



Rhode Island Department of Business Regulation

Contractors' Registration and Licensing Board

560 Jefferson Blvd. Ste. 100, Warwick, Rhode Island 02886

Telephone: (401) 921-1590 Fax: (401) 889-5535

VIA- USPS

February 15, 2022

D^oLeonaldolandcaping and construction LLC
Nelsa Pimentel

Registration/License Number: GC-45111
Claim Associated with Violation: C-C-10536

RE: FINAL ORDER AND SUSPENSION OF REGISTRATION
Disciplinary Action - Violation # V-6123

On or about September 27, 2021 , you were provided with a Notice of Violation/Proposed Order, a copy of which is attached and incorporated as if stated again in full, that the Rhode Island Contractors' Registration and Licensing Board determined that you were in violation of Rhode Island General Laws and intended to assess civil penalties.

Because you did not request a hearing or pay the fines as assessed within the time allowed, the Notice of Violation/Proposed Order has converted to a Final Order. The fines, as listed above, are now due and payable. If payment is not received within twenty (20) days, your registration will be suspended and your case may be referred to the Office of the Attorney General for criminal prosecution pursuant to RIGL § 5-65-19 and/or referred to the Central Collections Unit pursuant to RIGL § 42-142-1.

You have the right to appeal this Final Order by completing the attached form and returning to the CRLB within twenty (20) days of the date of this mailing. For additional information, please see our website at www.crb.ri.gov, or contact us by telephone at (401) 921-1590.

Sincerely,

A handwritten signature in black ink, appearing to read "Santiago O. Giron".

Santiago O. Giron
Investigator
Contractors' Registration & Licensing Board
Division of Building, Design & Fire Professionals
Department of Business Regulations
santiago.giron@dbri.gov
Phone (401) 921-1209
Cell (401) 486-1531



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**RE: NOTICE OF INTENT TO ASSESS CIVIL PENALTY AND OPPORTUNITY FOR HEARING –
PROPOSED ORDER
Disciplinary Action - Violation # V-6123**

This letter serves to notify you that the Rhode Island Contractors' Registration and Licensing Board(CRLB) has determined that on or about May 23, 2021, at 77 Gaspee Point Drive, Warwick, RI 02888 violations of the following section(s) of Rhode Island General Laws were discovered and the CRLB intends to assess civil penalties as proposed.

Violation

5-65-3(m) - Failure to secure permits prior to commencing work

Violation Penalty

2,000

Description

On May 23, 2021, respondent presented a contract to the homeowners at 77 Gaspee Point Dr., Warwick, for work that included building front and rear steps as well as installing masonry veneer on the exterior of the house. This work is of the type which requires that a building permit be taken out prior to commencing work. The respondent states that work started on the day the contract was signed. Carlos Leonardo Roque, who was sub-contracted by the respondent, confirmed work started on May 23, 2021. A check of the permitting database showed that no permit had been issued by the city of Warwick for the given address. On 9/21/21 I spoke with the respondent, Ms. Nelsa Pimentel, over the phone who admitted to not securing a permit for this project.

Penalty amount is calculated as following: 15,000 (amount received in form of payment) 10% of that plus \$500 = \$2,000

Violation

5-65-3(j) - Hiring of non-registered subcontractor

Violation Penalty

1,000

Description

On May 23, 2021, respondent presented a contract to the homeowners at 77 Gaspee Point Dr., Warwick, for an exterior remodel project. The contract was signed by Carlos Leonardo Roque. On September 21, 2021 I spoke with the respondent on the phone and asked her what is Carlos' role in the company. The respondent indicated that Carlos was hired as a sub-contractor to complete an exterior remodel of the home. This work is of the type which requires registration with the CRLB. A check of the CRLB Registration database showed that Mr. Roque is not a registered contractor. The respondent admitted to hiring him not knowing of his registration status.

Violation

5-65-10(a)(12) - Contractor performed improper work

Violation Penalty

1,000

Description

On or about May 23rd, 2021 respondent performed a rebuild of the front steps leading into a home. Upon inspection, this work was deemed improper because the variation of the steps was greater than 3/8 inch. Height varied between 7 1/2" and 10".

Building code R311.7.5.1 Riser height. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5mm).

Violation

5-65-18 - Failure to provide mechanic's lien notice

Violation Penalty

1,000

Description

Contracts for work require notice that the contractor provide the consumer with a notice that the contractor may file a lien in accordance with the Mechanic' Lien Law, as found in R.I. Gen. Law 34-28. Upon review of the written contract, the required notice was absent from the contract.

Violation

5-65-6 - Failure to notify Board of address change within 10 days

Violation Penalty

1,000

Description

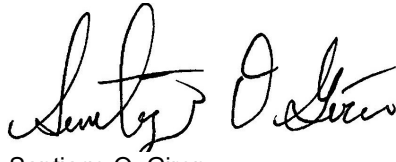
On September 21, 2021 I spoke with the respondent over the phone. I had indicated that there was correspondence that I had sent out to her address at 151 Regent Ave in Providence. This is the address that she has the company registered as well. She informed me that she may have not received the correspondence because she had changed her address over a month ago. She provided her current address on 14 Benedict St in Providence. When asked why she didn't notify us of the company's address change, she simply replied that she did not have the time to get to it.

Fine amount: \$6,000

You have the right to a hearing. You must request a hearing in writing, to the Contractors' Registration Board, 560 Jefferson Blvd, Warwick, RI 02886 within twenty (20) days of the date of this mailing or issuance of the Notice of Intent to Assess Civil Penalty. Failure to apply for, or to attend a scheduled hearing, will result in the issuance of a Final Order.

For additional information, please see our website at www.crb.ri.gov, or contact us by telephone at: (401) 921-1590.

Sincerely,



Santiago O. Giron

Investigator

Contractors' Registration & Licensing Board

Division of Building, Design & Fire Professionals

Department of Business Regulations

santiago.giron@dbr.ri.gov

Phone (401) 921-1209

Cell (401) 486-1531



**Rhode Island Department of Business Regulation
Division of Building, Design & Fire Professionals
STATE BUILDING OFFICE**

REQUEST FOR APPEAL

Please type or print legibly. Incomplete or unreadable applications will be returned. Please allow 7-10 business days for processing

**THIS FORM MUST BE RECEIVED BY THE BOARD WITHIN
TWENTY (20) DAYS OF THE NOTICE OF VIOLATION OR
DECISION OF HEARING OFFICER**

TYPE OF REQUEST	
APPEAL OF NOTICE OF VIOLATION TO HEARING OFFICER	<input type="checkbox"/>
APPEAL OF DECISION OF HEARING OFFICER TO FULL BOARD	<input type="checkbox"/>

APPLICANT INFORMATION			
Notice of Violation Date		Violation/File Number:	
Date of Decision/Final Order		Claim Number:	
Registration/License Type:		Registration/License #	
Name:			
Residential Address:			
City:	State:	Zip Code:	
Mailing Address (if different):			
City:	State:	Zip Code:	
Phone Number:	Cell Phone:	Email:	

BRIEFLY DESCRIBE REASON FOR APPEAL

STANDARD OF REVIEW AND PROCEDURE FOR APPEAL OF NOTICE OF VIOLATION/PROPOSED ORDER

At hearing, the CRLB must prove the alleged violation(s) by a preponderance of the evidence. If proven, the Hearing Officer will issue a Decision/Final Order. Decisions/Final Orders may be appealed to the Board as indicated below.

STANDARD OF REVIEW AND PROCEDURE FOR APPEAL OF DECISION OF HEARING OFFICER

In accordance with § 1.13.2 of CRLB regulation 440-RICR-10-00-1,

- a. 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 Decision/Final Order issued by the Hearing Officer.
- b. The Board may limit the time allowed for oral argument.
- c. The Board will not consider any new or additional evidence not already presented below to the Hearing Officer.
- d. The CRLB staff investigator may report on their investigative findings.

Consistent with §§ 5-65-20, 440-RICR-10-00-1.13.2, and the Administrative Procedures Act § 42-35-1 et seq., the Board will affirm the Hearing Officer's Decision if it is supported by substantial evidence in the record. The Board will not substitute its judgment for that of the Hearing Officer as to the weight of the evidence on questions of fact. Alternatively, the Board may dismiss or modify the Hearing Officer's decision if it was arbitrary or capricious, or affected by other error of law. The Board may remand the case for further proceedings, if applicable.

It shall be the Appellant's sole responsibility, or that of his/her or its representative, to present his/her Appeal to the Board. The Appellant may be represented by legal counsel admitted in the State of Rhode Island. If Appellant fails to appear at the Hearing and has not otherwise notified the Board of his/her or its inability to attend, the Board shall dismiss the Appeal and affirm the Decision of the Hearing Officer.

The deadline for the Appellant to submit briefs and/or written arguments shall be fourteen (14) calendar days prior to the hearing. Oral arguments shall begin with the Party that filed the appeal. Time limits for oral arguments shall be limited to fifteen (15) minutes. A rebuttal time of three (3) minutes may be allowed. The Chair of the Board, or his/her designee, will oversee the proceedings.

AFFIRMATION

I swear, under the pains and penalties of perjury, that the information provided in connection with this Request for Appeal is true to the best of my knowledge, with the understanding that any omissions, inaccuracies, and/or failure to make full disclosures may be deemed sufficient reason to deny or revoke registration/licensure by the CRLB.:

Signature

Date

Print

SUBMISSION

Submit this application to:
RI Contractors' Registration and Licensing Board
Attn: Matthew Lambert
560 Jefferson Boulevard
Warwick, RI 02886

OR

Email to Matthew.Lambert@dbr.ri.gov