee or other person who violates any applicable laws enforceable under this Part from entering into a consensual agreement or order with the Board that includes their agreement to perform work and/or reimburse funds to a complainant in consideration and as a condition of such consensual resolution of proceedings.
5. All Board investigations, whether they are initiated in response to a complaint or independently initiated by the Board's investigative staff, shall be handled fairly and impartially in order to determine whether any violations occurred at which time the Board shall proceed with such disciplinary action as is appropriate and necessary.
6. Pursuant to R.I. Gen. Laws § 5-65-10(e), any expiration or other License invalidation does not deprive the Board of jurisdiction to commence an action or disciplinary proceedings against the Licensee, or to render a decision suspending or revoking a License.
7. Upon receipt of a complaint, the Board shall:
 - a. Provide the complainant with a notice that acknowledging receipt of the complaint; and
 - b. Provide notice of the complaint to the Respondent requesting a written response to the Board within twenty (20) calendar days.
8. Upon completion of the Board's review and/or investigation of a complaint, and, if necessary after the completion of any disciplinary proceedings resulting from that complaint, the Board shall provide a notice to the complainant that the matter has been closed.

C. Hearings

1. Whenever a hearing is required by law, said hearing shall be conducted pursuant to R.I. Gen. Laws § 5-65.4-3 and R.I. Gen. Laws § 5-65-20, the Department's Rules of Procedure for Administrative Hearings, 230-RICR-10-00-2, and in accordance with the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.
2. The Board encourages the use of prehearing conferences to make more effective use of hearing time and to ensure a clear understanding for all the parties involved of the regulatory issues cited in any hearing notices and the limitations of the administrative enforcement process.
3. The Board or the Hearing Officer may, with reasonable written notice, require that all parties attend a prehearing conference to consider and/or address the following:

- a. The simplification, narrowing, and clarification of the issues;
 - b. The possibility of obtaining written stipulations, admissions, and/or agreements with respect to evidentiary exhibits;
 - c. The identification of witnesses and the limitation of the number of witnesses;
 - d. The possibility of agreement disposing of all or any of the issues in dispute;
 - e. Consideration of outstanding motions;
 - f. The status of settlement negotiations, if any;
 - g. Any matters of discovery;
 - h. Scheduling of hearings; and
 - i. Any such other matters as may aid in the final disposition of the proceeding.
4. Upon conclusion of any formal hearing, the Hearing Officer shall issue a Final Order in accordance with R.I. Gen. Laws § 42-35-12.
 5. Final Orders issued by a Hearing Officer may be appealed pursuant to § 7.9(H) of this Part.

D. Violations

1. Pursuant to R.I. Gen. Laws § 5-65.4-3(h), the Board may revoke, suspend, or refuse to issue, reinstate, or reissue a License, and/or assess administrative fines, if the Board determines, after notice and an opportunity for a hearing, that a Licensee or any other person has:
 - a. Violated the Act, these regulations, any part of R.I. Gen. Laws § 5-65-10(a), failed to pay a fine and/or comply with an order of the Board;
 - b. Engaged in conduct as a contractor that is dishonest or fraudulent and/or that is injurious to the public;
 - c. Knowingly assisted another person to act in violation of the licensing required under the Act or the registration requirements under R.I. Gen. Laws Chapter 5-65;
 - d. Wrongfully failed to perform a duty to pay money to a person claiming a lien under R.I. Gen. Laws Chapter 34-28;

- e. Violated state building codes;
- f. Engaged in repeated acts or omissions in violation of the Act or these regulations;
- g. Breached a contract;
- h. Performed negligent and/or improper work;
- i. Failed to complete a project for construction or willfully failed to comply with the terms of a contract or written warranty;
- j. Taken a deposit and failed to commence work or deliver materials required under the contract, in which event the Board may also order the return of the deposit;
- k. Misrepresented their license status as valid when the license was suspended, revoked, invalidated, inactive, or they were not licensed;
- l. Been determined by court judgment to have engaged in misconduct where the underlying claims considered by the court were substantially related to the work of being a Licensed contractor and the court's decision finds the Licensee or person responsible for such misconduct.
- m. Failed to maintain insurance as set forth in § 7.5(D) of this Part.
- n. Failed to comply with any of the professional standards as set forth in § 7.10 of this Part.
- o. Hired any subcontractor or other contractor to work on a residential construction project who is not properly registered and/or licensed as required by law, including but not limited to professional registrations and/or licenses required by law and issued by the Contractors' Registration and Licensing Board and/or the Department of Labor and Training.
- p. Failed to pay a subcontractor for work performed and/or failed to pay for or deliver materials for work performed on a Residential Structure.
- q. Failed to maintain a list of all subcontractors they have retained and who are involved on any residential construction project they are responsible for supervising. Further, Licensees shall produce a subcontractor list upon request by the Board within twenty-four (24) hours.

- r. Failed to obtain all necessary permits throughout the course of a residential construction project prior to the permitted work being commenced.
 - s. Failed to personally complete and satisfy all pre-license education and continuing education requirements as set forth in §§ 7.5(F) and 7.7(D) of this Part.
 - t. Failed to maintain up-to-date contact and address information with the Board throughout the entire term of their License in accordance with R.I. Gen. Laws § 5-65-6, and one (1) year after the expiration or voluntary surrender of the License.
 - u. Failed to comply with § 7.10(C) of this Part concerning all advertising by the Licensee and/or the associated business entity.
2. Subject to providing notice and an opportunity for a hearing, in addition to all other remedies, when the Board has reason to believe that a Licensee or other person has engaged in, or is engaging in, any act, practice, or transaction that violates the Act or these regulations, the Board may order such person to cease and desist from the violation.

E. Fines/Penalties

- 1. In accordance with R.I. Gen. Laws § 5-65.4-3, a Licensee who violates any of the requirements set forth in the Act or this Part shall be subject to administrative fines up to five thousand dollars (\$5,000) per day, per offense, and in accordance with the fine schedules contained in § 7.12 of this Part.
- 2. Pursuant to R.I. Gen. Laws §§ 5-65.4-3(h) and 5-65-10(a)(10), deposits received by a Licensee and ordered returned by the Board are not considered monetary award when no services or supplies have been received by the Consumer.
- 3. In any decision following a hearing, the Hearing Officer or Board may require the Licensee, in addition to or in lieu of a fine, to attend continuing education courses as deemed appropriate by the Hearing Officer or Board.
- 4. The Board may double the amount of administrative fines for good cause and pursuant to R.I. Gen. Laws § 5-65-10(k).

F. Notice of Violation and Notice of Hearing

- 1. Notices of violation and notices of hearing shall be issued to the Respondent in accordance with R.I. Gen. Laws § 5-65-6, to the last known address on file with the Board.

2. A notice of violation shall include the following:
 - a. Citation to the violation that was confirmed by the Board, and which is the basis of the violation being issued;
 - b. A statement of the fine amount and any other penalties involved;
 - c. A statement of the Respondent's right of appeal as outlined in § 7.9(H) of this Part.
3. A notice of hearing shall comply with R.I. Gen. Laws § 42-35-9(b), and unless otherwise allowed by law or agreed to by the Parties, the Board shall schedule administrative hearings before a hearing officer no sooner than twenty (20) calendar days from the date the parties are notified of the hearing.

G. Representation Before the Board and/or Hearing Officer

1. A Respondent who is the sole owner of a corporation, limited liability company or other corporate entity may represent the entity before the Board or Hearing Officer in accordance with R.I. Gen. Laws § 5-65-13.
2. All other corporate entities must be represented by legal counsel admitted in the State of Rhode Island to appear in any proceeding before the Board or Hearing Officer.

H. Appeals

1. Appeals of Exam Waiver Applications
 - a. An Applicant may appeal the denial of an exam waiver application by requesting a hearing in writing to the Board within twenty (20) calendar days of the application being denied. If timely filed, the Respondent shall be provided a notice of hearing before the Board's hearing officer in accordance with § 7.9(F) of this Part.
2. Appeal of Violation to Hearing Officer
 - a. A Respondent may appeal a notice of violation to a Hearing Officer by requesting a hearing in writing to the Board within twenty (20) calendar days of the date of the mailing or issuance of the notice of violation. If timely filed, the Respondent shall be provided a notice of hearing in accordance with § 7.9(F) of this Part.
3. Appeal of Hearing Officer Decisions to the Full Board
 - a. A Respondent may appeal the final decision of a Hearing Officer by submitting a written request for Board appeal within twenty (20)

calendar days of the date of the mailing or issuance of the Hearing Officer's final decision. If timely filed, the Respondent shall be provided with a notice of appeal which shall include a copy of the case record and the deadline for the contractor and the Board's legal counsel to submit a written appeal memorandum to the Board.

b. After all appeal memoranda have been filed with the Board, the Respondent will be provided a notice of an appeal hearing to occur during a scheduled meeting of the Board pursuant to the Open Meetings Act, R.I. Gen. Laws Chapter 42-46.

c. Board Consideration of Appeals:

(1) Members of the Board shall only consider evidence presented to the Hearing Officer, issues raised in the appeal and written and/or oral argument relative to the Hearing Officer's Final Order and Decision.

(2) Time allowed for oral arguments may be limited by the Board.

(3) The Board will not consider new or additional evidence that is not part of the record that was established at hearing before the Hearing Officer.

4. Appeal from Board to Superior Court After Full Board Review

a. Pursuant to R.I. Gen. Laws § 42-35-15, any Party aggrieved by a decision of a Board appeal may file an appeal with the Superior Court.

7.10 Professional Standards

A. Duty to Participate in Board Investigations

1. All Licensees shall participate in Board investigations, be responsive to Board requests, and make good faith efforts to address all complaints, violations, and/or contested cases within the jurisdiction of the Board.

2. Failure to participate in and/or be responsive to a Board investigation shall constitute a separate administrative violation apart from any violations that may be otherwise confirmed by a Board investigation and may result in administrative fines and/or other penalties, including possible suspension and/or revocation.

B. Record Keeping Requirements

1. Residential Structure Construction Supervisor Licensees shall maintain and retain records related to the contracting, planning, designing, building, permitting, and approval of all newly built residential structures for ten (10) years following substantial completion of improvement to the property, which mirrors the implied warranty of habitability and workmanship established by the Rhode Island Supreme Court. Such records shall be sufficient to show all changes to the contract, plans, and/or designs and show what subcontractors and other construction trade professionals were involved in the design and construction of the project.
2. Residential Structure Remodelers shall maintain and retain all records related to the contracting, planning, designing, building, permitting, and approval for projects where the Licensee performed Residential Structural Remodeling for ten (10) years following substantial completion of improvement to the property. Such records shall be sufficient to show all changes to the contract, plans, and/or designs and show what subcontractors and other construction trade professionals were involved in the design and construction of the project.
3. Every Licensee shall make available for inspection by the Board, upon request, all records related to any complaint matter or Board initiated investigation.

C. Advertising

1. Licensees shall conspicuously display their License number in all advertisements and contract documents in accordance with R.I. Gen. Laws § 5-65-22. Failure to comply may result in the Board initiating disciplinary action against the Licensee pursuant to § 7.9(D) of this Part.

D. Building Permits

1. Licensees are responsible for seeing that all necessary permits required by the state building code are secured on behalf of the owner prior to commencing work. The Licensee's License number must be affixed to the permit as required by the state building code.

E. Supervisor Responsibilities of Licensees

1. Residential Structure Construction Supervisor
 - a. A licensed Residential Structure Construction Supervisor shall be responsible for all the work performed under the License as follows:
 - (1) The Licensee shall regularly be present on jobsites where work is performed pursuant to their License in a manner sufficient to ensure that all aspects of the work and all stages of the project are being properly permitted, inspected, and

executed in accordance with all modern safety and building standards as well as the Rhode Island Residential Building Code;

- (2) The Licensee shall confirm all licenses and/or registrations of subcontractors and any other contractors hired to perform work on the Licensee's projects, and ensure that each subcontractor and other contractor has in effect at the time of work being performed, all adequate and lawfully compliant insurance coverage(s);
- (3) To the extent a Licensee's work requires Building Permits and/or inspections from a City or Town Building Official and/or their staff, the Licensee shall have a duty of candor to the Building Officials and the Board as to prohibit the Licensee's knowing misrepresentation, omission, and/or obfuscation regarding any issues cited or inquired of by the City or Town Building Official and/or their staff.

2. Residential Structure Remodelers

a. A licensed Residential Structure Remodeler shall be responsible for all the work performed under the License as follows:

- (1) The Licensee shall regularly be present on jobsites where work is performed pursuant to their License in a manner sufficient to ensure that all aspects of the work and all stages of the project are being properly permitted, inspected, and executed in accordance with all modern safety and building standards as well as the Rhode Island Residential Building Code;
- (2) The Licensee shall confirm all licenses and/or registrations of subcontractors and any other contractors hired to perform work on the Licensee's projects, and ensure that each subcontractor and other contractor has in effect at the time of work being performed, all adequate and lawfully compliant insurance coverage(s);
- (3) A Licensee shall conduct themselves in a professional and respectful manner when engaging with City and Town Building Officials and their staff, and shall be responsive to requests made by such offices;
- (4) To the extent a Licensee's work requires Building Permits and/or inspections from a City or Town Building Official and/or their staff, the Licensee shall have a duty of candor to the Building Officials and the Board as to prohibit the

Licensee's knowing misrepresentation, omission, and/or obfuscation regarding any issues cited or inquired of by the City or Town Building Official and/or their staff; and

- (5) A Licensee shall exercise direct oversight and responsible charge over any project where work is performed pursuant to their License as to ensure that any Building addition and/or Building extension built onto, next to, or in relation to an existing Residential Structure shall not unnecessarily compromise or weaken the structural integrity of the existing structure.

F. Duty to Update Contact Information

1. Change of Address/Application Information. Written notice shall be given to the Board by each Licensee within ten (10) business days of any change in personal name, business name, mailing address, email address, phone number, insurance status or any other change in any information reported on the most recent application.

G. Reporting Convictions and Disciplinary Actions

1. Within sixty (60) calendar days of any imposition of discipline or conviction/plea, a Licensee shall notify the Board, in writing, of:
- a. Any discipline imposed upon the Licensee by a government agency or authority with respect to any occupational registration or license held by the Licensee and/or any contractor work solicited or performed by the Licensee, and
- b. Consistent with R.I. Gen. Laws § 28-5.1-14, any conviction of or plea of guilty or nolo contendere to any felony or misdemeanor that is substantially related to the contractor profession, including the Licensee's solicitation or performance of contractor work.

7.11 Fees

- A. In accordance with R.I. Gen. Laws § 5-65.4-4, the Board has established the following fee structures.

1. Fees

<u>Residential Structure Construction Supervisor –</u> <u>Initial and Renewal License Fee</u>	<u>\$600</u>
<u>Residential Construction Remodeler –</u>	<u>\$500</u>

<u>Initial and Renewal License Fee</u>	
<u>Board Approved Licensing Examination</u>	<u>Fee Set by Exam Provider</u>
<u>Exam Waiver, additional Fee</u>	<u>\$100</u>
<u>Late-Renewal Fee</u>	<u>\$50</u>

7.12 Fine Schedule

A. Fine Schedule for Violations: Except as provided herein and in R.I. Gen. Laws Chapters 5-65 and 5-65.4, and with consideration towards any relevant aggravating and/or mitigating circumstances, administrative fines shall be assessed against licensees in accordance with Matrix A or B, as specified therein.

1. Fine Matrix A

<u>VIOLATION</u>	<u>First Offense</u> <u>Up to Maximum</u>	<u>Second Offense</u> <u>Up to Maximum</u>	<u>Third + Offense</u> <u>Up to Maximum</u>
<u>Failure to have Written Contract for Work/Labor in Excess of \$1,000, § 5-65-3(o)</u>	<u>\$1,000</u>	<u>\$2,000</u>	<u>\$3,000</u>
<u>Failure to Provide Mechanic's Lien Notice in a Contract for Construction, § 5-65-3(o)</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1,000</u>
<u>Failure to Have a Right of Rescission Notice in a Contract, §§ 5-</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1,000</u>

<u>65-3(p) and 5-65-27</u>			
<u>Failure to Provide Subcontractor List Upon Request</u>	<u>\$25 Per Day</u>		
<u>Failure to Participate in Complaint or Investigation</u>	<u>\$200</u>	<u>\$300</u>	<u>\$500</u>
<u>Failure to Maintain CEs</u>	<u>\$750</u>	<u>\$1,500</u>	<u>\$2,500</u>
<u>Failure to Maintain Address Change</u>	<u>\$500</u>	<u>\$750</u>	<u>\$5,000</u>
<u>License Number on all Ads, Contracts, etc.</u>	<u>\$500</u>	<u>\$750</u>	<u>\$1,500</u>

2. Fine Matrix B

- a. Violations assessed pursuant to § 7.9(D) of this Part shall be in accordance with the following, except that said fines may be doubled for good cause pursuant to § 7.9(F)(4) of this Part and R.I. Gen. Laws § 5-65-10(k).

	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>SUBSEQUENT OFFENSES</u>
<u>LESS INJURIOUS TO THE PUBLIC</u>	<u>Maximum up to \$2,500</u>	<u>Maximum up to \$5,000</u>	<u>Maximum up to \$10,000</u>
<u>MORE INJURIOUS</u>	<u>Maximum up to \$5,000</u>	<u>Maximum up to \$10,000</u>	<u>Maximum up to \$10,000</u>

<u>TO THE PUBLIC</u>			
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7.13 Access to Public Records

- A. Requests for records pursuant to the Access to Public Records Act shall be handled pursuant to the Department's Regulation for Access to Public Records, 230-RICR-10-00-1 and the Access to Public Records Act, R.I. Gen. Laws Chapter 38-2.

7.14 Equal Access to Justice for Small Businesses

- A. Pursuant to R.I. Gen. Laws Chapter 42-92, the Hearing Officer shall award reasonable litigation expenses incurred by the prevailing party in connection with Board hearings, if the Hearing Officer finds that all of the following conditions are met:
1. That there was no reasonable basis in fact or law for the Board's position;
 2. The adjudicatory proceedings involved loss of benefits, the imposition of a fine, the suspension or revocation of a registration, license, or permit, or which may result in the compulsion or restriction of activities; and
 3. The prevailing party must be either:
 - a. An individual whose net worth is less than five hundred thousand dollars (\$500,000) at the time the adjudication is initiated; or
 - b. An individual, partnership, corporation, association, or private organization doing business and located in the state, which is independently owned and operated, not dominant in its field, and which employs no more than one hundred (100) persons at the time the adjudication is initiated.
- B. A request for an award must be in writing and sufficiently set forth:
1. Compliance with applicable laws and this Part; and
 2. The costs incurred in defending against the unreasonable adjudicatory proceedings, including, but not limited to, attorney's fees and witness fees.
- C. If found to be applicable, the Hearing Officer shall issue a supplementary order directing the Board to pay reasonable litigation expenses, as limited by R.I. Gen. Laws § 42-92-2(6).

7.15 Severability

- A. If any provision of these rules and regulations or the application thereof to any person or circumstance shall for any reason be adjudged invalid, the judgment shall not affect, impair, or invalidate the remainder of these rules and regulations or the application thereof to persons or circumstances.