

AG Healey bans home improvement contractor from doing business in Massachusetts

Richard Capachione to Pay \$150,000 in Restitution for Home Improvement Scam Impacting Dozens of Consumers.

An Acton home improvement contractor has been banned from owning or managing a construction company and will pay \$150,000 in restitution following allegations that he scammed dozens of homeowners in Massachusetts, Attorney General Maura Healey announced today.

The consent judgment, entered in Suffolk Superior Court, requires the dissolution of three companies – New England Hardscapes, Inc., Aqua Outdoor Environments, and R and R Consulting, LLC – owned by the defendant, Richard Capachione. The AG's Office alleges that for years, Capachione, through his three companies, collected hundreds of thousands of dollars in consumer deposits and periodic payments for home improvement projects across the state that were either never started or abandoned mid-way through, leaving several properties damaged and in dangerous and unsanitary conditions. By continuing to take money while leaving projects unfinished, the AG's Office alleged that Capachione violated state consumer protection laws, and the Home Improvement Contractor Act.

"Remodeling a home can be a massive, expensive effort, and it is devastating when properties are left in worse condition than they started, with money spent on unfinished work," said AG Healey. "This settlement returns thousands of dollars to Massachusetts homeowners who were taken advantage of by this

contractor's deceptive practices."

Since 2013, Capachione and his businesses have been providing construction services in Massachusetts – specifically, the installation and construction of swimming pools and pool decks, and the construction of outdoor living spaces and retaining walls.

The AG's Office began investigating Capachione and his businesses in 2019, after receiving complaints from consumers alleging that they were paying for home improvement projects, only for those projects to remain unfinished. The AG's Consumer Protection Division filed a civil complaint in 2019, alleging that Capachione and his companies induced homeowners to enter into agreements and make payments when Capachione lacked the ability to perform the projects and failed to refund consumers for labor and materials. Capachione ultimately filed for bankruptcy, leaving these consumers in the lurch.

The AG's Office alleges that after accepting large initial deposits and progress payments from homeowners, Capachione would then engage in a pattern of delays and excuses, ultimately failing to perform the renovations or deliver the materials he was paid to produce or procure. Despite Capachione and his businesses being financially unstable, he continued to solicit new business, enter into new agreements, and accept new deposits from consumers.

According to the AG's Office, Capachione entered into written agreements with new customers that lacked key disclosures required by the law, including the contractor's registration number, a detailed description of the work to be done, the date when the project was scheduled to begin and substantially completed, and notice that the contractor was required to be registered with the state's Office of Consumer and Business Affairs (OCABR).

Under the terms of the AG's settlement, Capachione is required to pay \$150,000 in restitution, which will be put into a fund for harmed consumers. The distribution of the fund will be overseen by a designated trustee, to be determined by the AG's Office. Consumers can expect to receive letters in the mail from the AG's Office and/or the trustee regarding the settlement agreement and the steps they must take in order to file a claim for restitution.

Capachione is also prohibited from owning, managing, or actively participating in the decision-making of any organization that provides construction services to Massachusetts consumers and from soliciting business from Massachusetts consumers with respect to any home improvement construction.

The AG's Office offers the following guidance to those who are considering hiring a home improvement contractor:

- **Shop wisely and do research.** Ask your friends and neighbors for recommendations about contractors they have used and trust and always ask contractors for references. Check to make sure your contractor is registered with the Office of Consumer Affairs and Business Regulation, which will allow you to check any complaint history.
- **Solicitations.** Be extra cautious if a contractor solicits business by the phone or by knocking on the door.
- **Get it in writing.** Make sure you obtain a written contract or price estimate that details the job that will be done. For more complex projects, ask for an itemized estimate.
- **Permits.** Your registered home improvement contractor should get any building permits required by your city or town. If you pull the permits yourself, you hurt your ability to recover if something goes wrong.
- **Upfront fees.** Be wary of contractors who demand the full

price of the work up front. For most home improvement projects that exceed \$1,000, consumers cannot be required to make a deposit of more than one-third of the project price in advance, except for orders of custom-made materials.

Contact the AG's Office's consumer assistance hotline with questions 617-727-8400 or file a complaint online [here](#).

This case was handled by Assistant Attorney General Carlos Wilder and Paralegals Andrew Turnbull and Marina Bueno of the AG's Consumer Protection Division, with assistance from Senior Financial Investigator's Colleen Frost and Marlee Greer, both from the AG's Civil Investigations Division.