



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

<p><b>IN THE MATTER OF:</b></p> <p><b>HAM, INC. d.b.a. 911 RESTORATION OF RHODE ISLAND,</b></p> <p><b>BTTR, LLC,</b></p> <p style="text-align: center;"><b>and</b></p> <p><b>MICHAEL BRESSETTE,</b></p> <p><b>RESPONDENTS.</b></p>	<p><b>2021-CRLB-001</b></p>
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**AGREED UPON ORDER PROVIDING A  
CONDITIONAL REGISTRATION FOR 23 CUSTOMERS**

The State Building Office within the Division of Building, Design & Fire Professionals (the “SBO”) and Ham, Inc. d.b.a. 911 Restoration of Rhode Island, BTTR, LLC, and Michael Bresette (collectively Respondents) collectively agree upon the following.

Whereas on February 22, 2021, the SBO issued an Emergency Order suspending the registrations of Michael Bresette and BTTR, LLC;

Whereas on March 21, 2021, the SBO and the Respondents entered into a Consent Decree which conditionally reinstated the Registration of Michael Bresette and BTTR, LLC for the duration of the monitoring agreement that the Conditional Decree also imposed;

Whereas for a number of months, Respondents did adhere to the requirements of the Consent Decree, with bi-weekly submission of internal monitoring reports and with cooperation with the external monitoring system;



Whereas on February 18, 2022, the SBO withdrew from the Consent Decree and sought an immediate suspension of Respondent's conditional registration;

Whereas on March 7, 2022, Respondents provided the Hearing Officer and the SBO a list of current customers and identified an estimate of the amount of work completed for each customer;

Whereas on March 8, 2022, a hearing was conducted before the Hearing Officer and evidence was presented;

Whereas on March 11, 2022, the Hearing Officer issued an Order instituting a new thirty-day suspension for Respondents' Rhode Island contractors' registrations as well as encouraging the parties to discuss whether terms could be reached for the SBO to issue a conditional registration for a short period for Respondents to complete certain almost-completed projects for certain consumers;

Whereas on March 15 & 16, 2022, the SBO and Respondents discussed mutually agreeable parameters concerning such a conditional registration;

Whereas on March 16, 2022, Respondents filed suit in Providence Superior Court for injunctive relief from the March 11, 2022 Order in civil action PC-2022-01541;

Whereas on March 17 & 18, 2022 the Respondents and the SBO continued discussions regarding mutually agreeable parameters concerning a conditional registration for certain consumers; and

Whereas the parties have agreed upon the following terms and conditions to govern the conditional registration for certain customers.

1. Upon the execution of this Agreed Upon Order, Respondents will be allowed to perform additional work requiring a Rhode Island Contractors Registration that is restricted to the 23



customers identified in the attached Appendix 1 subject to the numbered requirements listed within this document.

**A. Verifying Eligibility for Inclusion within this Agreement**

2. As an initial step, the Respondents will provide to the SBO an updated list of customers from within the list of customers previously identified on March 7, 2022 as having the scope of their work being 90% or more completed. Respondents have clarified that this list has been reduced to a total of 23 customers as of the date of this agreement.

3. The Respondents will also provide the SBO documentation sufficient to identify the scope of work for each project, and if after initial inspection determines that a review of the scope of the work also requires looking at a customer's contract and any applicable change orders to further define the scope of work, as well as additional relevant information sufficient to identify the work left to be completed for each customer's project.

4. The SBO agrees to assign building inspectors to review the information provided by Respondents for each of the 23 customers identified in Appendix 1:

5. Once the review of the documentation is complete, the SBO agrees to have its inspectors promptly inspect any project they deem necessary to make a determination that the project is eligible for inclusion for the conditional registration. The SBO agrees to not exclude any project unless the project has been personally inspected by an SBO inspector.

6. The determination of whether a project is 90% or more completed will be left to the SBO inspectors who will exercise their professional judgment in good faith.

7. If the SBO inspectors determine that a project is 90% or more complete, the SBO's counsel will promptly inform Respondents' counsel via e-mail. It is expected that this will be a rolling notification as the SBO inspectors complete their review.



8. Any projects not determined to be 90% or more completed will be removed from the list in Appendix 1 and the SBO's counsel will promptly inform the Respondents' counsel via e-mail.

9. The SBO commits to complete all initial inspections within one week of receiving the production of all relevant information from Respondents.

10. Respondents agree to promptly comply with requests from the SBO with respect to additional information or documentation related to specific projects.

**B. Conditional and Limited Registration**

11. Once Respondents have received notification from the SBO that a project is 90% or more complete, then the SBO agrees to issue for that particular project a conditional and limited registration to work on that one project. This issuance will occur via e-mail.

12. Each conditional and limited registration will apply to only one customer's project and will only be valid at the locations identified within Appendix 1.

13. Each conditional and limited registration will only be valid for a period of two weeks from the date of the execution of this Agreement, unless the hearing officer, after good cause is demonstrated by Respondent, allows additional time not to exceed 7 days to complete work in progress.

**C. Completion of Projects and SBO Final Inspection**

14. Respondents agree to use its best efforts to complete each of the projects identified in Appendix 1 while its conditional and limited registration is in effect.

15. Respondents understand that they can only perform work on each of the projects identified in Appendix 1 while its conditional and limited registration is in effect.

16. Once Respondent completes the scope of work for any project, Respondent will notify the SBO.



17. The SBO agrees to promptly provide a final inspection for each customer project identified in Appendix 1

18. The SBO agrees that it will complete every final inspection by April 12, 2022.

19. The SBO inspectors will review the work completed by Respondents and make a determination of whether the project is sufficiently complete or not. Once the SBO inspectors make a determination, the SBO will promptly notify Respondents of the determination for each project.

20. The determination of whether a project is complete will be left to the SBO inspectors who will exercise their professional judgment in good faith.

21. Respondents agree not to attempt to collect any monies from any customers identified in Appendix 1 until the SBO inspectors determine the work to be complete or a customer signs a certificate of completion for a project in Appendix 1.

**D. Projects that are Not 90% or More Completed**

22. Respondents agree that their conditional and limited registration does not apply to any current customer projects that are either self-reported to be less than 90% completed or to customer projects determined by the SBO to be less than 90% completed.

23. Respondents acknowledge that the BTTR, LLC Rhode Island Contractors Registration is not valid other than at each of the identified locations where it has been granted a Conditional and Limited Registration.

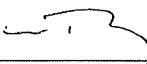
24. Respondents agree to also use the time to recruit/retain new contractors to take over the other jobs. As Respondents will not hold a valid contractors registration, Respondents are not allowed to enter into new sub-contracting agreements with respect to the jobs that are less than 90% completed.




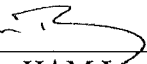
25. If at any time during the duration of this Consent Decree the SBO believes that the Respondents have violated its terms, it will promptly notify Respondents in writing. The Parties shall make reasonable efforts to cooperate to resolve any alleged violations.

26. Respondents and the SBO agree that this Agreed Upon Order does not impact the Administrative Action that continues between the parties.

WHEREFORE, the parties move that an Order be entered adopting the above Agreed Upon Order.

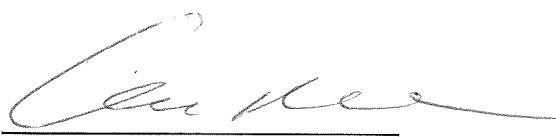
  
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For BTTR LLC

  
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Michael Bresette

  
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For HAM Inc

/s/ Ania Zielinski #7083  
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Counsel for the Department of Business Regulation

Approved by:

  
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Catherine Warren, Esq.  
Hearing Officer

Date: 3/22/22