



**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

September 15, 2022

SMOKECLEAN OF MASS.INC  
Hayden Pomeranz

Registration/License Number: GC-42416  
Complaint Associated with Violation: C-11013

**RE: FINAL ORDER AND SUSPENSION OF REGISTRATION  
Disciplinary Action - Violation # V-6677**

On or about August 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 § 42-142-8.

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](http://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**

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SMOKECLEAN OF MASS.INC  
Hayden Pomeranz

Registration/License Number: GC-42416  
Claim Associated with Violation: C-11013

**RE: NOTICE OF INTENT TO ASSESS CIVIL PENALTY AND OPPORTUNITY FOR HEARING –  
PROPOSED ORDER  
Disciplinary Action - Violation # V-6677**

This letter serves to notify you that the Rhode Island Contractors' Registration and Licensing Board (CRLB) has determined that on or about August 24, 2022, at 115 2nd Street, East Providence, RI 02914 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(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 prior to 1960, thus making them (62) years old. Upon review of the written contract, the required right of rescission was absent from the contract.

**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. Upon review of the written contract, the required notice was absent from the contract.

**Violation**

5-65-22 - Failure to provide registration number on all advertising, contracts, and invoices.

**Violation Penalty**

250

**Description**

On December 30, 2021, the Respondent provided to customer a proposal/contract/invoice for for General Construction on an Insurance claim, This proposal/contract/invoice did not contain the respondents registration number, as I went through the contract during my inspection.

**Violation**

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

**Violation Penalty**

1,000

**Description**

On or about February 1, 2022 the respondent began to perform the following work as stated in the Contract:

**I. Services.** The Contractor agrees to perform the following:

Complete full repairs at the above mentioned address following fire damage. The property has been fully gutted by previous company. We will be completing the following work.

1. **Furnish and install new roof and sheathing**
2. **Furnish and install new vinyl siding on all elevations with wrapped aluminum soffits.**
3. **Furnish and install all new construction vinyl windows. (not replacements)**
4. **Rebuild front deck.**

Upon inspection, this work was deemed improper because:

- there are multiple windows ( new construction) that are not secured into the framing,
- basement window casings are missing the top board, with visible 1" plus gaps resulting with shine through evident on all windows inspected in basement.
- There is a spire on the front of the building where the shingling has not been put down, no flashing etc, left open to the elements.
- Several areas of the siding are missing, either in patched areas, or full length runs are missing.
- Doorways are not finished to protect the surrounding underlayment, open to the elements in several areas of each doorframe inspected.

**Violation**

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

**Violation Penalty**

1,000

**Description**

Respondent entered into a contract with Mario Rodrigues on or about December 30, 2021 for:

**I. Services.** The Contractor agrees to perform the following:

Complete full repairs at the above mentioned address following fire damage. The property has been fully gutted by previous company. We will be completing the following work.

1. **Furnish and install new roof and sheathing**
2. **Furnish and install new vinyl siding on all elevations with wrapped aluminum soffits.**
3. **Furnish and install all new construction vinyl windows. (not replacements)**
4. **Rebuild front deck.**
5. **Complete changes to front entry as discussed including making doorways wider for the front doors..**
6. **Furnish and install new plumbing. Central A/C and gas furnaces.**
7. **Furnish and install new electrical. 1 panel for each apartment plus a house panel.**
8. **Furnish and install new drywall throughout property**
9. **Furnish and install all necessary finish carpentry. (Doors, trim, baseboards, etc.) (No OSB for subfloors, plywood only)**
10. **Furnish and install 1 new kitchen in both apartments.**
  - a. **Countertops will be solid surface Formica material.**
    - i. **A higher quality material can be used if less expensive material will be used on the flooring.**
11. **Furnish and install 1 bathroom in each apartment.**
  - a. **Each bathroom will get a shower/tub surround combo and a single vanity.**
12. **Furnish and install new flooring.**
  - a. **Ceramic tile in bathrooms and kitchens.**
  - b. **Pre-finished engineered hardwoods throughout bedrooms and living areas in both apartments.**
  - c. **Vinyl plank or VCT tile to be used in common areas.**
13. **Paint the interior of both apartments and common areas.**
  - a. **1 coat of primer and 2 coats of finish will be applied.**
14. **Furnish and install basic appliances.**

On or about August 14, 2022 the 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:

Respondent was to build a flooring using Plywood Only as stipulated in #9 above, instead the deck was built with OSB on the first floor.

On or about August 2, 2022 the Respondent ceased performing work on the project

Respondent was responsible for the above list of 14 bullet points, Items 1-2-3-4 were started, not finished, leaving Items 5 - 14 never started / never finished

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Fine amount: \$2,750

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](http://www.crb.ri.gov), or contact us by telephone at: (401) 921-1590.

Sincerely,

