



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- Certified Mail

February 25, 2022

Colon Construction
Daniel Colon

Registration/License Number: GC-45757
Claim Associated with Violation: C-V-10728

RE: FINAL ORDER AND SUSPENSION OF REGISTRATION
Disciplinary Action - Violation # V-6309

On or about January 25, 2022 , 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,



Rhode Island Department of Business Regulation

Contractors' Registration and Licensing Board

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

VIA- Certified Mail

Colon Construction
Daniel Colon

Registration/License Number: GC-45757
Claim Associated with Violation: C-V-10728

RE: NOTICE OF INTENT TO ASSESS CIVIL PENALTY AND OPPORTUNITY FOR HEARING –
PROPOSED ORDER
Disciplinary Action - Violation # V-6309

This letter serves to notify you that the Rhode Island Contractors' Registration and Licensing Board(CRLB) has determined that on or about October 15, 2021, at 33 Lakeview Drive, Narragansett, RI 02882 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

2,500

Description

On October 15, 2021, at approximately 12:00 pm, respondent entered into a Contract at 33 Lakeview Drive Narragansett, to replace a Roof, do various Landscaping tasks and Renovate an existing Shed on the property. This work is of the type which requires that a building/electrical/plumbing/mechanical be taken out prior to commencing work. Upon request, the respondent could not produce the required permit and a check of the Narragansett Permitting Database showed that no permit had been issued by the Town of Narragansett for the work.

Violation

5-65-3(o) - Failure to have written contract when work performed is in excess of \$1,000.00

Violation Penalty

1,000

Description

Respondent entered in an agreement to perform work at 33 Lakeview Drive Narragansett on or about 10/15/2021. The agreed upon value of the work was \$18,000.00. Upon request, no written contract was produced. We were presented with an Invoice for the Amounts and basic scope of work.

Violation

5-65-3(p) - Failure to provide notice of right of rescission as stipulated in all pertinent Rhode Island consumer protection laws and/or § 5-65-27, if applicable. (Age 60 or older)

Violation Penalty

1,000

Description

Contracts for work require a right of rescission when the consumer is an elderly person as defined in R.I. Gen. Law §42-66-4.1 (60 years old). Here, the consumer has a date a birth of 1949, thus making them ~79 years old. As there was no written contract, the required right of rescission was not provided to the consumer.

Violation

5-65-10(a)(11) - Breach of contract

Violation Penalty

1,000

Description

Respondent entered into a contract with Carole Puopolo on or about 11/15/2021 for removal of existing roof and replaced, various Yard work, renovation of an existing Shed on the property. On or about 12/23/2021 homeowner filed a complaint with the CRLB alleging, in pertinent part, that the Respondent had breached the contract. The investigation showed that the Respondent breached the contract as follows:

- Two different shingles were purchased and used, pf different cosmetic pattern sizes.
- A 10 x 15 section was left unshingled but covered with roofing paper
- Shingles lifting at several points of 1/4" or more considered excessive
- No yard work appears to have been performed by the GC, the homeowner stated she did the visible work as a result of it not being done.
- The contract was also for the existing shed to be expanded, no work has taken place on the shed as of today.

Yard was left awash in roofing waste and debris, left in a terrible state both aesthetically and from a safety perspective, as trim boards with nails were present everywhere.

Violation

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

Violation Penalty

1,000

Description

On or about 11/06/2021, respondent performed the Rip and Replacement of a Shingled Roof. Upon inspection, this work was deemed improper because:

- Two different shingles were purchased and used, of different cosmetic pattern sizes.
- A 10 x 15 section was left unshingled but covered with roofing paper
- Shingles lifting at several points of 1/4" or more considered excessive

Work Not Started but Contractually Obligated to Perform:

- No yard work appears to have been performed by the GC, the homeowner stated she did the visible work as a result of it not being done.
 - The contract was also for the existing shed to be expanded, no work has taken place on the shed as of today.
-

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. As there was no written contract, the required notice was not provided to the consumer.

Fine amount: \$7,500

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,



**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 Office 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