



REPORT

FALL 2006

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2006 Legislation Extends License Validity, Changes DOT Project Licensing Requirements



The North Carolina General Assembly adjourned the 2005-2006 session Friday, July 28, 2006, with a record 1,977 bills introduced during the session. Almost 5,000 bills had been introduced for the two-year session cycle. Three bills enacted during the 2006 session affect or change to varying degree North Carolina's general contractor licensing statutes or licensing requirements.

- H 2882, filed early in the session extends from 30 to 90 days the

time that a general contractor's license remains valid for a person/qualifier who passed an examination on behalf of a firm or corporation, after separation of the qualifier from employment with that firm or corporation. The previous statute provision at G.S. §87-10(c), allowing a period of license validity for 30 days upon separation of the qualifer, had been in place for more than 40 years (ratified as Session Law 2006-241)

(CONTINUED ON PAGE 2)

Homeowners Recovery Fund Proposed Rules Changes



On October 11, 2006, the Licensing Board began proceedings to adopt and amend three Homeowners Recovery Fund rules, at 21 NCAC 12.0901, .0904 and .0906. The Board conducted a public rule making hearing on October 11 in order to receive comment on the three proposed rules, which were previously noticed and published in the North

Carolina Register on August 15, 2006. The rules as published would have an effective date of March 1, 2007.

21 NCAC 12.0901 Definitions, proposes to exclude officers of general contractors from the definition of "owner or former owner" in order to ensure that a contractor, or anyone

(CONTINUED ON PAGE 2)

NCLBGC REPORT

Published semi-annually as a service to general contractor licensees to promote a better understanding of the General Contractors Licensing law (N.C.G.S §87-1 to 87-15.9) and to provide information of interest to construction professionals and the public

LICENSING BOARD CALENDAR

Thanksgiving/Board Office Closed
November 23 & 24, 2006

Christmas/Board Office Closed
December 25 & 26, 2006

General Contractors Licenses Expire
December 31, 2006

New Year's Day/Board Office Closed
January 1, 2007

Martin Luther King Jr.'s Birthday/Board Office Closed
January 15, 2007

Regular Board Meeting
January 24, 2007

Good Friday/Board Office Closed
April 6, 2007



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2006 Legislature Changes

(CONTINUED FROM PAGE 1)

- H 1827 exempts from the licensing requirement of G.S. §87-1 certain Department of Transportation projects, including installation and maintenance of pavement markings, signs, guardrails, fencing, and roadside vegetation and plantings. Also now exempted are routine maintenance and minor repair of pavement, bridges, roadside vegetation and plantings, rest areas and other items. H 1827 also amends G.S. §87-1.1 to allow a mechanical contractor to bid and contract for a public building project that is primarily electrical work, and not be licensed by the State Board of Examiners of Electrical Contractors, if that portion of the work was performed by a licensed electrical contractor. A similar provision also applies to electrical contractors bidding and contracting public projects that are primarily mechanical in nature (ratified as Session Law 2006-261).
- H 688 establishes a licensing program for persons or firms installing on-site wastewater treatment and disposal systems. The law includes an exemption or exception for licensed general contractors licensed under Article 1 of Chapter 87 of the General Statutes (ratified as Session Law 2006-82).

Homeowner Recovery Fund

(CONTINUED FROM PAGE 1)

associated with the contractor whose conduct caused a reimbursable loss, does not benefit from the fund. .0904 Filing Deadline and Service, sets a deadline for claims based upon the death of a general contractor. .0906 Processing of Application, ensures that Recovery Fund claims are not left open ended, and provide that the failure of applicants to respond to an inquiry from the Review Committee within six months will subject the claim to dismissal.

Text of the three proposed Recovery Fund rules is printed on page 3. The portion of text with strike-through is deleted from the proposed rule; new proposed text is underlined.



SECTION .0900 – HOMEOWNERS RECOVERY FUND

21 NCAC 12 .0901 DEFINITIONS

The following definitions shall apply to the Board's administration of the Homeowners Recovery Fund established pursuant to Article 1A, Chapter 87 of the General Statutes:

- (1) "Constructing or altering" includes contracting for the construction or alteration of a single-family residential dwelling unit.
- (2) "Dishonest conduct" shall not include a mere breach of a contract.
- (3) "Incompetent conduct" is conduct which demonstrates a lack of ability or fitness to discharge a duty associated with undertaking to construct or alter a single-family residential dwelling or the supervision of such construction or alteration.
- (4) "Owner or former owner" includes a person who contracted with a general contractor for the construction or purchase of a single-family residential dwelling unit. "Owner or former owner" shall not include a person who is a spouse, child, parent, grandparent, sibling, partner, associate, **officer**, or employee of a general contractor whose conduct caused a reimbursable loss. In addition, the term shall not include general contractors or any financial or lending institution, or any owner or former owner of a single-family residential dwelling unit which has been the subject of an award from the Homeowners Recovery Fund resulting from the same dishonest or incompetent conduct. "Owner or former owner" shall not include the owner of real property who constructed or contracted for construction of a single-family residential dwelling unit without intending to occupy the single-family residential dwelling unit.
- (5) "Substantial completion" means that degree of completion of a project, improvement or specified area or portion thereof whereupon the owner can use the same for its intended use.
- (6) "Separately owned residence" means a building whose construction is governed by Volume VII of the North Carolina State Building Code.

Authority G.S. 87-15.6.

21 NCAC 12 .0904 FILING DEADLINE AND SERVICE

(a) Applicants seeking recovery from the fund shall be forever barred unless application is made within one year after termination of all proceedings, including appeals, in connection with an unsatisfied judgment obtained against a general contractor. Claims based upon the **bankruptcy, bankruptcy, death**, or dissolution of the general contractor shall be forever barred unless application is made within three years from the date of discovery by the applicant of the facts constituting the dishonest or incompetent conduct or within six years of substantial completion of the construction or alteration of the residence in question, whichever comes first.

(b) Applications shall be filed at the address shown in Rule .0101 of this Chapter. The Board shall serve a copy of the application upon the general contractor who allegedly caused the loss. Service shall be accomplished by certified mail, return receipt requested, or other methods authorized by G.S. 150B-38(c).

Authority G.S. 87-15.6; 87-15.7; 87-15.8.

21 NCAC 12 .0906 PROCESSING OF APPLICATION

Preliminary or Threshold Determination.

- (1) An application, properly filed, is initially referred to the Recovery Fund Review Committee.
- (2) The Recovery Fund Review Committee is a committee made up of the following individuals:
 - (a) one member of the Board,
 - (b) the legal counsel of the Board, and
 - (c) the Secretary-Treasurer.
- (3) The Committee is specifically delegated the responsibility of determining, prior to a hearing, whether or not an application is meritless. The decision of the Committee is final. Within 30 days after service of a copy of the application upon the general contractor, the general contractor may file a response to the application setting forth answers and defenses. Responses shall be filed with the Board and copies shall be served on the applicant.
- (4) If the general contractor denies the charges contained in the application, then, in the sole discretion of the Committee, a field investigation may be performed by an investigator retained by the Board.
- ~~(5)~~ **Failure of an applicant to respond to an inquiry from the Committee or its representative within six months of receipt of the inquiry will subject the claim to dismissal by the Committee.**
- ~~(5)~~ ~~(6)~~ After all preliminary evidence has been received by the Committee, it makes a threshold determination regarding the disposition of the application. From the evidence, it recommends to the Board that:
 - (a) The application be dismissed as meritless; or
 - (b) The application and charges contained therein be presented to the Board for a hearing and determination by the Board on the merits of the application.
- ~~(6)~~ ~~(7)~~ Notice of the threshold determination of the Committee shall be given to the applicant and the general contractor within 10 days of the Committee's decision. Though it is not forbidden to do so, the Committee is not required to notify the parties of the reasons for its threshold determination.

Authority G.S. 87-15.6; 87-15.7; 87-15.8.

2006 Homeowners Recovery Fund **Report**

With 23 Homeowners Recovery Fund hearings on claims presented to the Licensing Board in 2006, awards totaling \$414,250 have been provided to eligible claimants. Persons who file claims with the Homeowners Recovery Fund must meet specific criteria, and must demonstrate to the Licensing Board that they have suffered a reimbursable loss in the construction or alteration of a single-family dwelling unit. The Homeowners Recovery Fund is generated from fees paid to local county or city inspection departments by licensed general contractors who apply for building permits in the construction of single-family dwelling units.

Below is a list of individual awards ordered by the Licensing Board in 2006 to eligible claimants, including the names of the general contractors whose conduct caused the reimbursable losses to claimants.

Claimant	Award	General Contractor
Weiss	\$10,000	Modular Tech
Scoggin	\$10,000	Standard Designers & Associates
Reif	\$10,000	K2 Custom Builders, Inc.
Orr	\$6,000	Woodcraft Builders, Inc.
Greer	\$16,250	Gary Potter
Goodman/Butler	\$5,000	Birmingham Construction Company, Inc
Watson	\$75,000	Wells Development
B. Smith	\$25,000	Romell T. Wilkinson T/A Romell Wilkinson Building Contractors
A. Smith	\$24,000	Amy Leonard T/A Homes by Amy
Harrison	\$45,000	Synergy Builders, Inc.
Weymouth	\$5,000	Richard L. Seguin, Jr.
Paullins	\$6,000	William A Bolan T/A Bill Bolan Construction
Wilson	\$20,000	R. Scott Enterprises, Inc. T/A Diamond Construction
Young	\$55,000	Brugh Properties, Inc.
Padilla	\$1,000	AMD Home Builders Corp.
Ridge	\$20,000	Asheboro Realty and Builders, Inc.
Vutianitis	\$5,000	Advanced Home Builders, Inc.
Stehlik	\$44,000	Mr. Beaver's Construction, Inc.
Chessher	\$27,000	Johnson & Stephens Contracting & Consulting, Inc.
White	\$5,000	Donald Ray Corum

Disciplinary Action

(The following Board Orders and other Board disciplinary actions reported here are not a complete summary of all activity or a full representation of each case. Every effort is made for accuracy, but such is not guaranteed. Questions or requests for additional information about specific cases should be referred to the Board's Legal Section.)

Final Decisions

Hugh C. Clifton and Hugh C. Clifton, as Qualifier (Rowan County; 04C258)

License No. 35977. A disciplinary hearing was conducted on May 10, 2006 and the Final Decision entered on May 22, 2006. At hearing testimony and exhibits were presented which showed that Hugh C. Clifton was issued a limited residential license on January 10, 1996 and last renewed on January 1, 2006. The license was active and Hugh C. Clifton was the sole qualifier for Respondent Licensee. On January 29, 2004,

Respondent Licensee applied for and was issued five building permits for the construction of five modular homes in Concord. Mr. Clifton, however, did not act as the general contractor for the construction and it was alleged that Respondent had allowed an unlicensed entity to serve as the general contractor of the construction work. Upon investigation Mr. Clifton first admitted he had nothing to do with the project, but later claimed that he was involved in the construction of the homes. The Board found the actions of Respondent Licensee to constitute misconduct in the practice

of general contracting in violation of §§ 87-1, 87-10, 87-11 and 87-13 and are directly attributable to its Respondent Qualifier. The Board further reprimanded Respondent Licensee and Respondent Qualifier by recording said reprimands in their records and determined that any future violations of G.S. § 87, Article 1 would be dealt with severely by the Board.

Colie L. Dooley, III and Colie L. Dooley, III, as Qualifier (Brunswick County; 04C244) License No. 42881. The Board conducted a disciplinary hearing on May 10, 2006 and the Final

Definitions

Consent Order: An order of the Board resulting from an agreement between the Board and a licensee regarding the revocation or suspension of the license to practice general contracting, or the conditions, limitations or restrictions placed on that license. This is a method of resolving or settling disciplinary or contested cases in lieu of a disciplinary hearing.

Revocation: A Board action which permanently terminates a license by effectively withdrawing that license to practice general contracting.

Suspension: A Board action which inactivates a license to practice general contracting for a set period of time.

Dismissal/Voluntary Dismissal: A Board action dismissing a contested case, resulting in no disciplinary action against the licensee or Respondent.

Voluntary Surrender: A licensee's relinquishing or tendering of the license to practice general contracting, pending an investigation or other action by the Board.

Reprimand: A Board action wherein the licensee and/or qualifier is/are reprimanded for disciplinary purposes. The Reprimand becomes a permanent record in the file and is subject to approval by the licensee/qualifier in lieu of being referred to the full Board for formal proceedings.

Admission of Violation: A document signed by a licensee who admits to the stated violations, agrees not to repeat them, but acknowledges that the Board may use the document against the licensee prospectively should such action become necessary.

Injunction: A Superior Court order entered against an unlicensed contractor who is illegally practicing general contracting. Such an order stops the illegal practice and can be obtained by consent of a cooperating contractor or by default judgment; violation of the injunction is contempt of court.

Code: Provisions of the North Carolina State Building Code (Residential/Vol. VII and previous editions; General Construction/Vol. I).

Decision entered on May 22, 2006. Testimony and exhibits showed that Colie L. Dooley, III was issued a limited residential license on October 16, 1998 and last renewed on January 1, 2006. The license was active and Colie L. Dooley, III was the sole qualifier for Respondent Licensee. On January 28, 2004, Respondent Licensee applied for and was issued a building permit for the construction of a speculative home in Carolina Shores subdivision. Mr. Dooley, however, did not act as the general contractor for the construction, but allowed two unlicensed entities to serve as the general contractors of the job. On May 3, 2004 Respondent applied for and was issued a building permit for the construction of a home in Calabash. Mr. Dooley did not act as the general contractor for the construction of that project, but again allowed two unlicensed entities to serve as the general contractors. In the alternative of both the Carolina Shores and Calabash construction jobs, Respondent Licensee claimed to have entered into joint ventures under

the guise of being owner-occupied residences, both of which he really intended would immediately be sold for profit in violation of § 87-1, Article 1. In June 2004 a complaint was filed against Respondent Licensee regarding the above two projects and copied to Mr. Dooley. Yet on his 2005 Renewal Application to the Board, Respondent Licensee responded with false information. Further, in late 2004 and twice in early 2005 subpoenas were issued by the Board requiring Mr. Dooley to provide copies of pertinent job files and W-2 forms, to which Mr. Dooley either failed to adequately respond or provided false information to the Board. The Board found these actions of Respondent Licensee to constitute misconduct in the practice of general contracting and/or willful violations of §§ 87-1, 87-10, 87-11(a), 87-13 and were directly attributable to and/or committed by Respondent Qualifier. The Board revoked Respondent's license and Respondent Qualifier's exam credentials effective as of May 22, 2006.

JC Hershel Payne and JC Hershel Payne, as Qualifier (Jackson County; 06C58) License No. 52504. A disciplinary hearing was conducted on May 10, 2006 and the Final Decision entered on May 22, 2006. Neither Mr. Payne nor an attorney on his behalf appeared at the hearing. Testimony and exhibits showed that JC Hershel Payne was issued a limited building license on January 30, 2003 and last renewed on January 30, 2006. JC Hershel Payne also qualifies and was president of JAYCO Builders, Inc., which was issued a limited building license on April 12, 2004, License No. 55201. That license last renewed on January 1, 2005 and was invalid. In April 2005, Mr. Payne d/b/a J&S Construction entered into a contract for the construction of a metal building for a contract price of \$197,333. In June 2005, Mr. Payne d/b/a J&S Construction submitted a building permit for the construction of a building in Swain County for an estimated project cost of \$197,000. Mr. Payne had failed to

New DOL Mobile Classroom Provides Worker Training

The North Carolina Department of Labor recently unveiled a new mobile classroom that provides free, on-site workplace safety and health training aimed at reducing workplace deaths and injuries. The mobile classroom first hit the road last fall.

The mobile classroom, called "Labor One", gives NCDOL trainers the opportunity to take both English and Spanish safety training to worksites without major interruption to employees' work schedules. A NCDOL task force identified language barriers and cultural differences as a key factor in workplace deaths. Labor officials thought it was time to take training on the road. Hispanics had

flocked to North Carolina in the early 1990's and began working in some of North Carolina's most hazardous jobs. In 2005, 80 workers died on the job in North Carolina, and the construction industry accounted for 34 percent of the fatalities.

"Labor One eliminates travel time for the workers and allows us to customize the training to the type of work being done at the site," Labor Commissioner Cherie Berry said. We want to increase the number of construction sites we visit. We want to meet face to face with workers and show them the proper way to wear a harness or right way to use personal protective equipment. We have an

obligation to educate and train these workers who are doing some of the most dangerous work in this country." Labor One offers a variety of training topics in construction or general industry, and employers can choose from a variety of areas, including falls, electrical hazards and "struck-by and caught-in/between" type accidents. On-site training includes hands-on demonstrations, presentations and safety and health literature.

To make a request for "Labor One," visit the NCDOL web site at www.nclabor.com and click on "Labor One Mobile Training Unit," or contact Dolores Quesenberry at (919)733-0348.

Licensing Board staffer Frances McDonald has kept watch over and helped process many thousands of general contractor license, increase and examination candidate applications. And the chances are that she has seen almost every variation, oddity or unique circumstance presented with requests by license applicants and examination candidates. In the course of an average day in her Board office, she fields phone calls and inquiries from applicants and the general public with a range of concerns from basic licensing procedures to the status of an application or financial statement. The calls may often relate simply to a returned application, yet also include more involved issues when callers want to discuss the contractors license classification required to construct certain building projects.

A native of Beckley, West Virginia, Frances moved to Raleigh in 1977, and joined the Licensing Board staff in 1981. She was initially assigned to the administrative staff, assisting with license renewals and examination registration. "During my first years with the Board, we did it all by hand, test registration,

application processing, file research, everything," she claims. "The sheer paper management and filing just overwhelmed us at times. Now, although it's not a piece of cake, with new information technology we have instantaneous data at our disposal a few keystrokes away." The work demand and production in the Board office has increased significantly in recent years, as statistics clearly show. During the early and mid-1980's, the Licensing Board administered competency exams four days in a calendar year, and granted licenses at quarterly meetings, normally issuing as many as 350 licenses each meeting, and 1,200 licenses each year. Frances and her co-workers now receive and annually process almost 4,000 applications, and the Board grants about 2,600 licenses each year, granted on a monthly cycle. Frances offers one bit of advice to licensed contractors. "Make sure you clearly understand what you can and cannot do based on the license you currently hold, don't create needless problems for yourselves or others," she says.

At home, Frances and her husband Mac love being grandparents to



their six grandchildren. They both also admit that they're quite the movie buffs, and Frances is happiest watching the western classics.

In her 25 years with the Licensing Board, working with the office staff, interacting with and handling calls from contractors, attorneys, accountants, engineers and others, Frances quickly points out what she feels is her most important accomplishment. "Gaining a well-rounded knowledge of the licensing laws and requirements, something I think helps me communicate to callers the clear, straight answers to their questions," she says.

inform the Board and provide proper documentation that he was using J&S Construction as an assumed name. During construction of the metal building, Respondent Licensee submitted a detailed foundation plan bearing the seal of an architect, but having no date written across the seal on plans. That architect did not draw or seal the foundation plans. The Board found the actions of Respondent

Licensee to violate § 66-68 in failing to notify the Board about his use of an assumed name and further that his actions constituted misconduct in the practice of general contracting and a willful violation of §§ 87-1, 87-11(a), 87-13. The Board revoked Respondent's license and Respondent Qualifier's exam credentials effective as of May 22, 2006.

DGP Enterprises, Inc. and Donald Eugene Gray, Jr., as Qualifier (Wake County) License No. 50219. The Board conducted a disciplinary hearing on August 9, 2006 and the Final Decision entered on August 17, 2006. Testimony and exhibits showed that DGP Enterprises, Inc. was issued a limited building license on January 23, 2002 and last renewed on March 31, 2005. The license was invalid

at the time of hearing, and Donald Eugene Gray, Jr. was the sole qualifier for Respondent Licensee. On July 10, 2003, Donald Eugene Gray, Jr. was issued a limited building license in his individual name, License No. 53564. In September 2000, before being granted any contractor's license, Mr. Gray had verbally contracted to repair a fire damaged home and subsequently was enjoined by the Board by a Consent Order filed in Wake County Superior Court in January 2002. In February 2005, Mr. Gray entered into a second consent order involving a contract to remodel a daycare facility, and as a result his exam credentials were actively suspended for six months. In May 2005, Mr. Gray contracted to remodel a kitchen and bathroom for a cost of \$6,410, without first obtaining the necessary permits or using the services of a licensed electrician. The Board found these actions of Respondent Licensee to constitute misconduct in the practice of general contracting and a willful violation of § 87-11(a) and were directly attributable to and committed by Respondent Qualifier. The Board suspended Respondent License No. 50219 and Respondent Qualifier's exam credentials for one year effective as of August 17, 2006.

S&M Custom Builders, Inc., Jeffrey Dwayne Shrock and Jeffrey Dwayne Shrock, as Qualifier (Pitt County; 04C314) License Nos. 52996-S&M; and 40885-Shrock. A disciplinary hearing was conducted on August 9, 2006 and the Final Decision entered on August 17, 2006. Testimony and exhibits showed that Jeffrey Dwayne Shrock was issued a limited building license, License No. 40885, on January 13, 1998 and last renewed on February 17, 2006. The license

was active at hearing. S&M Custom Builders, Inc. was issued a limited building license, License No. 52996, on April 10, 2003 and last renewed on February 13, 2004. The license was invalid at hearing. In January 2003, Respondent Shrock obtained a building permit for the construction of a home in Grimesland. In March 2003, he transferred his exam credentials to S&M, making him Qualifier for both licenses. In April 2003, S&M entered into an offer to purchase and contract for the sale of the house in Grimesland, which was completed in May 2003, and the title transferred in June 2003. General contracting services in the house construction were performed by S&M, but Respondent Shrock was involved in his own name personally in the permitting, construction and sale of the house. Both Respondent S&M and Respondent Shrock violated one section of the NC Residential Building Code, Vol. VII, 2002 Edition in the construction of the home in that the stone masonry cladding was not installed so as to provide a weather-resistant exterior wall envelope and/or to prevent the accumulation of water within the wall assembly. The Board found the actions of Respondent Licensees Shrock and S&M Custom Builders, Inc. to constitute misconduct in the practice of general contracting and a willful violation of § 87-11(a) and directly attributable to Respondent Shrock as Qualifier. The Board reprimanded Respondent Licensees S&M and Shrock and Respondent Qualifier's exam credentials for their conduct by placing them all on probation under the supervision of the Board for a period of six (6) months, effective as of August 17, 2006.

John Bortone and John Bortone, as Qualifier (Brunswick County) License No. 49448. The Board conducted a

disciplinary hearing on September 13, 2006 and the Final Decision entered on September 22, 2006. Testimony and exhibits showed that in September 2001, John Bortone was issued a limited residential license, License No. 49448, and last renewed in January of 2006. The license was active at hearing and John Bortone was the sole qualifier. In December 2003, Respondent Licensee obtained a building permit for the construction of a home in Town Creek. The permit specified a single-story house with 1,040 square feet, but it was later discovered that Respondent Licensee was actually building a two-story house of more than 1,800 square feet. Brunswick County issued a stop work order and required a proper building permit to be obtained. The house was subsequently completed and sold in January 2005. In February 2005, the new owner filed a complaint with the Board alleging construction defects. During investigation, it was found that Respondent Bortone had violated numerous sections of the NC Residential Building Code, Vol. VII, Residential, 2002 Edition in construction of the house, including improper flashing which allowed water to penetrate inside the house. Respondent Bortone failed to correct the violations after being notified by the Board of their existence. Additionally and despite knowledge of the complaint against him, Respondent Bortone submitted false responses on his 2005 and 2006 License Renewal Applications to the Board concerning whether he or any officer was engaged in any controversy with the Board or any regulatory agency. The applications were signed by Respondent Qualifier. It was then found that in Mr. Bortone's initial license application with the Board he had failed to disclose that

he had previously filed for bankruptcy in 2000 and 2001 and had been found guilty of multiple criminal offenses involving either moral turpitude, embezzlement or misappropriation of funds, including but not limited to a guilty plea for forgery of a lien to secure a release of judgment.

The Board found these actions of Respondent Licensee to constitute misconduct, gross negligence and/or incompetency in the practice of general contracting and a willful violation of §§ 87-10, 87-11(a) and 87-13 and were directly attributable to the acts and/or omissions, fraud and/or deceit of Respondent Qualifier. The Board revoked License No. 49448 effective as of September 22, 2006.

Hammersmith Builders, LLC

(Buncombe County; 04C444) License No. 46652. A disciplinary hearing was conducted on September 13, 2006 and the Final Decision entered on September 22, 2006. At hearing testimony and exhibits were presented which showed that Hammersmith Builders, LLC was issued an intermediate building license on April 13, 2000, later to be increased to unlimited in 2003, and last renewed on February 21, 2005; the license was invalid at hearing. Richard A. Reiss was Qualifier until January 4, 2005 and from February 11, 2005 until August 1, 2005, Kenneth Edward Reiss was the Qualifier for Respondent Licensee. On July 8, 2003 Respondent Hammersmith Builders, LLC contracted for the construction of a home in Asheville for a contract price of cost plus a monthly management fee of \$3,400 per month for ten months. In October 2003 the parties agreed to change the contract to a fixed price contract. In May 2004, the parties entered

into a "Second Modification to New Home Construction Contract." In September 2004 Respondent Hammersmith informed the owners of its intent to terminate the contract on the 50% completed house which had outstanding invoices to subcontractors. Also in September 2004, Biltmore Farms, Inc. suspended Respondent Hammersmith's status as a Featured Builder in Biltmore Park due to factors including nonpayment of subcontractors and construction delays. Respondent Hammersmith Builders, LLC failed to disclose on its 2005 Application for Renewal that it was engaged in a controversy with the Board, despite the fact they had received notification of Complaint File No. 04C444 being filed and still pending in the Board office. The Board found the actions of Respondent Licensee to constitute misconduct in the practice of general contracting and fraud or deceit in obtaining a license and a willful violation of §§ 87-11(a) and 87-13. The Board revoked License No. 46652 effective as of September 22, 2006.

J.S.R. Construction, Inc. and John S. Rice, as Qualifier

(Madison County; 04C428) License No. 29964. The Board conducted a disciplinary hearing on September 13, 2006 and the Final Decision entered on September 22, 2006. Testimony and exhibits showed that Respondent Licensee J.S.R. Construction, Inc. was issued a limited building license on April 3, 1992, increased to intermediate on April 13, 1994 and last renewed on January 1, 2006. The license was active at the time of hearing, and John S. Rice is the President, Registered Agent and Qualifier for Respondent Licensee. Respondent Qualifier obtained a building permit on July 25, 2003 for

the upfit of a commercial building in Cabarrus County with Respondent Licensee listed as the general contractor. J.S.R. Construction, Inc., however, did not act as the general contractor on the job. The work was performed by employees of an unlicensed entity which also supervised the work. Respondent Licensee only inspected the project twice. The Board found the actions of Respondent Licensee to constitute misconduct in the practice of general contracting and a willful violation of §§ 87-1, 87-11(a) and 87-13 and directly attributable to Respondent Qualifier. The Board suspended License No. 29964 for a period of six months effective as of September 22, 2006, but then stayed that suspension for a period of two years, also effective as of September 22, 2006, provided Respondent Licensee and Respondent Qualifier commit no violations during the two-year period of stay.

Thomas J. Sutton and Thomas J. Sutton, as Qualifier

(New Hanover County) License No. 45892. The Board conducted a disciplinary hearing on September 13, 2006 and the Final Decision entered on September 22, 2006. Testimony and exhibits showed that Respondent Licensee Thomas J. Sutton was issued a limited residential license on September 20, 1999 and last renewed on January 26, 2006. The license was active at the time of hearing, and Thomas J. Sutton is the Qualifier for Respondent Licensee. On March 4, 2004 a contract was entered into to erect a home in Burgaw and the building permit application listed the name of Respondent Licensee as the general contractor. At hearing, evidence showed that Respondent Licensee was not a party to the

contract, was not the general contractor of the project and did not apply for the building permit. The Board found that Respondent Licensee and Respondent Qualifier did not violate § 87-11(a) and therefore ordered that all charges against Respondent are hereby dismissed for insufficient evidence.

Revocations or Surrenders of License

Webb Builders, LLC (Wake County; 03C296, 04C347 and 05C26) License No. 38016. On June 14, 2006 James T. Webb voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Jeff H. Peek Builder, Inc. (Buncombe County; 05C425, 06C95, 06C99 and 06C119) License No. 26474. On June 14, 2006 Jeff H. Peek voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

James E. Greene – Builder, Inc. (Haywood County; 04C482) License No. 42799. On October 2, 2006 James E. Greene voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Floyd H. Echerd (Rowan County; 04C473) License No. 27173. On August 7, 2006 Floyd H. Echerd voluntarily surrendered his license to the Board. The Board considers surrender of license as permanent revocation.

William F. Petzold (South Carolina; 04C516) License No. 33643. On October 25, 2006 William F. Petzold voluntarily surrendered his license to the Board. The Board considers surrender of license as permanent revocation.

Ted M. Byrd (Lenoir County; 06C18 and 06C284) License No. 47494. On November 9, 2006 Ted M. Byrd voluntarily surrendered his license to the Board. The Board considers surrender of license as permanent revocation.

Consent Order (Licensees)

Conleys Creek Limited Partnership and Michael Cornblum, Qualifier (Swain County; 03C238) License No. 46757. On June 8, 2006 the Board filed Consent Orders in which the Board asserted that the actions of Respondent Conleys Creek Limited Partnership violated § 87-11(a) and constituted gross negligence, incompetency and/or misconduct in the practice of general contracting in the 2002 partial construction of a single-family dwelling at Smoky Mountain Country Club, for which they were paid in excess of \$300,000. At the time when Respondent Licensee terminated its contract with the homeowners, the home was in the framing stage. Respondent Licensee admits to the existence and subsequent correction of code violations and to the Board's jurisdiction in the matter; however, Respondent Licensee denies that its conduct constitutes gross negligence, incompetency and/or misconduct in the practice of general contracting. Conleys Creek Limited Partnership had been issued a limited building

license in 2000, later increased to unlimited, and last renewed in January of 2006. With Respondent Licensee's consent, it was ordered that Respondent Licensee shall not commit any acts constituting a violation of § 87-11(a) in the future.

David Michael Coffey t/a David Coffey Construction Co. and David Michael Coffey, as Qualifier (Guilford County; 03C416) License No. 45494. The Board entered into Consent Orders on June 14, 2006 in which David Michael Coffey t/a David Coffey Construction Co. and David Michael Coffey as qualifier agreed that License No. 43275 and Mr. Coffey's exam credentials would be placed on conditional or probationary status for a period of twelve months. In addition, Mr. Coffey agreed to take and pass a Level I Building code course within twelve months and provide verification of satisfactory completion to the Board. David Michael Coffey had been issued a limited residential license in 1999 and last renewed in March 2006. In 2000, Mr. Coffey contracted for the construction of a residence in Brown Summit (February 2001 Certificate of Occupancy), but had been constructed with four violations of the NC State Building Code, Vol VII, Residential, 1997 Edition in that a bearing wall did not fully sit on its foundation wall; a stairway headroom was less than the minimum required; a girder resting on a foundation was not treated lumber; and the framing of the attic system was not capable of accommodating all loads imposed according to structural elements. Further, on Renewal Applications to the Board for 2002 and 2003, Mr. Coffey failed to provide correct responses to Question No. 4 regarding his involvement in the lawsuit regarding the Brown Summit project.

Carolina Model Home Corporation t/a Homeworks Custom Builders and Plato Maxwell Williams, Jr., as Qualifier (Cumberland County; 04C369) License No. 3679. On June 27, 2006 the Board filed Consent Orders in which Carolina Model Home Corporation t/a Homeworks Custom Builders (Carolina Model Home) and Plato Maxwell Williams agreed to a six month suspension of License No. 3679 and Mr. Williams' exam credentials, both conditionally restored provided that during the following 15-month period they would fully comply with Chapter 87 of the NC General Statutes and the Board's Rules and Regulations. Carolina Model Home had been issued an unlimited building license in 1962 and last renewed in January 2006. Carolina Model Home entered into an agreement with two unlicensed entities, who all together were to

install foundations, deliver/erect modular home shells and then complete them on each of six pieces of property in Sampson County.

Jodie Hartley Day t/a Day Construction Co. and Jodie H. Day, as Qualifier (Caldwell County; 04C277 License No. 40914. The Board entered into Consent Orders on August 8, 2006 in which Jodie Hartley Day t/a Day Construction Co. and Jodie H. Day as Qualifier agreed to a four-month active suspension of license and a six-month active suspension of exam credentials to start on the day following the completion of current ongoing projects, as detailed in documentation to be forwarded to the Board. Mr. Day also agreed to take and pass a Level I Building code course, or an equivalent course dealing with the residential building code, within twelve months

and provide verification of satisfactory completion to the Board.

Jamie Larry Greer t/a Jamie Greer Construction and James Larry Greer, as Qualifier (Ashe County; 04C281) License No. 46586. On August 16, 2006 Consent Orders were filed in which Jamie Larry Greer t/a Jamie Greer Construction and James Larry Greer as Qualifier agreed to the revocation of License No. 46586 and his exam credentials following the completion of his remaining current ongoing projects. Jamie Larry Greer t/a Jamie Greer Construction was issued a limited building license in 2000 and last renewed in January 2006. In April 2002, Mr. Greer obtained a building permit for the construction of a single-family residence in West Jefferson, but was not the general contractor for the project. In August 2004, Mr.



Greer contracted to furnish building materials and labor to construct a log cabin in Ridgewood but failed to pay his subcontractors and suppliers after receiving construction draws.

Reprimand (Licensees)

On April 26, 2006 the Review Committee issued Reprimands to the following persons or firms:

Vertex Management (Mecklenburg County; 04C196) License No. 47795.

The Williams Company (Union County; 04C278) License No. 20362.

Kinco Real Estate (Pender County; 04C291) License No. 33198.

Ronald Zane Perkinson (Warren County; 04C343) License No. 33948.

Reason-Built Homes, Inc. (Craven County; 04C372) License No. 52586.

Michael Kevin Bradshaw (Catawba County; 04C462) License No. 14972.

First Legacy Homes (Mecklenburg County; 05C03) License No. 44125.

L.E. McNeill (Onslow County; 05C22) License No. 11732.

Keystone Builders Resource Group of Charlotte, Inc. (Virginia; 05C345) License No. 40454.

James D. Pence (Forsyth County; 05C365) License No. 7367.

The Garage Shop (Forsyth County; 05C397) License No. 45587.

Woodland Builders, Inc. (Wake County; 05C401) License No. 36998.

Hugh C. Clifton (Rowan County; 05C427) License No. 35977.

Birchfield Log Home Corporation (McDowell County; 05C437) License No. 28928.

Taurus Builders, Inc. (Henderson County; 05C439) License No. 53418.

Western Carolina Home Inspections, LLC (Cherokee County; 05C444) License No. 48912.

Chilton Builders (Stokes County; 06C21) License No. 28866.

Tom Davis Construction (Moore County; 06C28) License No. 26049

PPR Construction Co., Inc. (Forsyth County; 06C31) License No. 46524.

A. Edward Kimsey, Jr. (Guilford County; 06C43) License No. 14672.

Formatt, Inc. (Durham County; 06C49) License No. 58818.

Maas Contracting, LLC (Pitt County; 06C56) License No. 565930.

Charles Nelson Haynes (Avery County; 06C80) License No. 47546.

Formatt Bobcat Services, Inc. (Durham County; 06C106) License No. 57121.

On September 28, 2006 the Review Committee issued Reprimands to the following persons or firms:

Walter K. Penwarden (Lincoln County; 05C02) License No. 45524.

DGP Enterprises, Inc. (Wake County; 05C198) License No. 50219.

Integrity Builders, LLC (New Hanover County; 05C386) License No. 53562.

Carolina-Carolina Contract Services Corp. (Cumberland County; 06C44) License No. 50752.

Uwharrie River Log Homes, Inc. (Cabarrus County; 06C60) License No. 52194.

Bryan Weber & Associates, LLC (Iredell County; 06C66) License No. 50985.

Ashton Harrell t/a Ashton Harrell Construction (Dare County; 06C96) License No. 46185.

David James & Co. (New Hanover County; 06C109) License No. 39423.

The C.A. Clement Corp., Inc. (Cabarrus County; 06C119) License No. 36263.

John D. Hornaday (Cumberland County; 06C140) License No. 10945.

Joan Parris Whitmire (Henderson County; 06C142) License No. 14238.

R.G.S. Builders, Inc. (Robeson County; 06C150) License No. 41504.

Wyatt Parker, III (Carteret County; 06C160) License No. 42074.

Donald Richard Monroe, II (Mecklenburg County; 06C168) License No. 30412.

Gary W. Laton, LLC (Cabarrus County; 06C193) License No. 49434.

Blue Ribbon Design Build, Inc. (Wake County; 06C211) License No. 55015.

Wolverine General Contractors, LLC (Cumberland County; 06C218) License No. 56109.

Archie Ray Luck (Moore County; 06C219) License No. 21926.

Paul R. Messer t/a Mac Construction Company (Caldwell County; 06C227) License No. 27673.

Manns Custom Builders, LLC (Cumberland County; 06C247) License No. 54565.

Admissions of Violation (Licensees)

Richard Eugene Gray (Wayne County; 04C458) License No. 46531. On June 15, 2006, an Admission of Violation was filed in which Richard Eugene Gray admitted failing to provide correct information to the Board on his original Application for License to Practice General Contracting by answering “no” to question number 13, when the correct answer should have been “yes.”

Unlicensed Contractor Cases — Injunctions

Default Judgment: Permanent Injunctions were obtained by entry of a Default Judgment in Wake County Superior Court against each of the unlicensed contractors listed below for practicing general contracting in an amount of \$30,000 or more, in violation of N.C.G.S. § 87-13. In some instances, the Sheriff was unable to locate the contractors and/or Certified Mail was not delivered, but the Board effected service either by newspaper publication or through the Office of the Secretary of State; contractors

were enjoined from further practice of general contracting (including bidding) in an amount of \$30,000 or more until such time as he/she becomes licensed by the Board.

Booker Tate d/b/a AT&G Associates and Prince Hatley (Durham County; 05C61). Booker Tate d/b/a AT&G Associates and Prince Hatley contracted to construct an addition and remodel a home for a cost in excess of \$30,000. Default Judgment was entered on May 17, 2006.

Building Traditions, L.L.C. (Wake County; 04C311). Building Traditions, L.L.C. obtained a building permit and constructed a speculative home for an estimated cost of \$320,000. Default Judgment was entered on May 17, 2006.

John P. Buote (Durham County; 04C279). Mr. Buote contracted to construct a deck and an addition for a cost of \$33,800. Default Judgment was entered on May 17, 2006.

Scott P. Veach d/b/a Custom Craft Carpentry (Watauga County; 04C502). Scott P. Veach d/b/a Custom Craft Carpentry contracted to construct an addition for a cost of \$56,006 and was paid the contract amount yet abandoned the job and failed to pay material suppliers. Default Judgment was entered on May 17, 2006.

Michelle A. Martin (Mecklenburg County; 05C39). Ms. Martin undertook construction of a home for an estimated cost of \$52,150 and sold the home the day after the final inspection. Default Judgment was entered on May 17, 2006.

Ron Capell d/b/a Master Works (Pitt County; 04C513). Ron Capell d/b/a

Master Works submitted an Estimate to construct a sunroom for a cost of \$39,000. Default Judgment was entered on May 17, 2006.

Robert Nelson d/b/a Nelson Contracting (Wake County; 04C313). Robert Nelson d/b/a Nelson Contracting contracted to repair a hurricane damaged home for a cost of \$31,459, but misrepresented the cost of construction as \$22,500 on the building permit and was paid \$34,658 by the homeowner. Default Judgment was entered on May 17, 2006.

C. Boyd Humbles and Ann Humbles d/b/a B&A Custom Builders (Dare County; 04C512). C. Boyd Humbles and Ann Humbles d/b/a B&A Custom Builders contracted to construct a home in Kitty Hawk for a cost of \$424,023. Default Judgment was entered on May 18, 2006.

DJ's Construction & Grading, Inc. (Wake County; 05C12). DJ's Construction & Grading, Inc. contracted to construct an addition and breezeway in Cary for a cost of \$92,825. Default Judgment was entered on May 18, 2006.

Jesse L. Simpkins d/b/a J.L. Simpkins Home Improvements (Onslow County; 05C131). Jesse L. Simpkins d/b/a J.L. Simpkins Home Improvements contracted to repair termite damage to a home in New Bern for a cost of \$5,000, but thereafter undertook significant repairs to the home for a cost of \$54,056. Default Judgment was entered on July 12, 2006.

David Duffek d/b/a Dave's Construction & Remodeling (Mecklenburg County; 05C123). David Duffek d/b/a Dave's

Construction & Remodeling contracted to remodel a home in Waxhaw for a cost of \$30,000, but was paid \$30,250 for work on the project. Default Judgment was entered on August 10, 2006.

Roy Scott Marshburn d/b/a Home-Pro Home Improvement (Durham County; 05C197). Roy Scott Marshburn d/b/a Home-Pro Home Improvement contracted to construct a detached two-car garage in Durham for a cost of \$32,498. Default Judgment was entered on August 10, 2006.

Imperial Homes, Inc. (Catawba County; 05C215). Imperial Homes, Inc. contracted to construct a home in Catawba County for a cost of \$235,949. Default Judgment was entered on August 10, 2006.

Mickey Moore d/b/a Moore Home Improvement Services (Union County; 05C42). Mickey Moore d/b/a Moore Home Improvement Services contracted to construct a garage and bonus room for a cost of \$17,500. In connection with the construction, Mr. Moore presented a falsified license certificate misrepresenting himself

as a licensed general contractor. Default Judgment was entered on August 10, 2006.

Richard Stone and Stone Contracting Company (Durham County; 05C13). Stone Contracting Company contracted with Centex Homes to perform grading, erosion control and road widening for a cost of \$736,607. Richard Stone provided a forged license to Centex misrepresenting that Stone Contracting Company was a licensed general contractor. Default Judgment was entered on August 10, 2006.

Scott Galo d/b/a United Builders, Inc. (Mecklenburg County; 04C211). Scott Galo d/b/a United Builders, Inc. contracted to construct a storage shed and remodel a home in Charlotte for a cost of \$48,100, but misrepresented the cost of the project as \$21,750 on the building permit application. Default Judgment was entered on August 10, 2006.

MS Contracting Services, Inc. (Buncombe County; 05C315). MS Contracting Services, Inc. contracted to construct an addition in Leicester for a cost of \$77,425. Default Judgment was entered on August 11, 2006.

Miguel Pinales (Cabarrus County; 05C180). Mr. Pinales undertook renovations of a home in Cabarrus County where the cost of the project exceeded \$30,000. Default Judgment was entered on August 11, 2006.

Jeff Whetsel d/b/a Jeff Whetsel and Associates (Durham County; 05C275). Jeff Whetsel d/b/a Jeff Whetsel and Associates contracted to renovate and construct an addition in Durham for a cost of \$130,350. Default Judgment was entered on August 11, 2006.



Consent Orders of Unlicensed Contractors:

Permanent Injunctions were obtained by entry of a Consent Order in Wake County Superior Court concerning each of the following unlicensed contractors who practiced general contracting in an amount of \$30,000 or more, in violation of N.C.G.S. § 87-13, but who admitted to their wrongdoing, paid court costs and service fees and cooperated with the Board in the matter.

Mark I. Willingham d/b/a Progressive Realty and Judith Klink (Mecklenburg County; 04C501 and 05C40). Mark I. Willingham d/b/a Progressive Realty and Judith Klink engaged in a joint venture with each other to renovate a home in Charlotte at a cost in excess of \$30,000, unaware that their actions constituted the unauthorized practice of general contracting. Consent Orders were entered on January 6, 2006 and May 22, 2006 respectively.

Ervin Oakley and Lee Edward Dunlap d/b/a D&O Developers (Stokes County; 04C474). The Board contends that from 1994 to 1996, Ervin Oakley and Lee Edward Dunlap d/b/a D&O Developers constructed several speculative homes in Stokes County where the cost of each home exceeded \$30,000. Defendants believe they did not engage in the unauthorized practice of general contracting but were willing to enter into a consent order to resolve the case. A Consent Order was entered on February 6, 2006.

Tom Holmstrom and Tom Holmstrom Masonry, Inc. (Avery County; 05C173). The Board contends

that in April 2004, Tom Holmstrom and Tom Holmstrom Masonry, Inc. undertook the renovation of a basement of a home in Avery County for a price in excess of \$30,000. Defendants deny they engaged in the unauthorized practice of general contracting, but were willing to enter into a consent order to resolve the case. A Consent Order was entered on May 18, 2006.

Oehler Court Company, Inc. (Durham County; 05C281). Oehler Court Company, Inc. submitted a bid in Swansboro to construct four tennis courts for a cost of \$64,540. A Consent Order was entered on May 18, 2006.

Jerry A. Bolton, Sr. (Warren County; 05C207). Jerry A. Bolton, Sr. entered into an unlicensed joint venture with a licensed general contractor to construct a home in Littleton for a cost of \$181,000. A Consent Order was entered on May 26, 2006.

Tim Kelly d/b/a Roadbuilders, Inc. (Granville County; 05C234). The Board contends that Tim Kelly d/b/a Roadbuilders, Inc. submitted three proposals to perform grading and excavating for a new subdivision in Granville County for a cost exceeding \$30,000. Mr. Kelly denies that he engaged in the unauthorized practice of general contracting but was willing to enter into a consent order to resolve the case. A Consent Order was entered on May 26, 2006.

Scott Reimink d/b/a Reimink Construction (Buncombe County; 05C226). Scott Reimink d/b/a Reimink Construction undertook renovations of a home in Candler for a cost in excess of \$30,000. A Consent Order was entered on June 2, 2006.

Cecil Blevins d/b/a Mountain Top Builders (Wilkes County; 05C214). Cecil Blevins d/b/a Mountain Top Builders contracted to construct an addition and to renovate a home in Wilkes County for a cost in excess of \$30,000. A Consent Order was entered on June 5, 2006.

Harold Deloatch d/b/a Pro Paint & Repairs (Northampton County; 05C393). Harold Deloatch d/b/a Pro Paint & Repairs submitted a proposal for the repair of a home in Rich Square for a cost in excess of \$30,000. The proposal was later marked void by both parties. Mr. Deloatch denies that he engaged in the unauthorized practice of general contracting but was willing to enter into a consent order to resolve the case. A Consent Order was entered on June 5, 2006.

George Donavon Smith d/b/a Vance Builders (Catawba County; 05C302). George Donavon Smith d/b/a Vance Builders undertook to construct a home in Alexander County for an estimated cost of \$166,677. A Consent Order was entered on June 5, 2006.

Sanjon, Corp. (Randolph County; 04C226). Sanjon, Corp. submitted three proposals to repair a home in Charlotte; each proposal exceeded \$30,000. Defendant was unaware that its actions would be deemed the unauthorized practice of general contracting. A Consent Order was entered on June 9, 2006.

Everoe "Buck" Duell (Craven County; 05C277). The Board contends that Everoe "Buck" Duell undertook construction of a home in New Bern for a cost in excess of \$30,000.

Mr. Duell denies that he engaged in the unauthorized practice of general contracting but yet was willing to resolve the case through a consent order. A Consent Order was entered on June 20, 2006.

Sidney G. Fritts (Rockingham County; 05C140). The Board contends that Sidney G. Fritts contracted to superintend and/or manage the construction of a commercial addition where the cost of the project exceeded \$30,000. Mr. Fritts denies that he engaged in the unauthorized practice of general contracting, but was willing to enter into a consent order to resolve the case. A Consent Order was entered on June 20, 2006.

Fred Bethune d/b/a American Handicraft (Cumberland County; 05C132 and 05C113). Fred Bethune d/b/a American Handicraft contracted to construct a home in Fayetteville for a cost of \$273,000. Mr. Bethune and a licensed general contractor

had agreed to do the work as a joint venture, which was unlawful. Mr. Bethune was unaware that his actions would be deemed the unauthorized practice of general contracting. (The licensed general contractor is scheduled before the Board for a disciplinary hearing in 2007) A Consent Order was entered on June 22, 2006.

5 Services, Inc. (Wake County; 05C295). 5 Services, Inc. contracted to remodel commercial space for a cost in excess of \$30,000, but did not perform any work pursuant to the contract and was unaware that its actions would be deemed the unauthorized practice of general contracting. A Consent Order was entered on June 30, 2006.

John C. Alston and Jeffrey S. Alston d/b/a Alston Builders & Repairs (Franklin County; 05C303). John C. Alston contracted to construct

a home in Vance County for a cost of \$200,600. A Consent Order was entered on June 30, 2006.

Sampson County CDC, Inc. (Wake County; 04C370). The Board contends that during a five-month period Sampson County CDC, Inc. undertook construction of six homes in Sampson County where the cost of construction for each home exceeded \$30,000; the Defendant denies that it engaged in the unauthorized practice of general contracting but was willing to enter a consent order to resolve the case. A Consent Order was entered on July 10, 2006.

Percell Kelly (Halifax County; 05C235). Percell Kelly undertook renovations of a home in Nash County for a cost of \$71,000. Mr. Kelly, co-owner of the home, had no intention of residing in it and was unaware that his actions constituted the unauthorized practice of general contracting. A Consent Order was entered on July 26, 2006.



Paradise Pools LLC (Wake County; 06C04). The Board contends that Paradise Pools LLC undertook the installation of a pool, hot tub and decking in Apex for a cost in excess of \$30,000, but the Defendant denies that it engaged in the unauthorized practice of general contracting. Defendant is willing to enter into a consent order to resolve the case. A Consent Order was entered on July 26, 2006.

Tom Pieper d/b/a Sandpieper & Sons Construction and Sandpieper Construction (Pamlico County; 05C417). The Board contends that Tom Pieper d/b/a Sandpieper & Sons Construction and Sandpieper Construction contracted to construct an addition in Whortonsville for a cost in excess of \$30,000. The Defendant denies that he engaged in the unauthorized practice of general contracting but is willing to enter into a consent order to resolve the case. A Consent Order was entered on July 31, 2006.

Brent William Muir d/b/a Brentwood Roofing & Sheet Metal (Guilford County; 05C357). The Board contends that Brent William Muir d/b/a Brentwood Roofing & Sheet Metal submitted a Proposal to repair a roof in Newport for a cost of \$80,000 and thereafter undertook construction. The Defendant denies that he engaged in the unauthorized practice of general contracting but is willing to enter into a consent order in order to conclude the litigation. A Consent Order was entered on August 2, 2006.

Amber Furst d/b/a Furst Companies (Davie County; 05C196). Amber Furst d/b/a Furst Companies undertook to superintend or manage the construction of a home in Watauga

County where the cost of the project exceeded \$30,000. A Consent Order was entered on August 9, 2006.

Southeast Building Specialist Co. (Mecklenburg County; 05C442). Southeast Building Specialist Co. (Southeast) contracted to complete the construction of a home in Mecklenburg County for a cost of \$139,765. Southeast's President used his individual general contractors license number to obtain the building permit and was unaware that Southeast was required to hold a valid license. A Consent Order was entered on August 16, 2006.

Derek Stallings and Pelican Construction, LLC (Dare County; 05C284). Derek Stallings and Pelican Construction, LLC undertook construction of a home in Nags Head with an estimated cost of \$225,000. The Consent Order was entered on August 16, 2006.

Disaster Services, Inc. (Georgia; 05C459). Disaster Services, Inc. contracted to repair a fire-damaged home for a cost in excess of \$30,000. A Consent Order was entered on August 21, 2006.

Thomas Lee Mullen III (Iredell County; 05C169). Thomas Lee Mullen III obtained a building permit as owner/builder from Mecklenburg County to erect a modular home in Huntersville and undertook construction. Mr. Mullen later sold the home without first residing in the home for twelve months. He does not admit that he engaged in the unauthorized practice of general contracting, but he is willing to enter into a consent order to resolve the case. A Consent Order was entered on August 21, 2006.

Keith Kelly (Dare County; 05C239). Keith Kelly entered into an unlicensed joint venture with a licensed general contractor to construct a home in Currituck County for an estimated cost of \$190,000, unaware that his actions would be deemed the unauthorized practice of general contracting. A Consent Order was entered on August 23, 2006.

Randy C. Huffman d/b/a Randy C. Huffman Construction Co. (Wilkes County; 06C55). The Board contends that Randy C. Huffman d/b/a Huffman Construction Co. submitted a Preliminary Cost Estimate to remodel and construct an addition in Wilkes County for a cost in excess of \$30,000. Mr. Huffman denies that he engaged in the unauthorized practice of general contracting but is willing to enter into a consent order to resolve the case. A Consent Order was entered on August 25, 2006.

JLL Business Trust and James L. Lea, III, Individually and a Trustee for JLL Business Trust (Virginia; 06C46). The Board contends that JLL Business Trust and James L. Lea, III, Individually and as a Trustee for JLL Business Trust, undertook construction of a modular building in Currituck County for a cost in excess of \$30,000. The Defendants deny that they engaged in the unauthorized practice of general contracting but are willing to enter into a consent order to resolve the case. A Consent Order was entered on August 25, 2006.

Fred Altieri (Columbus County; 05C270). Fred Altieri obtained a building permit as owner/builder from Columbus County to construct a single family home for an estimated cost of \$45,550. Mr. Altieri intended to construct the home for his family

and undertook construction and obtained a Certificate of Occupancy in October 2004. In January 2005, Mr. Altieri sold the home to another party. Mr. Altieri does not admit that he engaged in the unauthorized practice of general contracting, but is willing to enter into a consent order to resolve the case. A Consent Order was entered on September 13, 2006.

Simon Blackburn and Suzan

Blackburn (New Hanover County; 05C395). Simon and Suzan Blackburn obtained a building permit as owner/builder from the Town of Carolina Beach to move and reset a single family dwelling for a cost of \$75,000. A Certificate of Compliance was issued and the Blackburns advertised the home for rent. They do not admit that they engaged in the unauthorized practice of general contracting but are willing to enter into a consent order to resolve the case. A Consent Order was entered on September 13, 2006.



Empty Pools, LLC (Virginia; 06C103). Empty Pools, LLC contracted with homeowners in Duck to install a pool, hot tub, decking and a pool barrier for a cost of \$48,685. At the time the contract was executed, Empty Pools, LLC believed it could lawfully enter into agreements up to \$50,000. After executing the contract, Defendant learned the license threshold was \$30,000 and immediately cancelled the contract and undertook no work. A Consent Order was entered on September 13, 2006.

Ronald Leon Tuck (Guilford County; 054C319). Ronald Leon Tuck contracted to repair and renovate a home in Greensboro for a cost of \$49,500. A Consent Order was entered on September 13, 2006.

Ralph Cortez Williams (Macon County; 05C450 and 05C426). Ralph Cortez Williams contracted to manage the construction of a log home in Macon County where the cost of the project exceeded \$30,000. A Consent Order was entered on September 13, 2006.

The Action Team, Inc. (Cabarrus County; 06C81). The Action Team, Inc. submitted a Proposal to construct a commercial addition for a cost of \$31,480. A Consent Order was entered on October 17, 2006.

Carolina Properties Unlimited, Inc. (Pender County; 04C366). Carolina Properties Unlimited, Inc. contracted to sell and erect a modular home on property in Hampstead for a cost of \$189,622. A Consent Order was entered on October 17, 2006.

Fireline Restoration Cleaning Services, Inc. (Wake County; 05C452). Fireline Restoration

Cleaning Services, Inc. submitted two estimates to repair two damaged condominium units where the cost of repair of each unit exceeded \$30,000 and thereafter undertook the repairs, unaware that its actions would be deemed the practice of general contracting. A Consent Order was entered October 18, 2006.

U.S. Contracting, Inc. (Virginia; 05C271). The Board contends that U.S. Contracting, Inc. submitted a Proposal to repair thirteen buildings within a townhome homeowners association where the total cost of the repairs exceeded \$30,000. U.S. Contracting, Inc. denies that it engaged in the unauthorized practice of general contracting and that its actions and the work for the individual homeowners was legal, proper and in compliance with NC law. It adamantly disputes the Board's contentions and it adamantly disputes and denies the complaints received by the Board which led to the Board filing suit in Wake County Superior Court. The Board and U.S. Contracting, Inc. agree that the consent order of this case resolves any and all complaints pending with the Board against U.S. Contracting, Inc. regarding its work in the townhome project. A Consent Order was entered on October 20, 2006.

Marilyn Mangum d/b/a M Pete Inc. (Mecklenburg County; 06C34). The Board contends that Marilyn Mangum d/b/a M Pete Inc. submitted a proposal to renovate a house in Charlotte for a cost in excess of \$30,000. The Defendant denies that she engaged in the unauthorized practice of general contracting and has filed an answer asserting her defenses to the allegations of the Board's Complaint. Defendant is

willing to enter into a consent order to resolve the case. A Consent Order was entered on October 23, 2006.

Richard D. Belk (Union County; 05C455). Richard D. Belk contracted to construct a garage in Monroe for a cost of \$35,500. A Consent Order was entered on November 3, 2006.

Charles Andrews d/b/a Andrews Roofing (Davidson County; 06C83). Charles Andrews d/b/a Andrews Roofing contracted to install a roofing system on commercial storage space in Lexington for a cost of \$61,000. Mr. Andrews believed that the owner of the property was serving as the general contractor for the project, and Mr. Andrews did not intend to engage in the unauthorized practice of general contracting. A Consent Order was entered on November 7, 2006.

Ford McDonald d/b/a New Brunswick Homes & Rentals (Brunswick County; 05C148). The Board contends that Ford McDonald

d/b/a New Brunswick Homes and Rentals undertook construction of a home in Shallotte for a cost in excess of \$30,000. Mr. McDonald in no way admits that he engaged in the unauthorized practice of general contracting but is willing to enter into a consent order to resolve the case. A Consent Order was entered on November 7, 2006.

Gillis Development Corporation, Inc. (Cumberland County; 06C123). The Board contends that Gillis Development Corporation, Inc. contracted to construct and sell a home and lot in Raeford for a cost in excess of \$30,000. Gillis Development Corporation, Inc. asserts that although it sold the home, it was constructed by Joseph Gillis, a licensed general contractor. Gillis Development Corporation, Inc. denies that it engaged in the unauthorized practice of general contracting but is willing to enter into a consent order to resolve the case. A Consent Order was entered on November 14, 2006.

Unlicensed Contractor Subject To Criminal Contempt

Paul Oden (Wake County; 00CVS14641; 06CRS079323). In December 2000 the Board filed a lawsuit against Paul Oden for contracting without a license. In October 2001, the Court entered a Consent Order that prohibited Paul Oden from engaging in the further practice of general contracting. In July 2003, December 2004 and May 2006 Oden contracted with three churches for renovations and the construction of additions at costs ranging from \$68,000 to over \$300,000.

In a hearing on September 19, 2006 before Superior Court Judge Orlando Hudson, Paul Oden was found guilty of three instances of criminal contempt of court and sentenced to serve ninety (90) days in the Wake County Jail.





NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

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If you need information on contractor's licensing in other states, you need a copy of the **Contractor's State Licensing Information Directory.**

The 2006 edition identifies over 170 state agencies that regulate the construction industry. The directory summarizes the pre-qualification, licensing, examination and bonding requirements. Information regarding reciprocity, license classifications, incorporating and fees, is also included.

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