



Rhode Island Department of Business Regulation

Contractors' Registration and Licensing Board

560 Jefferson Blvd. Ste. 200, Warwick, Rhode Island 02886

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

VIA- Certified Mail

September 28, 2022

Kelly's Masonry and Construction
Patrick Kelly

Registration/License Number:
Complain Associated with Violation: C-11036

RE: FINAL ORDER -Disciplinary Action- Violation # V-6691

On or about September 6, 2022 , you were provided with notice that the Rhode Island Contractors' Registration and Licensing Board determined that you were in violation of the following section(s) of Rhode Island General Law and intended to assess civil penalties as proposed

Violation

3-65-3(l) - Advertising while not being registered

Violation Penalty

500

Description

On September 6, 2022, at approximately 10:00 am, at 39 Florence St North Providence, while doing my investigation, I observed a Business Card and an Invoice advertising the services of Kelly's Masonry and Construction to perform (painting/carpentry/construction/etc). A check of the name/company showed that name/company was not registered with the CRLB.

Violation

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

Violation Penalty

500

Description

Respondent entered in an Oral agreement to perform work at 39 Florence Street North Providence on or about July 21, 2022. The agreed upon value of the work was \$3,000.00. Upon request, Respondent stated that there was no written contract and Upon request, no written contract was produced.

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

250

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 (1940), thus making them (82) years old. As there was no written contract, the required right of rescission was not provided to the consumer.

Violation

5-65-10(a)(10) - Performed work, or arranged to perform work, without a valid registration.

Violation Penalty

500

Description

On July 21, 2022, at approximately 12:00 pm, the respondent performed Contracting/Construction work at 39 Florence St North Providence, repairing, powerwashing and painting the front stairs. This work is of the type which requires registration with the CRLB.

A check of the CRLB Registration database showed that the respondent was not registered with the CRLB.

Violation

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

Violation Penalty

250

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: \$2,000

Because you did not request a hearing within the time allowed, the 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 case may be referred to the Office of the Attorney General for criminal prosecution pursuant to RIGL § 5-65-19.

Alternatively, you may appeal this Final Order in writing, within twenty (20) days of the date of this mailing to the Contractors' Registration and Licensing Board. For additional information, please see our website at www.crb.ri.gov, or contact us by telephone at (401) 921-1590.

Sincerely,