



REPORT

FALL 2009

NC DEPARTMENT OF REVENUE ISSUES	2	DISCIPLINARY ACTION (INCLUDING DEFINITIONS)	4
FINAL DECISIONS	4	CONSENT ORDERS (LICENSEES)	7
UNLICENSED CONTRACTOR CASES—INJUNCTIONS	9	CONSENT ORDERS (UNLICENSED)	13
UNLICENSED SUBJECT TO CONTEMPT—CRIMINAL	19	UNLICENSED SUBJECT TO CONTEMPT—CIVIL	19

Amendments Proposed for Construction Management, Multiunit Buildings Rules

The Board has proposed amendments to a rule affecting existing Construction Management requirements and proposed a new rule for “Multiunit buildings”. Also, in March 2009, North Carolina Rules Review Commission objected to a proposed rule to include contractors performing demolition work circumscribed under specific classifications at 21 NCAC 12.0202. The Commission objected to the rule asserting that “demolition” is not within the definition of G.S. 87-1, cited as the Licensing Board’s authority for the new rule.

The Board conducted a rulemaking hearing at its October 14, 2009

meeting concerning amendments to rules 21 NCAC 12.0208, Construction Management, and 21 NCAC 12.0211, Multiunit Buildings. The record to receive additional comment remained open until November 16, 2009. The amendments to .0208 clarify when a general contractors license is required for construction management activities. .0211, the multiunit building rule, was approved by Rules Review Commission in August 2008, but the effective date was delayed. A bill was filed in the NC General Assembly in March 2009 to disapprove the rule. Since the General Assembly adjourned without ratifying the bill,

(CONTINUED ON PAGE 2)

Stan M. White Appointed to Licensing Board

Stan M. White has been appointed to the Licensing Board for General Contractors, effective January 9, 2009. Mr. White’s term began on the date of his appointment and the term will expire December 31, 2013.

White, a residential construction member, is a home builder and developer from Nags Head. He is originally from Manns Harbor, North Carolina and graduated from East Carolina University in 1970. Mr. White

is former Chairman of Dare County Commissioners and is also currently serving as a member of the North Carolina Board of Transportation. He had previously served as Board member of the Licensing Board for General Contractors from 1996 until 2002. White replaces former Licensing Board member Joseph Samuel Pierce, whose term expired December 31, 2008.



LICENSING BOARD CALENDAR

December 24, 25 2009

Christmas/Board Office Closed

December 31, 2009

General Contractors Licenses Expire

January 1, 2010

New Year’s Day/Board Office Closed

January 18, 2010

Martin Luther King Jr.’s Birthday/Board Office Closed

January 27, 2010

Regular Board Meeting

April 2, 2010

Good Friday/Board Office Closed

April 14, 2010

Regular Board Meeting

May 31, 2010

Memorial Day/Board Office Closed

July 5, 2010

Independence Day/Board Office Closed

July 14, 2010

Regular Board Meeting

September 6, 2010

Labor Day/Board Office Closed

(Board Meeting dates are subject to change)



NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

3739 National Drive, Suite 225
P.O. Box 17187
Raleigh, NC 27619
Phone: 919.571.4183 Fax: 919.571.4703
www.nclbgc.org

BOARD MEMBERS

Michael Barber, Chairman, Greensboro
Susan J. Monroe, Vice-Chairman,
Fayetteville

J. Allen Barnhill, Jr., Tarboro
Cleve Paul, Goldsboro
Leslie Silverstein, Raleigh
Jerry Smith, Goldsboro
Stan White, Nags Head
Carl Worsley, Jr., Nags Head
Paul Zia, P.E., Raleigh

ADMINISTRATION

Mark Selph, Secretary-Treasurer
Nancy G. Routh, Associate
Sec.-Treasurer
Frances McDonald, Licensing Manager
Cherie Sutton, License
Renewal Manager
Debbie Price, Administrative Assistant
Connie Bartlett, Recovery
Fund/Renewals
Brenda Spence, Reception
Pam Tew, Licensing
Mozelle Hicks, Renewals
Joan McDonnell, Renewals
Amanda Carter, Licensing

INVESTIGATIONS

Susan Sullivan,
Complaints Administrator
Michael Silver, Field Sup., Western
Joel Macon, Field Inv/South Coastal
Mike Brown, Field Inv/North Coastal
Linda Mangum, Field Inv/Eastern
Kenneth McCombs, Field
Inv/South Central
Curtis Huff, Field Inv/North Central

Amendments Proposed for Construction Management

(CONTINUED FROM PAGE 1)

the rule became effective August 11, 2009. Proposed amendments to .0211 Multiunit Buildings resulted from discussions between the Board and the North Carolina Homebuilders Association. If the Board approves final text for the rules at its January 2010 Board meeting, .0208

Construction Management and .0211 Multiunit Buildings would be considered by Rules Review Commission at its March 2010 meeting. The rules changes could become effective as soon as April 1, 2010.

Text of .0208 and .0211 is listed on page 3.

NC Department of Revenue Issues Notice of Tax Rates for Construction Contracts

The North Carolina Department of Revenue has issued notice of changes in the tax rates for construction contracts in 2009. Effective October 1, 2009, the general State rate of tax increases from 5.5% to 5.75%. The local rate decreases from 2.25% to 2% in all counties except Alexander, Catawba, Cumberland, Haywood, Martin, Pitt, Sampson, and Surry, where the county rate decreases from 2.5% to 2.25%. Mecklenburg County continues to impose an additional 0.5% Transit rate. The third one-half cent local tax previously reduced to a quarter cent (0.25%) decreases to zero. The combined State and local rate will

continue to be 7.75% in ninety-one counties, 8% in Alexander, Catawba, Cumberland, Haywood, Martin, Pitt, Sampson, and Surry Counties, and 8.25% in Mecklenburg County. These changes occur as the State continues assuming Medicaid responsibilities for the counties.

Questions about all new tax rates for construction contracts or construction materials can be directed to the Taxpayer Assistance and Collection Center by telephone at 1-877-252-3052. The center may be contacted in writing to the Taxpayer Assistance Division, North Carolina Department of Revenue, Post Office Box 25000, Raleigh, NC 27640-0001.

Board Breaks Ground on New Raleigh Headquarters

The Licensing Board for General Contractors began construction of its new office building in August 2009. The new building, located on Creedmoor Road in Raleigh, will be two stories and approximately 20,000 square feet. The facility will include a public hearing hall, meeting rooms and administrative spaces. The project is anticipated to achieve a LEED Gold Rating and substantial energy savings.

The new building is engineered to incorporate geothermal heating and

cooling, which reduces the demand for fossil fuels and also offers long term cost energy savings. Hot water is provided by solar collectors located on the structure's roof. Situated in an east-west orientation to allow maximum daylight deep within the building, the design features south facing sunscreens to maximize views and high performance glazing and natural light throughout the building to reduce demand for artificial light, as well as reducing heat gain and glare. The public hearing room includes a south

Board Breaks Ground

(CONTINUED FROM PAGE 2)

facing roof daylight monitor with light baffles, to further reduce the demand for artificial light. Light sensors are provided at all offices to ensure that lights are automatically turned off when rooms are not in use. Exterior walls of the new building will provide an R-Value greater than 32 and the roof envelope will have an R-Value of 31. The roof material is a white PVC membrane, which will result in reduced heat absorption. Interior

spaces will also feature finishes with high recycled content and low chemical emissions. Some materials were selected as they are made from rapidly renewable resources that are regionally produced.

Neal Conley, AIA, Principal at Small Kane Architects, Raleigh, said “The Licensing Board building was sited to make use of a previously developed site. The site design calls for a 65-foot undisturbed buffer along the

south and east property lines, with the remaining space areas vegetated with native and adaptive landscaping to eliminate the need for permanent irrigation.” Mr. Conley says that the construction is expected to be completed by August 2010.

R.N. Rouse & Company of Goldsboro is the general contractor for the project.

21 NCAC 12 .0208 IS PROPOSED FOR AMENDMENT AS FOLLOWS:

21 NCAC 12 .0208 CONSTRUCTION MANAGEMENT

(a) The term “undertakes to superintend or manage” as used in G.S. 87-1 to describe a person, firm or corporation deemed to be a general contractor means that the person, firm, or corporation is responsible for superintending or managing the entire construction of an entire project, and either contracts directly with subcontractors to perform the construction for the project or is compensated for superintending or managing the project based upon the cost of the project or the time taken to complete the project. Such person, firm, or corporation must hold a general contracting license in the classifications and limitation applicable to the construction of the project.

(b) The term “undertakes to superintend or manage” described in Paragraph (a) of this Rule does not include the following:

- (1) an architect or engineer licensed in North Carolina who is supervising the execution of design plans for the project owner and who does not contract directly with subcontractors to perform the construction for the project, project, or
- (2) any person, firm, or corporation retained by an owner of real property as a consultant, agent, or advisor to perform development-related functions, including without limitation, (i) assisting with site planning and design, (ii) formulating a development scheme, (iii) obtaining zoning and other entitlements, (iv) tenant selection and negotiation, (v) interfacing and negotiating with the general contractor, engineer, architect, other construction and design professionals and other development consultants with whom the land owner separately contracts, including, without limitation, negotiating contracts on the owner’s behalf, assisting with scheduling issues, ensuring that any disputes between such parties are resolved to the owner’s satisfaction, and otherwise ensuring that such parties are proceeding in an efficient, coordinated manner to complete the project, (vi) providing cost estimates and budgeting, (vii) monitoring the progress of development activities performed by other parties, (viii) arranging and negotiating governmental incentives and entitlements, and (ix) selecting and sequencing sites for development.

History Note: Authority G.S. 87-1; 87-4; Eff. May 1, 1995; Amended Eff.

21 NCAC 12 .0211 IS PROPOSED FOR AMENDMENT AS FOLLOWS:

21 NCAC 12 .0211 MULTIUNIT BUILDINGS

For the purposes of determining whether or not the cost of the undertaking is thirty thousand dollars (\$30,000) or more under G.S. 87-1, and whether or not the value of any single project falls within the license limitations established by G.S. 87-10(a), if a project consists of the construction or alteration of one or more buildings comprised of two three or more units within each building, including apartments, condominiums, and townhomes, then all such units in a building buildings shall be considered in determining the cost of the undertaking under G.S. 87-1 and the value of the project under G.S. 87-10(a).

History Note: Authority G.S. 87-1; 87-4; 87-10; Eff. August 11, 2009; Amended Eff.

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

Joelle Orr Albea and Joelle Orr Albea, as Qualifier (Henderson County; 07 C 559) License No. 63774. A disciplinary hearing was conducted on November 12, 2008 and the Final Decision was entered on November 19, 2008. Joelle Orr Albea was issued a limited residential license on July 5, 2007 which had never been renewed. The Board, after considering the testimony and exhibits presented during the hearing, found that the inaccurate asset/liability information submitted

with Albea's application for licensure did not constitute fraud or deceit. The Board dismissed all charges against Joelle Orr Albea but placed a condition on her license renewal that she provide a compilation financial statement in addition to all other items and information required by statute or regulation.

David D. Scholl t/a D.S. Contracting and David D. Scholl, as Qualifier (Cabarrus County; 08 C 74) License

No. 59765. A disciplinary hearing was conducted on November 12, 2008 and the Final Decision was entered on November 19, 2008. David D. Scholl t/a D.S. Contracting was issued a limited building license on March 2, 2006 which was last renewed on January 3, 2008. The Board, after considering the testimony and exhibits presented during the hearing, found that David D. Scholl t/a D.S. Contracting entered into a contract for construction management of residential projects with

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).

unlicensed individuals allowing them to perform duties of a general contractor when he knew or should have known that the unlicensed individuals did not intend to occupy the properties for at least 12 months upon completion. The actions of Licensee David D. Scholl t/a D.S. Contracting were directly attributable to its Qualifier, David D. Scholl. The Licensee and the Qualifier's examination credentials were placed on probation on the condition that the Qualifier complete a Project Management or Construction Management course within 1 year of the Final Decision.

Lawrence E. Nicholas t/a Valnick Homes and Lawrence E. Nicholas, as Qualifier (Georgia; 07C317)

License No. 47107. A disciplinary hearing was conducted on February 11, 2009, and the Final Decision entered on March 5, 2009. Testimony and exhibits showed that Mr. Nicholas held a limited building license that was last renewed on January 4, 2008. In July 2006, Mr. Nicholas obtained eighteen building permits from the Iredell County Planning & Enforcement Department for the construction of townhomes in Mooresville. At the time that Mr. Nicholas obtained the permits, he was not the general contractor for the project. An unlicensed contractor was actually the general contractor for the townhome project. Mr. Nicholas allowed the unlicensed contractor to use his license for the construction of the townhomes. The Board found the actions of Mr. Nicholas to constitute misconduct in the practice of general contracting. The Board revoked both License No. 47107 and Mr. Nicholas' examination credentials. Mr. Nicholas was also ordered to pay \$5,000.00 to the Board for its costs in investigating and preparing the case for hearing.

Peter C. Lachapelle and Peter C. Lachapelle, as Qualifier

(Mecklenburg County; 08 C 195) License No. 56281. A disciplinary

hearing was conducted on February 11, 2009 and the Final Decision was entered on March 5, 2009. Peter C. Lachapelle was issued a limited residential license on October 11, 2004, which was last renewed on January 7, 2009. The Board, after considering the testimony and exhibits presented during the hearing, found that Peter C. Lachapelle entered into a contract for construction of a single family dwelling with an unlicensed individual, allowing the unlicensed individual to perform duties of a general contractor when he knew or should have known that the unlicensed individuals did not intend to occupy the property for at least 12 months upon its completion. The actions of Licensee Peter C. Lachapelle were directly attributable to Qualifier Peter C. Lachapelle. License No. 56281 and the Qualifier's examination credentials were placed on a six (6) month probation.

Hamid Ejlali and Hamid Ejlali, as Qualifier (Cabarrus County; 08 C 225)

License No. 54871. A disciplinary hearing was conducted on February 11, 2009 and the Final Decision was entered on March 5, 2009. Hamid Ejlali was issued a limited residential license on February 10, 2004, which was last renewed on January 1, 2009. The Board, after considering the testimony and exhibits presented during the hearing, found that Hamid Ejlali submitted to Cabarrus County building permit applications for the construction of 11 new homes and allowed an unlicensed entity to perform duties of a general contractor on the projects. The actions of Licensee Hamid Ejlali were directly attributable to Qualifier Hamid Ejlali. License No. 54871 and the Qualifier's examination credentials are revoked.

Bildx Construction and Berek Little Jon Dore, II, as Qualifier (Brunswick County; 07 C 549)

License No. 58279. On May 11, 2009, Berek Little Jon Dore, II, qualifier, and registered agent

for Bildx Construction, voluntarily surrendered the corporate license to the Board. Berek Little Jon Dore, II also voluntarily surrendered his examination credentials to the Board. The Board considers surrender of license and examination credentials as a permanent revocation.

Mountain Log Homes, Inc.

(Haywood County; 07C512, 08C258, 08C401) License No. 61776. A disciplinary hearing was conducted on May 13, 2009, and the Final Decision entered on June 10, 2009. Testimony and exhibits showed that Mountain Log Homes, Inc. held an unlimited building license that was last renewed on January 1, 2007.

On October 18, 2008, Mountain Log Homes, Inc. submitted its application for licensure to the Board. It answered "no" to question No. 2a. "Have you or any officer or responsible managing employee(s) of your firm or corporations or other entities in which you were a principal, ever been refused a license to practice general contracting, been investigated, been disciplined in any way by the North Carolina Licensing Board for General Contractors or ever had a complaint filed against you?" The application was signed by Kenneth S. Davis, as President of Mountain Log Homes, Inc. The company failed to disclose that Kenneth S. Davis was previously investigated by the Board and had entered into a Consent Order with the Board filed on April 13, 2006, agreeing to be enjoined from the practice of general contracting in North Carolina until such time, if ever, that he was properly licensed.

During the latter part of 2006, Mountain Log Homes, Inc. entered into a contract to construct a home in Rutherfordton. The company abandoned the construction project after approximately 20% of the construction was completed. In 2004, prior to being licensed, Mountain Log Homes, Inc. submitted an estimate to construct a



log home for an estimated cost of over \$30,000.00. The company represented that it was licensed and submitted to the homeowner the altered licensed certificate of a licensed contractor, to make it appear that the company held a license. The estimate was accepted, and Mountain Log Homes, Inc. began construction. The Board found the actions of Mountain Log Homes, Inc. to constitute misconduct in the practice of general contracting. The Board permanently revoked License No. 61776. The company was also ordered to pay \$5,000.00 to the Board for its costs in investigating and preparing the case for hearing.

RHW Builders, Inc. and Ronald Harold Wilson, as Qualifier

(Randolph County; 08 C 161) License No. 53651. A disciplinary hearing was conducted on May 13, 2009 and the Final Decision was entered on June 10, 2009. RHW Builders, Inc. was issued a limited building license on July 10, 2003 which was last renewed on July 23, 2008 and is currently invalid.

The Board, after considering the testimony and exhibits presented during the hearing, found that during the course of construction of a single family dwelling, RHW Builders, Inc. violated numerous sections of the North Carolina Residential Building Code, 2002 Edition. The actions of Licensee RHW Builders, Inc. were directly attributable to Qualifier, Ronald Harold Wilson. RHW Builders, Inc.'s License No. 53651

was revoked. The Board also revoked Ronald Harold Wilson's ability to act as a qualifying party for a licensee.

Ronald Henry Williams and Ronald Henry Williams, as Qualifier

(Davidson County; 08 C 252) License No. 43548. A disciplinary hearing was conducted on May 13, 2009 and the Final Decision was entered on June 10, 2009. Ronald Henry Williams was issued a limited residential license on January 13, 1999 which was last renewed on January 1, 2007 and is currently invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that during the course of construction of a single family dwelling, Ronald Henry Williams violated numerous sections of the North Carolina Residential Building Code, 2002 Edition. The actions of Licensee Ronald Henry Williams were directly attributable to Qualifier, Ronald Henry Williams. Ronald Henry Williams' License No. 43548 was revoked. The Board also revoked Ronald Henry Williams' ability to act as a qualifying party for a licensee.

ABC Quality Homes of NC, Inc. and Michael C. Lintzenich, as Qualifier

(Haywood County; 09 C 57) License No. 62976. On August 4, 2009, the Roy A. Brawner, Jr., President of ABC Quality Homes of NC, Inc. voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as a permanent revocation.

Edward Nate Brown t/a Phoenix Construction and Edward Nate Brown, as Qualifier

(Watauga County; 08 C 187) License No. 65646. A disciplinary hearing was conducted on February 11, 2009. Edward Nate Brown t/a Phoenix Construction was issued a limited building license on March 6, 2008; the license was not renewed. The Board, after considering the testimony and exhibits presented

during the hearing, found that Edward Nate Brown t/a Phoenix Construction entered into a construction proposal for \$38,385.00 on February 19, 2008 prior to being licensed with the Board and in April 2008, Licensee abandoned the project. The actions of the Licensee were directly attributable to the Qualifier, Edward Nate Brown. License No. 65646 and the Qualifier's examination credentials are revoked.

American-Made Builders, Inc. and Steve L. Smith, as Qualifier

(Buncombe County; 08 C 413 and 07 C 346) License No. 41575. A disciplinary hearing was conducted on September 9, 2009 and the Final Decision was entered on October 15, 2009. American-Made Builders, Inc. was issued a limited building license on April 17, 1998 which was last renewed on March 4, 2008. The Board, after considering the testimony and exhibits presented during the hearing, found that during the course of construction of a 24'x24' garage, American-Made Builders, Inc., violated numerous sections of the North Carolina Residential Building Code, 2002 Edition. The Board also found that inaccurate information submitted on American-Made Builders, Inc. License Renewal Applications constituted fraud and deceit. The actions of Licensee American-Made Builders, Inc. were directly attributable to its Qualifier, Steve L. Smith. The License and the Qualifier's examination credentials were suspended for a period of six months. The Qualifier is also required to take, complete, and pass the Standard Level I Building Course offered by the North Carolina Department of Insurance and submit to the Board written proof of successful completion of the course.

Tranquillity Development, LLC and John Michael Hartis, as Qualifier

(Cabarrus County; 09 C 51) License No. 54420. A disciplinary hearing was conducted on September 9, 2009

and the Final Decision was entered on September 28, 2009. Tranquillity Development, LLC was issued an unlimited residential license on November 10, 2003 which was last renewed on January 1, 2008. The Board, after considering the testimony and exhibits presented during the hearing, found that during the course of construction of a home, Tranquillity Development, LLC, violated numerous sections of the North Carolina Residential Building Code, 2002 Edition. The actions of Licensee Tranquillity Development, LLC were directly attributable to its Qualifier John Michael Hartis. The License and the Qualifier's examination credentials were revoked.

Carl G. Fulton and Carl G. Fulton, as Qualifier (Nash County; 08 C 428 and 09 C 128) License No. 35631. A disciplinary hearing was conducted on September 9, 2009 and the Final Decision was entered on October 15, 2009. Carl G. Fulton was issued an unlimited building license on October 18, 1995 which was last renewed on January 1, 2009. The Board, after considering the testimony and exhibits presented during the hearing, found that the property owner entered into a contract for erection of a storage building and a steel building with unlicensed individuals. Licensee Carl G. Fulton subsequently allowed unlicensed individuals to perform duties of a general contractor. The actions of Licensee Carl G. Fulton were directly attributable to its Qualifier, Carl G. Fulton. The License and the Qualifier's examination credentials were suspended for a period of one year upon completion of the current projects under contract to be completed no later than June 30, 2010.

Consent Orders (Licensees)

Destin Homes, Inc. and Maurice Jackson, as Qualifier (Orange

County; 07C116) License No. 61314. On August 5, 2008, the Board entered into a Consent Order with Destin Homes, Inc. in which Maurice Jackson, as President, Registered Agent and Qualifier for Destin Homes, Inc., agreed to eighteen (18) months suspension of License No. 61314, conditionally restored following a six (6) month period of active suspension. The Board also entered into a Consent Order with Maurice Jackson, as Qualifier, in which he agreed to eighteen (18) months suspension of his exam credentials, conditionally restored following a six (6) month period of active suspension. The Board also required that Destin Homes, Inc. and Maurice Jackson submit a statement explaining why and how their conduct was in violation of Chapter 87 of the NC General Statutes and the Board's rules and regulations.

Cornerstone Log and Timber Homes and Terri Groves, as Qualifier and Terri Groves, Licensee (Swain County; 08 C 40) License Nos. 51785 and 50765. On November 21, 2008, the Board entered into a Consent Order with Cornerstone Log & Timber Homes, LLC, in which Cornerstone Log & Timber Homes, LLC, as licensee, agreed to eighteen (18) months suspension of Licenses 51785 and 50765. The licensees will be conditionally restored after a six (6) month active suspension. The Board also entered into a Consent Order with Terri Groves, as Qualifier, in which she agreed to eighteen (18) months suspension of her examination credentials; the examination credentials will be conditionally restored after a six (6) month active suspension. The licensee and the qualifier were also required to take and pass a Level I Building Code course within one (1) year of the Consent Order. The Consent Order was subsequently modified to allow the Licensee and Qualifier an additional six months

to take and pass a Level 1 Building Course.

Testa and Wirth, Inc. of NC and William Harrington, Laurence Marziotto, and Peter J. Wirth, as Qualifiers (Union County; 08 C 61) License No. 34010. On December 17, 2008, the Board entered into a Consent Order with Testa and Wirth, Inc. of NC in which Testa and Wirth, Inc. of NC, as licensee, agreed to a reprimand of License No. 34010. The Board also entered into Consent Orders with William Harrington, as Qualifier, Laurence Marziotto, as Qualifier, and Peter J. Wirth, as Qualifier, in which each Qualifier agreed to a reprimand of his examination credentials.

Beaver Construction, Inc. and Michael B. Beaver, as Qualifier (Alamance County; 06C417) License No. 32339. On January 26, 2009 the Board filed Consent Orders in which Beaver Construction, Inc. and Michael B. Beaver agreed to a twelve (12) month suspension of License No. 32339, which was stayed. Both licensee and Mr. Beaver, as qualifier, were placed on probation for twelve months. If Mr. Beaver fails to comply with any provision of the Consent Order, he will surrender his license and examination credentials for a period of twelve (12) months active suspension. Within twelve months, Mr. Beaver agreed to take and pass a Level 1 Residential Building Code course and a law and administration course. He will provide verification of his satisfactory completion of both courses to the Board.

Michael Allen Ray and Michael Allen Ray, as Qualifier (Alleghany County; 07C479) License No. 45790. On February 5, 2009, the Board filed Consent Orders in which Michael Allen Ray agreed to a six (6) months suspension of License No. 45790 and his examination credentials, which

was stayed. Mr. Ray, as licensee and qualifier, was placed on probation for six (6) months. He agreed to renew and keep the license current during the probation period. If he fails to comply with any provision of the Consent Order, the six (6) month suspension will be activated.

Timothy Dees Raymer, t/a Timothy Dees Raymer Construction and Timothy Dees Raymer, as Qualifier (Buncombe County; 08 C 291) License No. 58438. On February 11, 2009, the Board entered into a Consent Order with Timothy Dees Raymer, t/a Timothy Dees Raymer Construction, in which Timothy Dees Raymer t/a Timothy Dees Raymer Construction, as licensee, agreed to eighteen (18) months suspension of License No. 58438; the license will be conditionally restored after a twelve (12) month period of active suspension. The Board also entered into a Consent Order with Timothy Dees Raymer, as Qualifier, in which he agreed to eighteen (18) months suspension of his examination credentials; the examination credentials will be conditionally restored after a twelve (12) month period of active suspension. Both the licensee, and the qualifier were also required to take and pass a Disciplinary Action course within one (1) year of the Consent Order.

Carl G. Fulton and Carl G. Fulton, as Qualifier (Haywood County; 08 C 357) License No. 35631. On February 11, 2009, the Board entered into a Consent Order with Carl G. Fulton in which Carl G. Fulton, as licensee, agreed to a reprimand of License No. 35631. The Board also entered into a Consent Order with Carl G. Fulton, as Qualifier, in which he agreed to a reprimand of his examination credentials.

May Construction, Inc. and Lee Allen May, as Qualifier (Randolph County; 07 C 333) License No. 42311. On February 18, 2009, the Board

entered into a Consent Order with May Construction, Inc., in which May Construction, Inc., as Licensee, agreed to a three (3) year suspension of License No. 42311; the license will be conditionally restored after a twelve (12) month period of active suspension. The Board also entered into a Consent Order with Lee Allen May, as Qualifier, in which he agreed to a three (3) year suspension of his examination credentials; the examination credentials will be conditionally restored after a twelve (12) month period of active suspension. Both the Licensee and the Qualifier are also required to take and pass a Level I Building Code course within one (1) year of the effective date of the Consent Order and retake and pass Board's examination within six (6) months of the effective date of the Consent Order. The Consent Order was subsequently modified to allow the Licensee and Qualifier an additional six months to take and pass the Board's licensing examination.

Monroe Johnson Construction, Inc. (Carteret County; 07C198, 07C562) License No. 11702. On February 25, 2009 the Board filed Consent Orders in which Monroe Johnson Construction, Inc. agreed to a twelve (12) month suspension of License No. 11702 during which it will renew the license and maintain its validity. Following the twelve (12) month suspension, the licensee will be on probation for two (2) years.

Harry H. Cummings, Jr. and Harry H. Cummings, as Qualifier (Lenoir County; 04C14, 06C316) License No. 37489. On February 26, 2009 the Board filed Consent Orders in which Harry H. Cummings, Jr. agreed to a six (6) month suspension of License No. 37489 and his examination credentials. The suspension was stayed, and Mr. Cummings, as licensee and qualifier was placed on probation for one (1) year.

GibCo Holding Corporation and Kevin Dean Gibson, as Qualifier (Davidson County; 08-C-124) License No. 46158. On March 9, 2009, the Board entered into a Consent Order with GibCo Holding Corporation, in which GibCo Holding Corporation, as Licensee, agreed to a twelve (12) month suspension of License No. 46158; the suspension shall be stayed and the license shall be conditionally restored. The Board also entered into a Consent Order with Kevin Dean Gibson, as Qualifier, in which he agreed to a twelve (12) month suspension of his examination credentials; the suspension shall be stayed and the examination credentials shall be conditionally restored. Within twelve (12) months of the effective date of the Consent Orders, both the Licensee and the Qualifier are also required to take, complete, and pass the Disciplinary Education course provided by Contractor Education Services, LLC, and submit to the Board written proof of satisfactory completion of the course.

Terry Clifton Trotter and Terry Clifton Trotter, as Qualifier (Davidson County; 06C469) License No. 16592. On March 9, 2009 the Board filed Consent Orders in which Terry Clifton Trotter agreed to a twelve (12) month suspension of License No. 16592 and his examination credentials, conditionally restored following a six (6) month active suspension. He agreed to renew the license and maintain its validity during the suspension period. Mr. Trotter also agreed to take and pass a Level I Residential Building Code course within twelve (12) months and provide verification of his satisfactory completion to the Board.

Ben Britt and Ben Britt, as Qualifier (Franklin County; 07C516) License No. 44599. On May 13, 2009 the Board filed Consent Orders in which Ben Britt agreed to a six (6) month suspension of License No. 44599

and his examination credentials. The suspension was stayed, and Mr. Britt, as licensee and qualifier, was conditionally placed on probation for one (1) year. Mr. Britt agreed to renew and keep the license current during the stayed suspension period. If he fails to comply with any provision of the Consent Order, the six (6) month suspension will be activated.

Eli Brown, III (Durham County; 00 C 157) License No. 13524. A hearing was conducted on May 13, 2009, and the Final Decision was entered on May 28, 2009. Eli Brown, III was issued a limited residential license on April 21, 1982. On September 15, 1993, the license classification changed from residential to building. Brown's individual license was subsequently renewed from 1994 through 2001. On or about July 5, 2001, Eli Brown, III entered into a Consent Order with the Board for complaints filed against him in 1999 and 2000. The Board, after considering the testimony and exhibits presented during the hearing, found that Eli Brown, III failed to comply with the terms set forth in the 2001 Consent Order. Eli Brown III shall be allowed to take the Board's licensing examination and is required to take and pass a Level I Building Code course prior to the Board considering Eli Brown's application for licensure.

Mark E. Langley and Mark E. Langley, as Qualifier (Randolph County; 04C362) License No. 38387. On June 1, 2009 the Board filed Consent Orders in which Mark E. Langley agreed to a reprimand for License No. 38387. Mr. Langley, as qualifier, also agreed to a reprimand. Mr. Langley did not admit that his conduct violated G.S. § 87-11(a), but wished to resolve the matter.

SM Hinshaw Properties, Inc. and Otto Paul Harter, as Qualifier (Davie County; 09 C 49) License No. 56048.

On June 8, 2009, Stephen Michael Hinshaw, president of SM Hinshaw Properties, Inc, voluntarily surrendered SM Hinshaw Properties, Inc.'s license to the Board. The Board considers voluntary surrender of license as a permanent revocation. The Board entered into a Consent Order with Otto Paul Harter, as Qualifier, in which he agreed to a six (6) month suspension of his examination credentials; the examination credentials will be conditionally restored after a three (3) month period of active suspension. If the building code violations are corrected prior to the Effective Date of Consent Order, all active periods of suspension shall be stayed and the examination credentials shall be conditionally restored. After the end of all suspension periods described above, Respondent Qualifier's examination credentials shall be on probation for twelve (12) months. In addition, within twelve (12) months from the Effective Date of Consent Order, Respondent Qualifier shall take and pass a Level I Building Code Course offered by the North Carolina Department of Insurance or an equivalent course dealing with the North Carolina State Residential Building Code and submit to the Board written proof of satisfactory completion of the course.

Spagis, Inc. and Liviu Cornel Marhao, as Qualifier (Cabarrus County; 08 C 426) License No. 40586. On June 23, 2009, the Board entered into a Consent Order with Spagis, Inc., in which Spagis, Inc., as Licensee, agreed to a twelve (12) month suspension of License No. 40586; the license shall be conditionally restored after an eight (8) month period of active suspension. The Board also entered into a Consent Order with Liviu Cornel Marhao, as Qualifier, in which he agreed to a twelve (12) month suspension of his examination credentials; the examination credentials will be conditionally restored after an eight (8) month

period of active suspension. Within twelve (12) months of the effective date of the Consent Orders, both the Licensee and the Qualifier are also required to take, complete, and pass the Disciplinary Education course offered by Contractor Education Services, LLC, and submit to the Board written proof of satisfactory completion of the course.

Modular Technologies, Inc. (Lenoir County; 07C49) License No. 31101. On July 2, 2009 the Board filed a Consent Order in which Modular Technologies, Inc. agreed to a reprimand for License No. 31101. The company did not admit to the allegations, but agreed to the reprimand to resolve the matter.

Fred H. Colwell and Fred H. Colwell, as Qualifier (Henderson County; 09 C 06) License No. 65412. On August 6, 2009, the Board entered into a Consent Order with Fred H. Colwell in which he agreed to surrender his license to the Board. The Board also entered into a Consent Order with Fred H. Colwell, as Qualifier, in which he agreed to surrender his examination credentials to the Board. The Board considers surrender of license and examination credentials as a permanent revocation.

Robert P. Huelle, as Qualifier (Alamance County; 07 C 536) On August 13, 2009, the Board entered into a Consent Order with Robert P. Huelle, as Qualifier, in which he agreed to a reprimand of his examination credentials.

Unlicensed Contractor Cases—Injunctions

Permanent Injunctions were obtained by entry of a Default Judgment or a Summary 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 Secretary of State; nevertheless, the 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.

Howard Franklin d/b/a Property Perfected (Buncombe County; 07C363). Howard Franklin contracted to remodel a home in Asheville for a cost of \$95,086.00. Default Judgment was entered on September 4, 2008.

Adam McDowell d/b/a Southern Home Improvements (Swain County; 07C252). Adam McDowell undertook to complete construction of a log home in Jackson County where the cost exceeded \$30,000.00. Default Judgment was entered on September 4, 2008.

Naamon F. Owens d/b/a Owens & Associates Contracting Co. (Robeson County; 07C29). Naamon F. Owens contracted to renovate a duplex in Lumberton for a cost of \$34,100.00. Default Judgment was entered on September 4, 2008.



Doug Curtis (Wake County; 07C226). Doug Curtis contracted to renovate and construct an addition onto a home in Raleigh for a cost of \$85,310.00. Default Judgment was entered on September 4, 2008.

Dennis Lee Steele d/b/a Belews Creek Construction (Forsyth County; 07C59). Dennis Lee Steele contracted to remodel and construct an addition onto a home in Guilford County for a cost of \$31,414.00. Default Judgment was entered on September 5, 2008.

Gary Threlkeld d/b/a Threlkeld Painting & Remodeling (Gaston County; 06C279). Gary Threlkeld contracted to fill and convert an in-ground swimming pool to a patio, construct a porch, veranda and arbor, and perform miscellaneous repairs to a home in Gastonia for a cost of \$42,100.00. He did not have a valid general contractors license. On October 17, 2008 a permanent injunction was obtained in Wake County Superior Court when the Court allowed the Board's Motion for Summary Judgment against Gary Threlkeld.

Terry Allen Shehan d/b/a Creative Creation Carpentry (South Carolina; 07C398). Terry Allen Shehan contracted to repair and remodel a home in Polk County for a cost of \$120,000.00. Default Judgment was entered on December 2, 2008.

James Rerisi, Steve Pannell and Kevin Foster d/b/a Liberty Mountain Homes and Old World Contracting (Haywood County; 07C47). James Rerisi, Steve Pannell and Kevin Foster undertook construction of three log homes in Haywood County, where the cost of each home exceeded \$30,000.00. Default Judgment was entered on December 2, 2008.

J & J Construction, LLC and Jerry Abbott, Jr. (South Carolina; 07C412). J & J Construction, LLC and Jerry

Abbott, Jr. contracted to construct a two story addition and free standing garage in Brunswick county for a cost of \$182,662.00. Mr. Abbott misrepresented to the homeowners that J & J Construction, LLC held a North Carolina general contractor's license. Default Judgment was entered on December 2, 2008.

Finishing Touch NC, Inc. (Wake County; 07C470). Finishing Touch NC, Inc. contracted to remodel a home in Raleigh for a cost of \$58,234.00. Default Judgment was entered on December 3, 2008.

Michael O'Quinn d/b/a Suncon Construction (Franklin County; 07C304). Michael O'Quinn contracted to renovate a home in Wake County for a cost of \$85,000.00. Mr. O'Quinn misrepresented the cost of the project as \$29,470.00 on the application for the building permit. Default Judgment was entered on December 3, 2008.

Raymond Murphy d/b/a Tri-State Residential & Commercial Contractors (Onslow County; 07C285). Raymond Murphy contracted to replace a roof and construct an addition and sunroom onto a home in Jacksonville for a cost of \$37,500.00. Default Judgment was entered on December 3, 2008.

Tomislav Senzel d/b/a Senzel Construction (Wayne County; 07C373). Tomislav Senzel contracted to construct an addition onto a home in Wayne County for a cost of \$34,000.00. Mr. Senzel was not a licensed contractor and undertook construction where the cost exceeded \$30,000.00. On April 13, 2009, the Wake County Superior Court allowed the Board's Motion for Summary Judgment against Tomislav Senzel.

Aaron Causer d/b/a Causer's Carpentry (Onslow County; 07C538). Aaron Causer contracted to construct



an addition onto a home in Onslow County for a cost of \$47,260.00. Mr. Causer misrepresented the cost of the project as \$26,950.00 on the building permit application. Default Judgment was entered on April 13, 2009.

Brandon Patterson Construction, Inc. (Alamance County; 08C39). Brandon Patterson Construction, Inc. entered into a series of agreements to remodel a home in Graham for a total cost of \$68,401.95. Default Judgment was entered on April 13, 2009.

C3 Contractors, Inc. (Wake County; 07C484). C3 Contractors, Inc. contracted to construct an addition and remodel a home in Cary for a cost of \$39,732.00. Default Judgment was entered on April 13, 2009.

Island Green, Inc. (Carteret County; 07C508). Island Green, Inc. contracted to construct an in-ground swimming pool for a cost of \$31,960.00. Default Judgment was entered on April 13, 2009.

James Long (Cumberland County; 06C431). James Long contracted to remodel a home in Fayetteville for a cost of \$58,954.00. Default Judgment was entered on April 13, 2009.

Jimmy Yellock d/b/a Universal Trades Construction (Durham County; 07C162). Jimmy Yellock

contracted to renovate and construct an addition onto a home in Durham County for a cost of \$65,000.00. Mr. Yellock misrepresented the cost of the project as \$29,500.00 on the building permit application. Default Judgment was entered on April 13, 2009.

Larry Rhinehart (Orange County; 07C242). Larry Rhinehart contracted with a church to set up and connect a modular unit and construct a covered deck and entry foyer for a cost of \$50,000.00. Mr. Rhinehart misrepresented the name of the contractor and the cost of the project on the application for building permit submitted to Durham City-County Inspections Department. Default Judgment was entered on April 13, 2009.

Mountain High Cabins, LLC (Avery County; 08C18). Mountain High Cabins, LLC contracted to sell a lot and construct a dwelling in Avery County for a cost of \$189,900.00. Default Judgment was entered on April 13, 2009.

Nathan C. Loeblein d/b/a Loeblein & Loeblein Builders, Inc. (Edgecombe County; 08C02). Nathan C. Loeblein contracted to construct a garage in Washington, North Carolina for a cost of \$34,000.00. Default Judgment was entered on April 13, 2009.

Phil Copeland d/b/a Copeland Remodeling (Wake County; 07C465). Phil Copeland submitted proposals to remodel a home in Wendell for a cost in excess of \$30,000.00 and undertook construction. Default Judgment was entered on April 13, 2009.

Skyland Homes, LLC (Mecklenburg County; 07C237). Skyland Homes, LLC undertook to construct three new homes in Cabarrus County where the cost of construction of each home exceeded \$30,000.00. Default Judgment was entered on April 13, 2009.

Timothy Sanders (Mecklenburg County; 07C483). Timothy Sanders contracted to construct an addition onto a home in Mecklenburg County for a cost of \$38,000.00. Mr. Sanders undertook construction and abandoned the job before completion. Default Judgment was entered on April 13, 2009.

Clifford Henderson Dillon d/b/a Savannah Custom Homes (Cumberland County; 08C63). Clifford Henderson Dillon obtained five building permits from the Town of Hope Mills to construct single family homes for costs ranging from \$172,100.00 to \$273,440.00 and one building permit from Robeson County for the construction of a home for a cost of \$125,000.00. On all the applications for the building permits, Mr. Dillon listed The Gina Corp., a licensed general contractor, as the general contractor for the projects. Although Mr. Dillon was a qualifier for the The Gina Corp., The Gina Corp. had no knowledge of, or involvement with, the six homes. Mr. Dillon undertook construction of all of the homes. Default Judgment was entered on April 14, 2009.

Keith J. Brittain and Cornel C. Crawley III (Burke County; 08C137). Keith J. Brittain and Cornel C. Crawley III contracted to construct an addition and renovate a home in Burke County for a cost of \$58,000.00. Mr. Brittain misrepresented the cost of the project as \$28,000.00 on the application for the building permit. Default Judgment was entered on April 14, 2009.

L. Sam Weir, Jr., Sun Masters, Inc. and Weir Builders, Inc. f/k/a Crete Magic, Inc. (Cleveland County; 08C189). Sun Masters, Inc. is a North Carolina corporation that maintains its registered office in Shelby. On October 19, 2007, the North Carolina Secretary of State suspended the corporation. Weir Builders, Inc., formerly

known as Crete Magic, Inc. is a North Carolina corporation that maintains its registered office in Kings Mountain. On April 24, 2008, L. Sam Weir, Jr. filed Articles of Dissolution of the company. In June 2007 Weir Builders, Inc. contracted to construct a room addition onto a home in Gastonia for a cost of \$45,500.00. Mr. Weir listed "Sun Master" as the contractor on the building permit application and signed the application in his individual capacity. Default Judgment was entered on April 15, 2009.

Lori D. Wise (Union County; 08C121). Lori D. Wise obtained a building permit to construct a personal residence for a cost of \$340,912.00 and upon or immediately prior to completion, the home was advertised for sale. Default Judgment was entered on April 14, 2009.

Roger Dale Spencer d/b/a Southern Maintenance (Mecklenburg County; 07C244). Roger Dale Spencer contracted to remodel a home in Charlotte for a cost of \$38,500.00. Default Judgment was entered on April 14, 2009.

Winner Marine Construction & Salvage, LLC (New Hanover County; 08C102). Winner Marine Construction & Salvage, LLC submitted an estimate to the Town of Carolina Beach to erect floating docks and perform dredging at the Carolina Beach Municipal docks. Default Judgment was entered on April 14, 2009.

Steve Manning d/b/a Steve Manning Construction (Beaufort County; 06C415). Steve Manning contracted to renovate and construct an addition onto a home in Hyde County. Mr. Manning was paid \$236,000.00 for the work. Default Judgment was entered on April 20, 2009.

Hubert Earl King d/b/a King's Better Homes (Harnett County;

07C446). Hubert Earl King contracted to construct a garage for a cost of \$25,327.50. Subsequent change orders increased the contract price to \$32,123.86, and he requested an additional \$2,670.00 from the homeowner. Mr. King was not a licensed contractor and undertook construction where the cost exceeded \$30,000.00. On April 23, 2009, the Wake County Superior Court allowed the Board's Motion for Summary Judgment against Hubert Earl King.

Vail Construction, Inc. (Mecklenburg County; 07C78). Vail Construction, Inc. contracted to construct a garage addition onto a home in Charlotte for a cost of \$40,000.00. The company misrepresented the cost of the project as \$28,900.00 on the application for the building permit. Default Judgment was entered on April 23, 2009.

Billy Avery, Jr. (Florida; 07C61). Billy Avery, Jr. contracted to construct a home in Jackson County for a cost of \$106,000.00. Mr. Avery was not a licensed contractor and undertook construction where the cost exceeded \$30,000.00. On July 9, 2009, the Wake County Superior Court allowed the Board's Motion for Summary Judgment against Billy Avery, Jr.

David Castelli d/b/a Premier Builders and John Forrest (Wake County; 07C552, 07C554). David Castelli d/b/a Premier Builders contracted to construct an addition and deck onto a home in Cary for a cost of \$71,792.00. Mr. Castelli later subcontracted the work to John Forrest, who applied for a building permit stating the cost of the project was \$24,000.00. Default Judgment was entered on July 10, 2009.

Brenda D. Baggett and Modular One, L.L.C. (Haywood County; 07C502, 07C503). Modular One, L.L.C. contracted for the sale and erection of a modular home in Swain

County. Brenda D. Baggett, the President of Modular One L.L.C., misrepresented Modular One L.L.C. as a licensed general contractor on the application for the building permit. Default Judgment was entered on July 10, 2009.

Tony Gurth d/b/a Getting It Done Home Improvement Services (Robeson County; 08C117). Tony Gurth contracted to construct an addition onto commercial property in Lumberton for a cost of \$65,250.00. Later Mr. Gurth undertook construction of the addition. Default Judgment was entered on July 10, 2009.

Charles Price d/b/a Charles Price & Co. (Johnston County; 08C105). Charles Price contracted to demolish old hotel buildings, backfill a swimming pool and perform asbestos abatement for a cost of \$88,540.00. Default Judgment was entered on July 10, 2009.

Robert Leckerman d/b/a Design Developers (Mecklenburg County; 07C448). On October 4, 2006, Robert Leckerman contracted to construct a bath and sunroom addition onto an existing home for a cost of \$83,000.00. Mr. Leckerman used a fictitious license number on the building permit application submitted to Union County. On May 2, 2007, Mr. Leckerman obtained a building permit from Mecklenburg County for the construction of a swimming pool enclosure for a cost of \$29,700.00. The homeowner's contract for construction was with John Vineyard d/b/a Straight Arrow Construction for a cost of \$48,728.00. Mr. Vineyard represented to the homeowner that he was a foreman for Mr. Leckerman. Default Judgment was entered on July 10, 2009.

Christopher Brock d/b/a Top-Notch Construction & Restoration (Mecklenburg County; 08C83).

Christopher Brock contracted to construct an addition onto a home in Davidson County for an estimated cost in excess of \$30,000.00. Mr. Brock misrepresented himself as a licensed general contractor to the homeowner. He also misrepresented the project cost as \$20,000.00 on the application for building permit and listed a fictitious license number. Default Judgment was entered on July 10, 2009.

Daniel R. Marks d/b/a Marks Construction Company (Pitt County; 08C29). Daniel Marks contracted to construct a shelter in Pitt County for a cost of \$50,481.12. Default Judgment was entered on July 10, 2009.

Josh Coker d/b/a J & J Building Solutions (Mecklenburg County; 08C70). Josh Coker contracted to construct an addition onto a home in Concord for a cost of \$90,000.00. Default Judgment was entered on July 10, 2009.

Walter Twine d/b/a Martin Metal Buildings, Inc. (Beaufort County; 07C372). Walter Twine contracted to construct a metal farm building for a cost of \$44,000.00. Mr. Twine received a deposit of \$10,000.00 from the owner but never performed any services. Mr. Twine was not a licensed contractor and undertook construction where the cost exceeded \$30,000.00. On July 10, 2009, the Wake County Superior Court allowed the Board's Motion for Summary Judgment against Walter Twine.

Billy Graham d/b/a Graham & Graham Investments (Rockingham County, 07C105). Mr. Graham contracted to remodel a home in Greensboro for a cost of \$84,000.00. Mr. Graham was not a licensed contractor and undertook construction where the cost exceeded \$30,000.00. On July 27, 2009, the Wake County Superior Court allowed the Board's

Motion for Summary Judgment against Billy Graham.

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.

Unique Services of Hope Mills, Inc. (Cumberland County; 07C401). Unique Services of Hope Mills, Inc. contracted to construct a home for a cost of \$230,000.00, unaware that its actions would be deemed the unauthorized practice of general contracting as its principal was licensed. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 14, 2008.

Juergen Kuhlmann d/b/a Tigger's Property Improvements (Rowan County; 07C331). Juergen Kuhlmann contracted to repair and remodel a home in Salisbury for a cost in excess of \$60,000.00, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 24, 2008.

Robert D. McCall, Jr. d/b/a McCall's Hurricane Fence Company (New Hanover County; 08C88). Robert D. McCall, Jr. submitted a bid to install new fencing at the Vesta Village Development for a cost of

\$177,236.00, unaware that his actions would be deemed the unauthorized practice of general contracting. A Consent Order was entered on October 13, 2008.

Kenneth Mills d/b/a Homestead Builders (Duplin County; 07C315). On February 28, 2006, Kenneth Mills contracted to construct a pre-engineered metal building for a cost of \$124,246.00. On December 20, 2006, Mr. Mills submitted a quote to undertake framing and building of same project for a cost of \$41,800.00, unaware that his actions would be deemed the unauthorized practice of general contracting. He believed that the owner was serving as general contractor for the project. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 14, 2008.

Carolina H20, Inc. (Brunswick County; 07C487). Carolina H20, Inc. contracted to construct a swimming pool and spa in Shallotte for a cost of \$39,962.62, unaware that its actions would be deemed the unlicensed practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 15, 2008.

John Scott Lindsley (Mecklenburg County; 08C11). John Scott Lindsley obtained a building permit from Mecklenburg County to remodel



a home for a cost of \$61,000.00. Subsequent to the completion of the project, Mr. Lindsley listed the home for sale, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. The Consent Order was entered on October 15, 2008.

Lenwood Thompson d/b/a Home Repair Services (Wake County 07C206). Lenwood Thompson contracted to repair a fire damaged home in Knightdale for a cost of \$48,789.50. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 15, 2008.

Prestigious Housing, Inc. (Vance County; 08C117). Prestigious Housing, Inc. submitted a bid to the Kerr Tar Regional Council of Governments to rehabilitate a home in Henderson for a cost of \$75,800.00, unaware that its actions would be deemed the unlicensed practice of general contracting. The parties agreed and stipulated to the above findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 15, 2008.

Wayne Jenkins and Chris Groves d/b/a Jenkins & Groves Construction (Gates County; 08C77). Wayne Jenkins and Chris Groves entered into eight contracts to make various repairs and renovations to a home in Gates County for a cost of \$56,626.00, unaware that their actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 22, 2008.

Julio Adelberto Ramirez d/b/a Premium Quality Homes (Cabarrus County; 08C76). In 2006 and 2007, Julio Adelberto Ramirez undertook construction of three homes in Concord where the cost of each home exceeded \$30,000.00. The building permits for the projects were secured by a licensed general contractor; however, the licensed contractor had very little involvement with the projects. Mr. Ramirez was unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 22, 2008.

Jerry Leonard Kiser (Lincoln County; 07C476). On May 23, 2007, Jerry Leonard Kiser obtained a building permit to construct a personal residence for an estimated cost of \$350,000.00. On July 7, 2007, Mr. Kiser listed the home for sale and sold it on October 12, 2007, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 31, 2008.

Mike Ellington d/b/a Mike Ellington Grading & Paving (Granville County; 07C423). Mike Ellington contracted to perform grading, paving and water and sewer installation for the Sorrell Grove subdivision for a cost of \$174,040.35. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 31, 2008.

Bill Summey (Wake County; 08C157). The Board contended that Bill Summey performed roof repairs on a commercial building and prepared the building for the installation of

a new roof for a cost in excess of \$30,000.00. Mr. Summey denied that he engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 31, 2008.

TJ's Custom Building, Inc. (Beaufort County; 08C43). TJ's Custom Building, Inc. contracted to erect a bulkhead on property in New Bern on a per foot cost basis. The company was paid \$31,108.00 for the work, unaware that its actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on October 31, 2008.

Richard Hurst d/b/a RH Construction Company (Granville County; 07C553, 07C564). Richard Hurst contracted to renovate a home in Cary for an estimated cost of \$55,660.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 5, 2008.

Ronnie Dunlow (Hertford County; 07C408). Ronnie Dunlow submitted a proposal to construct a garage, porch, and breezeway for \$35,172.80. Mr. Dunlow undertook the construction and was paid \$31,300.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 7, 2008.

Kevin Patterson (Surry County; 08C132). Kevin Patterson provided a Cost Estimate to construct a home

in Surry County for \$279,432.00 and undertook construction. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 17, 2008.

Kenneth Mulrooney d/b/a Paveright Paving (Forsyth County; 07C545). The Board contended that Kenneth Mulrooney contracted with Whispering Pine Village Mobile Home Park for two paving projects, the first for \$25,000.00 and the second for \$29,000.00. Mr. Mulrooney denied that he engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 19, 2008.

Bayan Construction, Inc. (Onslow County; 08C24). Bayan Construction, Inc. entered into a contract to construct a covered deck in the amount of \$29,097.00. The owner was to finish the interior. The project was completed and inspected. Subsequently, the owner requested additional work to finish the interior, install a hot tub, lighting, and a screen system for a cost of \$24,947.00. Bayan did not admit that it engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 19, 2008.

Hopkins Marine, Inc. (Beaufort County; 08C03). Hopkins Marine, Inc. submitted an estimate to perform a pier replacement project for a cost of \$149,520.00, unaware that the submission of the bid would be deemed

the unlicensed practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on November 20, 2008.

NOMA, Inc. (Wake County; 08C168). NOMA, Inc. undertook renovations to commercial buildings in Morrisville, where the cost of the upfit exceeded \$30,000.00. NOMA owned the buildings, unaware that its actions would be deemed the unlicensed practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on December 10, 2008.

Southern Comfort Carpentry, LLC (Harnett County; 07C551). Prior to March 30, 2007, Southern Comfort Carpentry, LLC provided an estimate to renovate a home in Cary for a cost of \$32,400.00. On March 30, 2007, it contracted with the homeowner to renovate the home for \$28,000.00. Southern Comfort undertook the construction and was paid \$35,900.00, unaware that its actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on December 17, 2008.

Ronald L. Pierce and Clear Choice Construction, Inc. (South Carolina and Mecklenburg County; 07C193). Ronald L. Pierce executed a contract bearing Clear Choice Construction, Inc.'s name to renovate a home in Charlotte for a cost of \$51,115.00. The contract was signed by Mr. Pierce after he had executed Articles of Dissolution for Clear Choice Construction, Inc. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms

of the Consent Order. A Consent Order was entered on December 17, 2008.

Lester T. Tasker d/b/a T & T Square (Moore County; 08C175). Lester T. Tasker undertook work to construct a deck, remodel an attic and construct a garage onto a home in Hoke County for a cost in excess of \$30,000.00. Mr. Tasker was paid \$37,000.00 for the work. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 27, 2009.

Flagstone Holdings, LLC (Wilson County; 07C525). The Board contended that Flagstone Holdings, LLC undertook construction of a mini-storage facility in Wilson where the cost of construction exceeded \$30,000.00. Flagstone Holdings, LLC denied that it engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 30, 2009.

George D. Bowden d/b/a Bowden Home Service (Clay County; 08C12). George D. Bowden contracted to construct a garage for a cost of \$47,500.00. He was unaware that his actions would be deemed the unauthorized practice of general contracting as he believed a licensed general contractor had obtained the permit for the work. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on January 30, 2009.

James Arrendell d/b/a Firecreek Enterprises (Yancy County; 08C14). James Arrendell contracted to renovate a home in Asheville for

an estimated cost of \$31,150.00. Mr. Arrendell thereafter undertook construction and was paid over \$50,000.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order.

Lake Norman Custom Dock & Pile Driving, Inc. (Mecklenburg County; 07C449). Lake Norman Custom Dock & Pile Driving, Inc. contracted to construct a pier and floating dock on Lake Norman in Iredell County for a cost in excess of \$30,000.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on February 13, 2009.

Mike Linn and Outdoor Design and Construction, Inc. (Mecklenburg County; 08C185). Outdoor Design and Construction, Inc. submitted a proposal to renovate a home in Charlotte for a cost of \$136,519.10 and undertook the construction. Mike Linn misrepresented the cost of the project as \$29,999.00 on the application for the building permit for the project. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on March 4, 2009.

Steven L. McElroy (Union County; 08C86). On April 13, 2006, Steven L. McElroy obtained building permits as an owner/builder to construct a personal residence, horse barn and storage building in Unionville for an estimated cost of \$115,000.00. On March 12, 2007, Mr. McElroy obtained a building permit as an owner/builder to construct a pool house on the same property for an estimated cost of \$42,800.00. Prior to completion of the projects, Mr. Elroy listed the property for sale. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of

the Consent Order. A Consent Order was entered on March 25, 2009.

Randy Purnell (Georgia 07C332). Randy Purnell proposed to serve as the construction manager for the construction of a home in Robeson County for a fixed fee of \$150,000.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on March 25, 2009.

Gregory McCoy d/b/a GM Enterprise Demolition (Mecklenburg County; 07C402). Gregory McCoy submitted a bid to Craven County Schools to perform an asbestos abatement project for a cost of \$65,000.00, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on March 30, 2009.

Abdullah Obeid, Fahd Obaid (Michigan; 07C454) and Hussein Faud Abaza (Pitt County, 07C454). Mr. Obeid and Mr. Obaid obtained a building permit as owner/builder from the City of Greenville to construct a commercial building. They undertook construction of the building. Prior to completion, Mr. Obeid and Mr. Obaid transferred the property to Mr. Abaza. Before obtaining a certificate of occupancy, Mr. Abaza advertised a portion of the building for rent. Mr. Obeid, Mr. Obaid, and Mr. Abaza were unaware that their actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 16, 2009.

David Hoffman d/b/a Hoffman Construction (Rowan County;

08C113). David Hoffman contracted to construct a garage addition in Salisbury for a cost of \$44,198.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 14, 2009.

Gregory Lowaine Slater and Slater & Company, Inc. (Mecklenburg County; 07C510). Gregory Lowaine Slater and Slater & Company, Inc. undertook to superintend or manage the construction of twenty town homes in Iredell County where the cost of construction exceeded \$30,000.00. A licensed general contractor obtained the building permits for the project and was to be involved with the construction. However, the licensed general contractor ceased his involvement and Mr. Slater and his company completed the project, unaware that their actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 17, 2009.

Donald D. Puckett d/b/a Eagle Improvements (Haywood County; 08C353). Donald D. Puckett contracted to renovate a home in Waynesville where the ultimate cost of the project exceeded \$30,000.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 20, 2009.

Craig DeCurtis (Mecklenburg County; 08C192). Craig DeCurtis obtained a building permit to construct a personal residence in Charlotte for a cost of \$301,408.00. A certificate of occupancy was issued on May 5, 2008, and Mr. DeCurtis had listed the home for sale on July 28, 2008 at a price of

\$979,000.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 20, 2009.

Crystal River Pools, LLC (Guilford County; 08C241). Crystal River Pools, LLC contracted to construct a swimming pool in Wake Forest for a cost of \$37,800.00, unaware that its actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on April 20, 2009.

Kenneth Boyle d/b/a Deckorative Additions (Wake County; 07C569). Kenneth Boyle contracted to renovate the basement in a home in Raleigh for a cost of \$33,800.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on May 15, 2009.

Kathy & Dean Investments, LLC (Davidson County; 08C352). Kathy & Dean Investments, LLC contracted to construct a home in Lexington where the cost of the undertaking was in excess of \$30,000.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on May 15, 2009.

Professional Cleaning Services of Greenville, North Carolina, LLC d/b/a Caremaster Cleaning Systems (Pitt County; 08C56). Professional Cleaning Services of Greenville, North Carolina, LLC provided an estimate of \$122,684.84 to repair a fire-damaged house in Craven County. The company was unaware that its actions would be deemed the unauthorized practice of general contracting

due to its informal relationship with a licensed general contractor with whom it worked. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on May 15, 2009.

Johnny A. Vineyard d/b/a Straight Arrow Construction (Union County; 07C550, 08C347). Johnny A. Vineyard contracted to construct a pool house in Matthews for a cost of \$48,728.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on May 15, 2009.

Providence Builders of WNC, Inc. (Buncombe County; 07C459). Providence Builders of WNC, Inc. contracted to construct a home in Buncombe County for a cost of \$227,400.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on May 22, 2009.

Associates Roofing, Inc. (Illinois; 08C268). Associates Roofing, Inc. contracted to reroof an industrial building for a cost of \$188,497.00, unaware that its actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on May 29, 2009.

George W. "Bill" Baron d/b/a Inside Out Home Improvements (Pitt County; 08C233). George W. "Bill" Baron contracted to renovate a home in Pitt County for a cost of \$43,815.00, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be

bound by the terms of the Consent Order. A Consent Order was entered on June 3, 2009.

Chuck Barker d/b/a Chuck Barker Construction (Ashe County; 08C257). Chuck Barker contracted to construct a home in Lansing for a total cost of \$181,400.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on June 3, 2009.

Davin Leroy Southall, Jr. d/b/a The Handy Company, LLC (Mecklenburg County; 08C138). Davin Leroy Southall contracted to remodel a home in Mooresville for a cost in excess of \$30,000.00, unaware that his actions would be deemed the unlicensed practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on June 5, 2009.

Carolina Foundation Solutions, LLC (Alamance County; 08C366). Carolina Foundation Solutions, LLC undertook repairs to the foundation of four condominium units in Charlotte for a cost in excess of \$30,000.00. Prior to construction, the company involved a licensed general contractor and was unaware that its actions would be deemed the unlicensed practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on June 10, 2009.

Clark Construction, Inc. and Edward G. Clark (Chatham County; 08C237). Clark Construction, Inc. and Edward G. Clark proposed to construct a basement addition onto a home in Pittsboro for a total cost of \$50,000.00, unaware that their actions would be deemed the unlicensed practice of general contracting. The



parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on June 10, 2009.

John Hodges d/b/a John Boy's Construction (Davie County; 08C222). The Board contended that John Hodges contracted to repair and remodel a home in Salisbury for a total cost in excess of \$30,000.00. Mr. Hodges denied that he engaged in the unlicensed practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on June 23, 2009.

Aquatic Creations Pool & Spa, Inc. (Gaston County; 08C440). Aquatic Creations Pool & Spa, Inc. contracted to install a swimming pool, deck, gazebo and garage in Gastonia for a cost in excess of \$30,000.00. The company was unaware that its actions would be deemed the unlicensed practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 7, 2009.

Debra L. Macaluso (Mecklenburg County; 08C193). In December 2007, Debra L. Macaluso obtained

a building permit from Mecklenburg County to construct a personal residence in Charlotte for a cost of \$252,100.00. Prior to completion of the home, Ms. Macaluso listed the home for sale at a price of \$939,000.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 7, 2009.

Leonard Harrison, Jr. d/b/a Uniform Paving & Seal Coating (Clay County; 08C158). Leonard Harrison, Jr. contracted to perform a road paving project for a cost of \$72,994.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 10, 2009.

Kee Development Corporation (Guilford County; 07C443). Kee Development Corporation contracted to furnish all materials and perform all work for the erection, finishing, and completion of a single family dwelling in Greensboro for a total contract price of \$298,000.00. The company acted as an intermediary between the homeowner and S.S. Builders who built the dwelling. Kee did not construct the dwelling or receive payment for its services. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. By agreeing to the Consent Order, Kee Development Corporation did not admit that it violated any provision of G.S. § 87-1, *et seq.* A Consent Order was entered on July 20, 2009.

Carmen Merlino (New Jersey; 08C128). On June 7, 2006, a building permit was obtained from Pender County in Mr. Merlino's name for him to construct a personal residence in Burgaw for an estimated cost of \$138,704.00. Prior to the issuance of a certificate of occupancy, Mr. Merlino

advertised the home for sale. A licensed general contractor obtained the building permit and undertook construction of the home. Mr. Merlino did not admit that he engaged in the unauthorized practice of general contracting but was willing to enter into a Consent Order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 24, 2009.

Paul Watford d/b/a Watford Construction and Design (Scotland County; 08C194). Paul Watford contracted to renovate and construct an addition onto a home in Laurel Hill for a total cost of \$57,999.00, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 24, 2009.

Christopher Graham (Mecklenburg County; 08C254). In August 2007, Mr. Graham obtained a building permit to rebuild a personal residence in Charlotte for a cost of \$209,950.00. In November 2007, Mr. Graham listed the home for sale at a price of \$869,000.00. He never resided in the home. On July 24, 2008, Mr. Graham sold the home. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 24, 2009.

Hammerhead Pool Services, Inc. (Wake County; 09C25). Hammerhead Pool Services, Inc. submitted a proposal to a homeowner's association in Apex to renovate a swimming pool and replace tile for a cost in excess of \$30,000.00. The company did not admit that it engaged in the unauthorized practice of general contracting. However, it was willing to enter into

the Consent Order in order to resolve the case. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 28, 2009.

Carolina Southern Homes, LLC aka Carolina Southern Construction, LLC (South Carolina; 08C183). In February 2007, Carolina Southern Homes, LLC undertook construction of a single family dwelling on a property in Columbus County for a cost of \$372,405.00. In December 12, 2006, the company erected a modular home on another property in Columbus County for an estimated cost of \$152,325.00. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on July 29, 2009.

Jeffrey Trainham d/b/a North Starr Const., and Helen Trainham aka Helen Messano d/b/a Helen's Home Remodeling (Gaston County; 09C63). In June and November 2008, Jeffrey and Helen Trainham contracted to repair, remodel, and construct an addition onto a home in Gaston County for a total cost of \$76,000.00. Mr. and Mrs. Trainham were unaware that their actions would be deemed the unauthorized practice of general contracting. The parties agreed and stipulated to the findings of fact and agreed to be bound by the terms of the Consent Order. A Consent Order was entered on August 17, 2009.

Unlicensed Contractors Subject to Contempt Sanctions:

Criminal Contempt Case 1

In April 1999, the Board filed a lawsuit against **Billy Crain d/b/a Smokey Mountain Log Homes** for contracting without a license. On June 14, 1999, a Consent Order was

issued that prohibited Billy Crain d/b/a Smokey Mountain Log Homes from engaging in the further practice of general contracting, unless and until he was issued a license.

In September 2005, Mr. Crain contracted with a homeowner to sell a log home kit and "dry-in" the log home for a cost of \$72,800.00. In March 2006, Mr. Crain entered into another contract with the same homeowner to finish the home for a cost of \$73,000.00. In October 2005, Mr. Crain contracted with a second homeowner to construct a log home for a cost of \$210,628.00.

Mr. Crain failed to comply with the Consent Order in that he contracted for construction on two distinct occasions where the cost exceeded \$30,000.00 without first obtaining a valid license.

In an Order signed by a Wake County Superior Judge, Mr. Crain was found guilty of criminal contempt of court. He was sentenced to two terms of imprisonment of 20 days each. The sentences were suspended on the condition that Mr. Crain makes restitution to the homeowners. In the event Mr. Crain fails to make the payments, the jail sentences will be activated.

Unlicensed Contractors Subject to Contempt Sanctions:

Civil Contempt Case 1

In August 2001, the Board filed a lawsuit against **Stephen Chorman d/b/a C&W Construction** for contracting without a license. In November 2001, the Court entered a Consent Order that prohibited Mr. Chorman from engaging in the further practice of general contracting.

In March 2007, the Court entered a Consent Order Holding Defendant in Civil Contempt of Court for a prior violation of the Court's November 2001 Consent Order. The Court imposed a 30-day sentence; however,

the sentence was suspended due to mitigating circumstances. The Court stated that the sentence would be activated if Mr. Chorman engaged in the further practice of general contracting in North Carolina without a license.

In April 2007, Mr. Chorman contracted to construct an addition onto a home in Raleigh for a cost of \$108,000.00. In June and July 2007, he entered into three additional construction contracts with the homeowners. He was paid over \$148,000.00 for the four projects.

In an Order signed by a Wake County Superior Judge, Stephen Chorman was found guilty of Criminal Contempt of Court. The sentence imposed in the Court's March 2007 Order was activated. Mr. Chorman was incarcerated in the Wake County Jail for thirty (30) days.

Civil Contempt Case 2

On March 12, 2001, a Consent Order was issued that prohibited **Charles Rumplash d/b/a Charlie Rumplash Builders, Co.** from engaging in the further practice of general contracting, unless and until he was issued a license.

In July 14, 2006, Mr. Rumplash undertook to upfit commercial space for a restaurant in Mt. Airy for a cost in excess of \$30,000.00.

Mr. Rumplash acknowledged that he failed to comply with the Consent Order by undertaking a project where the cost exceeded \$30,000.00, without first obtaining a valid license. In order to resolve the matter, he did not contest these facts.

In an Order signed by a Wake County Superior Judge on July 9, 2009, Mr. Rumplash admitted to civil contempt of the 2001 Consent Order. He agreed to make restitution to the owners of the restaurant. If Mr. Rumplash fails to make restitution, he shall be sentenced to thirty (30) days in the Wake County Jail for contempt of the 2001 Consent Order.



NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

PRSRST STD
US POSTAGE
PAID
RALEIGH, NC
PERMIT # 1230

PO BOX 17187
Raleigh, NC 27619



NASCLA

North Carolina General Contractors Guide To Business, Law And Project Management Order Form

23309 N. 17th Drive, Suite 110 • Phoenix, Arizona 85027 • (623) 587-9519

To order a copy of the North Carolina General Contractors Guide to Business, Law and Project Management, please complete the order form below, submit a check for the total order amount – payable to NASCLA Publications, Inc.

For credit card orders — Visa, MasterCard, Discover or American Express — mail the completed form to the address above or order by: Phone (623) 587-9519, Fax (623) 587-9625 or Online @ www.nascla.org.

Please send _____ copy(ies) of the North Carolina General Contractors	\$ _____
Guide to Business, Law and Project Management @ \$45.00 each	\$ _____
Shipping is \$12 for one book, \$6 for each additional book	TOTAL \$ _____

Ship To:

Name _____

Company _____

Mailing Address _____

City _____ State _____ Zip _____

Telephone/Fax _____

Method of Payment:

Enclosed check to NASCLA Visa

Mastercard Amex Discover

Card # _____

Expiration Date _____

Name on card _____

Signature _____