



Bulletin

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Events on the Horizon

Regular Board Meeting

January 23, 2002

Good Friday/Board Office Closed

March 29, 2002

Regular Board Meeting

April 10, 2002

Memorial Day/Board Office Closed

May 27, 2002

Regular Board Meeting

July 10, 2002

Rules Changes Proposed For 2002

The Licensing Board has begun rule-making for the adoption of proposed rules that could become effective in 2002. The Board conducted a public hearing in Raleigh on October 17, 2001 for the purpose of receiving comment on proposed rules and amendments, which were previously published in the *North Carolina Register* on May 15, 2001. These rules have a proposed effective date of August 1, 2002.

The Licensing Board proposes to adopt rules cited as 21 NCAC 12.0100 (Structure of the Board), amending the power of the Secretary-Treasurer to allow for a designee to sign checks. Proposed .0200 (Licensing Requirements) provides that if an applicant passes the building, public utilities and highway examinations, a license granted to the applicant will be designated as "Unclassified." .0204 (Eligibility) increases the financial responsibility requirements for working capital for limited, intermediate and unlimited

licenses and increases the bond amounts required to demonstrate financial responsibility for limited, intermediate and unlimited licenses. .0503 requires a corporate licensee to notify the Board of its dissolution or suspension of its charter within 30 days and requires a foreign corporation to notify the Board of revocation of its Certificate of Authority. .0818 requires a set time limit within which an individual must file a request for hearing before the Board.

The Licensing Board also published in the November 1, 2001 issue of the *North Carolina Register* a proposed rule (.0210, Single-Prime Public Contracts) to define "undertakes to bid or construct" under G.S. 87-1 for public projects. This proposed rule could also become effective August 1, 2002.

The text of the proposed rules is printed on page 3. The portion of the text with the strike-through is deleted; new text is underlined.

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Staying Legal: General Contractor Licensing

It's impossible to overemphasize the importance of being properly licensed in the construction industry.

Failure to comply with the relevant statutory guidelines and administrative rules can be costly. Contractors must be acutely aware of each state's licensing requirements to avoid disastrous consequences. In most states, an unlicensed general contractor may not enforce its contracts.

Consider the scenario where an unlicensed contractor has incurred \$500,000 in expenses on a contract, and the owner then legally refuses to reimburse the contractor. This could happen in one of the states where unlicensed general contractors have no legal right to recover these expenses from the owner.

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NCLBGC Bulletin

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

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Planning a Relocation or Move?

Please mail or fax your new address and telephone number to the Licensing Board (include your license number) at:

P.O. Box 17187
Raleigh, NC 27619
Fax: (919) 571-4703

Radon Seminars Offered

The NC Cooperative Extension, in conjunction with the NC Division of Radiation Protection, is offering seminars at two North Carolina locations—Asheboro and Asheville, on Radon Resistant Construction Techniques. The four-hour seminars will cover the design and installation of radon control systems, code issues, radon testing methods, radon reduction in existing homes and sales strategies. Radon is a radioactive gas that forms in many types of soils and rock, entering buildings through openings in the below-grade portion of the structures. More than 15,000 lung cancer deaths per year are attributed to radon exposure in the United States. An increasing number of homebuyers are concerned about indoor air quality problems in new homes, including moisture and chemical and biological contaminants, and radon, which can come from the soil.

For registration information or further details, contact Jan Carrington, Project Coordinator at the Southern Radon Training Center (SRRTC) at (800) 446-0382 or Susan Pope, Extension Radon Educator at (919) 571-4141.

ASHEBORO, NC—NC Extension Service, Randolph County Center
• **Monday, March 4**—“Radon Reduction in New Construction” (half-day seminar in the afternoon)

• **Tuesday, March 5**—“Home Inspection and Radon”

ASHEVILLE, NC—Mountain Horticultural Crops Research and Extension Center

• **Thursday, March 7**—“Radon Reduction in New Construction” (half-day seminar in the afternoon)

• **Friday, March 8**—“Home Inspection and Radon”

Two Ways to Obtain Information About Licensed General Contractors

The Licensing Board's web site (at www.nclbgc.org) gives visitors instantaneous, “up to the minute” access to information on the status of general contractor's licenses. The site indicates whether the license is active or inactive, suspended or revoked and includes details such as the current address, renewal date and limitation/classification for the license. If you do not have the exact name of the general contractor you're attempting to locate, enter as much of the name as possible. For example, if you know the name “Jones” is a part of the license name, type in “Jones;” a list of all contractors with the name “Jones” will appear.

If you don't have access to the Internet, you may call our help line at (919) 571-

4183 and speak with a staff member from 8 a.m. to 5 p.m. Monday through Friday. Please remember that it is helpful to know the exact name of the general contractor you're researching.

Homeowners Recovery Fund Awards for 2001

During the past year, the Licensing Board conducted 23 Homeowners Recovery Fund hearings awarding a total of \$520,625 to eligible claimants. The fund received 24 claims during 2001. The Homeowners Recovery Fund has been administered by the Licensing Board since 1991, when North Carolina's General Assembly enacted legislation creating the Recovery Fund.

Rules Changes Proposed For 2002

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CHAPTER 12—LICENSING BOARD FOR GENERAL CONTRACTORS

SECTION .0100—Organization of Board.

21 NCAC 12.0103—Structure of Board

(a) **Organization.** The Board consists of nine members who are appointed by the Governor of North Carolina, with its composition in terms of its members being specified in G.S. 87-2.

(b) **Officers.** Annually, during the April meeting, the Board elects from its members a Chairman and Vice-Chairman. The Chairman shall preside over all meetings of the Board and perform such other duties as he may be directed to do by the Board. The Vice Chairman shall function as Chairman in the absence of the Chairman.

(c) **Secretary-Treasurer.** In addition to those duties and responsibilities required of him by the North Carolina General Statutes, the Secretary-Treasurer, as the Board's Chief Administrative Officer, specifically has the responsibility and power to:

- (1) employ the clerical and legal services necessary to assist the Board in carrying out the requirements of the North Carolina General Statutes;
 - (2) purchase or rent whatever office equipment, stationery, or other miscellaneous articles as are necessary to keep the records of the Board;
 - (3) make expenditures from the funds of the Board by signing ~~checks~~ checks, or authorizing the designee of the Secretary-Treasurer to sign checks, for expenditures after the checks are signed by the ~~Chairman; Chairman or Vice-Chairman;~~ and
 - (4) do such other acts as may be required of him by the Board.
- (d) Meetings of the Board.
- (1) Regular meetings will be held during January, April, July and October of each year at the main office of the Board or at any other place so designated by the Board.
 - (2) Special Meetings. Special meetings of the Board will be held at the request of the Chairman or any two of the members at the main office of the Board or at any place fixed by

the person or persons calling the meeting.

- (3) **Notice of Meetings.** Regular meetings of the Board will be held after each Board member is duly notified by the Secretary-Treasurer of the exact date of the meeting. However, any person or persons requesting a special meeting of the Board will, at least two days before the meeting, give notice to the other members of the Board of that meeting by any usual means of communication. Such notice must specify the purpose for which the meeting is called.
- (4) **Quorum.** Any five members of the Board which includes either the Chairman or Vice-Chairman shall constitute a quorum.

Authority G.S. 87-1 to 87-8.

SECTION .0200—Licensing Requirements

21 NCAC 12.0202—Classification

(a) A general contractor must be certified in one of five classifications. These classifications are:

- (1) **Building Contractor.** This classification covers all types of building construction activity including but not limited to: commercial, industrial, institutional, and all types of residential building construction; covers parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, curbs, gutters, and septic systems which are ancillary to the aforementioned types of construction; and covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), and S(Swimming Pools).
- (2) **Residential Contractor.** This classification covers all types of construction activity pertaining to the construction of residential units which are required to conform to the residential building code adopted by the Building Code Council pursuant to G.S. 143-138; covers all site work, driveways, sidewalks, and septic systems ancillary to the aforementioned construction; and covers the work done as part of such residential units under the specialty classifications of S(Insu-

lation), S(Masonry Construction), S(Roofing), and S(Swimming Pools).

- (3) **Highway Contractor.** This classification covers all types of highway construction activity including but not limited to: grading, paving of all types, installation of exterior artificial athletic surfaces, relocation of public and private utility lines ancillary to the principal project, bridge construction and repair, parking decks, sidewalks, curbs, gutters and storm drainage. Includes installation and erection of guard rails, fencing, signage and ancillary highway hardware; covers paving and grading of airport and airfield runways, taxiways, and aprons, including the installation of signage, runway lighting and marking; and covers work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine Construction) and S(Railroad Construction). If the contractor limits his activity to grading and does no other work described herein, upon proper qualification the classification of H(Grading and Excavating) may be granted.
- (4) **Public Utilities Contractor.** This classification includes those whose operations are the performance of construction work on septic systems and on the subclassifications of facilities set forth in G.S. 87-10(3). The Board may issue a license to a public utilities contractor that is limited to any of the subclassifications set forth in G.S. 87-10(3) for which the contractor qualifies. Within appropriate subclassification, a public utilities contractor license covers work done under the specialty classifications of S(Boring and Tunneling), PU(Communications), PU(Fuel Distribution), PU(Electrical—Ahead of Point of Delivery), and S(Swimming Pools).
- (5) **Specialty Contractor.** This classification shall embrace that type of construction operation and performance of contract work outlined as follows:
 - (A) **H(Grading and Excavating).** Covers the digging, moving and placing of materials forming the surface of the earth, excluding air and water, in such a manner that the cut, fill, exca-

vation, grade, trench, backfill, or any similar operation can be executed with the use of hand and power tools and machines commonly used for these types of digging, moving and material placing. Covers work on earthen dams and the use of explosives used in connection with all or any part of the activities described in this Subparagraph. Also includes clearing and grubbing, and erosion control activities.

- (B) **S(Boring and Tunneling)**. Covers the construction of underground or underwater passageways by digging or boring through and under the earth's surface including the bracing and compacting of such passageways to make them safe for the purpose intended. Includes preparation of the ground surfaces at points of ingress and egress.
- (C) **PU(Communications)**. Covers the installation of the following:
- (i) All types of pole lines, and aerial and underground distribution cable for telephone systems;
 - (ii) Aerial and underground distribution cable for Cable TV and Master Antenna TV Systems capable of transmitting R.F. signals;
 - (iii) Underground conduit and communication cable including fiber optic cable; and
 - (iv) Microwave systems and towers, including foundations and excavations where required, when the microwave systems are being used for the purpose of transmitting R.F. signals; and installation of PCS or cellular telephone towers and sites.
- (D) **S(Concrete Construction)**. Covers the construction and installation of foundations, pre-cast silos and other concrete tanks or receptacles, prestressed components, and guniting applications, but excludes bridges, streets, side-walks, curbs, gutters, driveways, parking lots and highways.
- (E) **PU(Electrical—Ahead of Point of Delivery)**. Covers the construction, installation, alteration, maintenance or repair of an electrical wiring system, including sub-stations or components thereof, which is or is intended to be owned, operated and maintained by an electric power supplier, such as a public or private utility,

a utility cooperative, or any other properly franchised electric power supplier, for the purpose of furnishing electrical services to one or more customers.

- (F) **PU(Fuel Distribution)**. Covers the construction, installation, alteration, maintenance or repair of systems for distribution of petroleum fuels, petroleum distillates, natural gas, chemicals and slurries through pipeline from one station to another. Includes all excavating, trenching and backfilling in connection therewith. Covers the installation, replacement and removal of above ground and below ground fuel storage tanks.
- (G) **PU(Water Lines and Sewer Lines)**. Covers construction work on water and sewer mains, water service lines, and house and building sewer lines as defined in the North Carolina State Building Code, and covers water storage tanks, lift stations, pumping stations, and appurtenances to water storage tanks, lift stations and pumping stations. Includes pavement patching, backfill and erosion control as part of such construction.
- (H) **PU(Water Purification and Sewage Disposal)**. Covers the performance of construction work on septic systems, water and wastewater treatment facilities and covers all site work, grading, and paving of parking lots, driveways, sidewalks, and curbs and gutters which are ancillary to such construction of water and wastewater treatment facilities. Covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), and S(Metal Erection) as part of such work on water and wastewater treatment facilities.
- (I) **S(Insulation)**. Covers the installation, alteration or repair of materials classified as insulating media used for the non-mechanical control of temperatures in the construction of residential and commercial buildings. Does not include the insulation of mechanical equipment and ancillary lines and piping.
- (J) **S(Interior Construction)**. Covers the installation of acoustical ceiling systems and panels; drywall partitions (load bearing and non-load bearing),

lathing and plastering, flooring and finishing, interior recreational surfaces, window and door installation, and installation of fixtures, cabinets and millwork. Includes the removal of asbestos and replacement with non-toxic substances.

- (K) **S(Marine Construction)**. Covers all marine construction and repair activities and all types of marine construction in deep-water installations and in harbors, inlets, sounds, bays, and channels; covers dredging, construction and installation of pilings, piers, decks, slips, docks, and bulkheads. Does not include structures required on docks, slips and piers.
- (L) **S(Masonry Construction)**. Covers the installation, with or without the use of mortar or adhesives, of the following:
- (i) Brick, concrete block, gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry;
 - (ii) Installation of fire clay products and refractory construction; and
 - (iii) Installation of rough cut and dressed stone, marble panels and slate units, and installation of structural glazed tile or block, glass brick or block, and solar screen tile or block.
- (M) **S(Railroad Construction)**. Covers the building, construction and repair of railroad lines including:
- (i) The clearing and filling of rights-of-way;
 - (ii) Shaping, compacting, setting and stabilizing of road beds;
 - (iii) Setting ties, tie plates, rails, rail connectors, frogs, switch plates, switches, signal markers, retaining walls, dikes, fences and gates; and
 - (iv) Construction and repair of tool sheds and platforms.
- (N) **S(Roofing)**. Covers the installation and repair of roofs and decks on residential, commercial, industrial, and institutional structures requiring materials that form a water-tight and weather-resistant surface. The term "materials" shall be defined for purposes of this Subparagraph to include, among other things, cedar, cement, asbestos, clay tile and composition shingles, all types of metal coverings, wood shakes, single ply and built-up roofing, protective and

reflective roof and deck coatings, sheet metal valleys, flashings, gravel stops, gutters and downspouts, and bituminous waterproofing.

(O) S(Metal Erection). Covers:

- (i) The field fabrication, erection, repair and alteration of architectural and structural shapes, plates, tubing, pipe and bars, not limited to steel or aluminum, that are or may be used as structural members for buildings, equipment and structure; and
- (ii) The layout, assembly and erection by welding, bolting or riveting such metal products as, but not limited to, curtain walls, tanks of all types, hoppers, structural members for buildings, towers, stairs, conveyor frames, cranes and crane runways, canopies, carports, guard rails, signs, steel scaffolding as a permanent structure, rigging, flagpoles, fences, steel and aluminum siding, bleachers, fire escapes, and seating for stadiums, arenas, and auditoriums.

(P) S(Swimming Pools). Covers the construction, service and repair of all swimming pools. Includes:

- (i) Excavation and grading;
- (ii) Construction of concrete, gunite, and plastic-type pools, pool decks, and walkways, and tiling and coping; and
- (iii) Installation of all equipment including pumps, filters and chemical feeders. Does not include direct connections to a sanitary sewer system or to portable water lines, nor the grounding and bonding of any metal surfaces or the making of any electrical connections.

(Q) S(Asbestos). This classification covers renovation or demolition of activities involving the repair, maintenance, removal, isolation, encapsulation, or enclosure of Regulated Asbestos Containing Materials (RACM) for any commercial, industrial, or institutional building, whether public or private. It also covers all types of residential building construction involving RACM during renovation and/or demolition activities.

(b) An applicant may be licensed in more than one classification of general contracting provided the applicant meets the qualifications for the classifications, which includes passing the examination

for the classifications in question. ~~The license granted to an applicant who meets the qualifications for all classifications will carry with it a designation of "unclassified."~~ If an applicant passes the building, public utilities, and highway examinations, the license granted to the applicant will carry with it a designation of "unclassified."

Authority G.S. 87-1; 87-10.

21 NCAC 12.0204—Eligibility

(a) Limited License. The applicant for such a license must:

- (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least ~~twelve thousand five hundred dollars (\$12,500.00);~~ seventeen thousand dollars (\$17,000.00); and
- (3) Successfully complete 70 percent of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.

(b) Intermediate License. The applicant for such a license must:

- (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least ~~fifty thousand dollars (\$50,000.00)~~ seventy-five thousand dollars (\$75,000.00) as reflected in an audited financial statement prepared by a certified public accountant or an independent accountant who is engaged in the public practice of accountancy; and
- (3) Successfully complete 70 percent of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.

(c) Unlimited License. The applicant for such a license must:

- (1) Be entitled to be admitted to the examination given by the Board in light of the requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- (2) Be financially stable to the extent that the total current assets of the applicant or the firm or corporation he represents exceed the total current liabilities by at least ~~one hundred thousand dollars (\$100,000.00)~~ one hundred fifty thousand dollars (\$150,000.00) as reflected in an audited financial statement prepared by a certified public accountant or an independent accountant who is engaged in the public practice of accountancy;
- (3) Successfully complete 70 percent of the examination given the applicant by the Board dealing with the specified contracting classification chosen by the applicant.

(d) In lieu of demonstrating the required level of working capital, an applicant may obtain a surety bond from a surety authorized to transact surety business in North Carolina pursuant to G.S. 58 Article 7, 16, 21, or 22. The surety shall ~~provide proof that it maintains~~ maintain a rating from A.M. Best, or its successor rating organization, of either Superior (A++ or A+) or Excellent (A or A-). The bond shall be continuous in form and shall be maintained in effect for as long as the applicant maintains a license to practice general contracting in North Carolina or until the applicant demonstrates the required level of working capital. The application form and subsequent annual license renewal forms shall require proof of a surety bond meeting the requirements of this Rule. The applicant shall maintain the bond in the amount of ~~fifty thousand dollars (\$50,000.00)~~ two hundred fifty thousand dollars (\$250,000.00) for a limited license, ~~two hundred fifty thousand dollars (\$250,000.00)~~ seven hundred fifty thousand dollars (\$750,000.00) for an intermediate license, and ~~five hundred thousand dollars (\$500,000.00)~~ one million five hundred thousand dollars (\$1,500,000.00) for an unlimited license.

The bond shall list State of North Carolina as obligee and be for the benefit of any person who is damaged by an act or omission of the applicant constituting breach of a construction contract or breach of a contract for the furnishing of labor, materials, or professional services to construction undertaken by the applicant, or by an unlawful act or omission of the applicant in the performance of a construction contract. The bond required by this Rule shall be in addition to and not in lieu of any other bond required of the applicant by law, regulation, or any party to a contract with the applicant. Should the surety cancel the bond, the surety and the applicant both shall notify the Board immediately in writing. If the applicant fails to provide written proof of financial responsibility in compliance with this Rule within 30 days of the bond's cancellation, then the applicant's license shall be suspended until written proof of compliance is provided. After a suspension of two years, the applicant shall fulfill all requirements of a new applicant for licensure. The practice of general contracting by an applicant whose license has been suspended pursuant to this Rule will subject the applicant to additional disciplinary action by the Board.

(e) **Reciprocity.** If an applicant is licensed as a general contractor in another state, the Board, in its discretion, need not require the applicant to successfully complete the written examination as provided by G.S. 87-15.1. However, the applicant must comply with all other requirements of these rules to be eligible to be licensed in North Carolina as a general contractor.

(f) **Accounting and reporting standards.** Working capital, balance sheet with current and fixed assets, current and long term liabilities, and other financial terminologies used herein shall be construed in accordance with those standards referred to as "generally accepted accounting principles" as promulgated by the Financial Accounting Standards Board, the American Institute of Certified Public Accountants, and, if applicable, through pronouncements of the Governmental Accounting Standards Board, or their predecessor organizations. An audited financial statement, an unqualified opinion, and other financial

reporting terminologies used herein shall be construed in accordance with those standards referred to as "generally accepted auditing standards" as promulgated by the American Institute of Certified Public Accountants through pronouncements of the Auditing Standards Board.

Authority G.S. 87-1; 87-10.

Section .0500—License

21 NCAC 12.0503—Renewal of License

(a) **Form.** An application for renewal requires the holder of a valid license to set forth whether there were any changes made in the status of the licensee's business during the preceding year and also requires the holder to give a financial statement for the business in question. The financial statement need not be prepared by a certified public accountant or by a qualified independent accountant but may be completed by the holder of a license on the form itself. However, the Board may require a license holder to submit an audited financial statement if there is any evidence indicating that the license holder may be unable to meet his financial obligations. Except as provided herein, evidence of financial responsibility shall be subject to approval by the Board in accordance with the requirements of Rule .0204 of this Chapter. A licensee may be required to provide evidence of continued financial responsibility satisfactory to the Board should circumstances render such evidence necessary, and shall provide the Board with a copy of any bankruptcy petition filed by the licensee within 30 days of its filing. A corporate licensee shall notify the Board of its dissolution or suspension of its corporate charter within 30 days of such dissolution or suspension.

(b) **Display.** The certificate of renewal of license granted by the Board, containing the signatures of the Chairman and the Secretary-Treasurer, must be displayed at all times by the licensee at his place of business.

Authority G.S. 87-1; 87-10.

Section .0800—Contested Cases

21 NCAC 12.0818—Request for Hearing.

(a) Any time an individual believes their rights, duties, or privileges have been affected by the Board's administrative action, but has not received notice of a right to an administrative hearing, that

individual may file a formal request for a hearing.

(b) Before an individual may file a request he must first exhaust all reasonable efforts to resolve the issue informally with the Board.

(c) Subsequent to such informal action, if still dissatisfied, the individual should submit a request to the Board's office, with the request bearing the notation: **REQUEST FOR ADMINISTRATIVE HEARING.** The request should contain the following information:

- (1) Name and address of the Petitioner,
- (2) A concise statement of the action taken by the Board which is challenged,
- (3) A concise statement of the way in which the Petitioner has been aggrieved, and
- (4) A clear and specific statement of request for a hearing.

(d) A request for administrative hearing must be submitted to the Board's office within 60 days of receipt of notice of the action taken by the Board which is challenged. The request will be acknowledged promptly and, if deemed appropriate by the Board, a hearing will be scheduled.

Authority G.S. 87-11(b); 150B-11; 150B-38.

SECTION .0200—Licensing Requirements

21 NCAC 12.0210—Single-Prime Public Contracts

A contractor submitting a bid for public construction under the single-prime contract system pursuant to G.S. 143-128(d) does not have to be licensed as a general contractor at the time of bidding under the following conditions:

- (1) all work totaling thirty thousand dollars (\$30,000.00) or more which falls within the classifications, described in Rule .0202 of this Chapter shall be performed by a licensed general contractor holding the classifications required for the work; and
- (2) the amount of work to be performed by the general contractor shall not exceed 25% of the total amount of the bid.

Authority G.S. 87-1.

Staying Legal: General Contractor Licensing

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Furthermore, most state statutes also impose criminal sanctions on those who practice general contracting without being properly licensed.

Likewise, consider the scenario where a developer engages in lengthy negotiations with a contracting firm for a project, only to learn that the contractor is unlicensed and may not legally execute the contract. In many states, the contractor may have to wait until the next testing period or meeting of the licensing board to correct this problem. The owner's project would be delayed until the original contractor became licensed—or a new one is found. It is therefore crucial for a general contractor to understand the licensing requirements of each state in which it intends to deliver general contracting services.

Licensing Checklist

Before considering a project, a general contractor must consider the four “W’s” of the relevant licensing statutes:

1) When do the licensing requirements apply? For example, The South Carolina Contractors’ Licensing Board has the express authority to not issue a license to a contractor who has previously submitted a bid without a valid license where one is required. Similarly, the definitions of “contracting” in the

Florida licensing statute and “general contractor” in the North Carolina licensing statute both include bidding on work covered by the statutes.

- 2) Who is the entity or body that licenses contractors within the state, and how much time is required for it to act? The North Carolina Licensing Board for General Contractors (www.nclbgc.com), for example, approves applications monthly. Applicants who have fulfilled all requirements should submit their applications during the first week of any month prior to the month that they desire approval (e.g., 1st week of June for July approval). In contrast, The South Carolina Contractors’ Licensing Board (www.llr.state.sc.us/POL/Contractors) does not follow a set schedule for approvals. Instead, after a completed application is submitted, a response is usually received in 10-15 working days.
- 3) What are the requirements for becoming a licensed general contractor? North and South Carolina require a “qualifying individual” (SC) or “responsible manager, officers or member” (NC) to pass a test and mandate certain financial stability requirements.
- 4) Why a general contractor must play strictly by the rules to avoid harsh consequences. A paramount reason to be properly licensed is that in many states, an unlicensed general contractor has no legal right to enforce his

contract. Criminal consequences are also a great concern.

Other laws besides licensing may affect a general contractor who enters into a new state. For example, although Georgia currently does not require a general contractor’s license, non-resident contractors must comply with Georgia’s Nonresident Contractor’s Act. This Act mandates certain registration and bonding requirements to secure compliance with Georgia’s tax laws. A contractor that has not complied with this Act may not maintain a legal action on its contract.

Because of the expensive consequences that can result from unlicensed contracting in many states, contractors have become familiar with the general contractor licensing requirements—and other applicable laws—in any state in which they intend to do business. In addition, the licensing requirements should be addressed first—even before submitting a bid or negotiating for a contract. By complying with all licensing requirements in a timely manner, general contractors performing service in other states can avoid costly problems and delays.

(By Brian K. Fielden and Stephen M. Reams, attorneys with Alston & Bird, LLP, Atlanta; this article appeared previously in Carolinas AGC’s Weekly Bulletin and is reprinted here by permission.)

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.

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 will 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).

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

Rick C. Gilbert, t/a RJM Construction Co. (Orange County; 99C237, 99C256 and 99C264) License No. 41604. A disciplinary hearing was noticed by publication and held on June 13, 2001. The Final Decision was entered by the Board on June 28, 2001 finding that RJM entered into contracts with two homeowners and accepted money from them but failed to begin and/or complete the projects. In both instances, Respondent assured the homeowners that the work would be done, inducing them to make payments. License No. 41604 was permanently revoked, as were Mr. Gilbert's exam credentials.

C.M. Construction and Development Services, LLC (Kentucky; 00C199) License No. 46023. On June 13, 2001, a disciplinary hearing was held and the Final Decision entered June 28, 2001 finding that CM Construction agreed in 1998 to construct a hotel in Vance County for a cost in excess of \$3 million, but failed to obtain its NC general contractors license until 1999, at which time the Board was unaware of the hotel project. The Board permanently revoked License No. 46023.

Richard K. Welch (Mecklenburg County; 00C35) License No. 29907. A disciplinary hearing was noticed by publication and conducted on August 8, 2001, and the Final Decision was filed August 20, 2001. The Board found that Mr. Welch, who holds a limited residential license, applied for a commercial building permit in late 2000 for the upfit of a restaurant, a project requiring a license with a Building Contractor classification. License No. 29907 was permanently revoked, as were Mr. Welch's exam credentials.

Quantum Construction & Restoration, Inc. (Cumberland County; 00C391) License No. 33807. On August 8, 2001, a disciplinary hearing was held and the Final Decision entered August 31, 2001 finding that Quantum agreed to construct an addition to a home and collected more than \$10,000, but failed to obtain a building permit and later abandoned the project. The Board permanently revoked License No. 33807.

Lima Industries, Ltd. and Wilbert Horne, Qualifier (Rocky Mount, NC; 00C127, 01C201 and 01C206) License No. 43274. A disciplinary hearing was held on October 18, 2001, and the Final Decision was entered October 23, 2001; the Board found that Lima Industries, in 1999, contracted for and partially completed construction of a single-family dwelling without calling for an inspection; many violations of the NC State Building Code—some structural—were ultimately found. Also in 1999, Respondent, with a residential license, contracted for the construction of a church for a total cost in excess of its license limitation. On its 2001 renewal application to the Board, Mr. Horne failed to disclose a lien, which should have been reported. The Board permanently revoked License No. 43274 and Mr. Horne's exam credentials.

Able Restoration Services and Edwin R. Spomer, Qualifier (Tennessee; 01C120) License No. 30881. On December 12, 2001, a disciplinary hearing was held and the Final Decision entered December 19, 2001 finding that Mr. Spomer, as president and qualifier for Able Restoration Services, failed to reveal one lien and five judgments on Respondent's renewal applications for 1998, 1999 and 2000. In September of 2000, Respondent

contracted for and began construction of a single-family dwelling, but failed to renew its license for 2001 resulting in the March 2001 issuance of a stop work order. Neither Mr. Spomer nor his representative appeared at hearing. The Board permanently revoked License No. 30881, as well as Mr. Spomer's exam credentials.

South Brunswick Construction Co., Inc. and Larry Brown, Qualifier (Brunswick County; 01C20 and 01C21) License No. 23447. A disciplinary hearing was held on December 12, 2001 and a Final Decision entered December 19, 2001 finding that in December 1999, Respondent contracted for and began construction of a single-family dwelling but abandoned construction in October 2000, leaving two violations of the NC State Building Code, one of which was structural. In March 2000, Respondent contracted for and began construction of another single-family dwelling. During construction, Respondent collected all but \$14,000 of the contract price, but subcontractors and material suppliers filed liens exceeding \$16,000 against the home. In October of 2000, Respondent abandoned the project, which contained five violations—some structural—of the NC State Building Code. The Board permanently revoked License No. 23447 as well as Mr. Brown's exam credentials.

Corbett Leo Hankins, Jr. and Corbett Leo Hankins, Jr., Qualifier (Brunswick County; 01C94) License No. 16473. On December 12, 2001, a hearing was held and the Final Decision entered December 19, 2001 finding that Mr. Hankins entered into a written agreement to act as general contractor on an already ongoing project, for a fee to be paid up front. Respondent neither received any money nor

was allowed to superintend or manage the project, although he did secure the necessary permits. In the Board's Final Decision, License No. 16473 and Mr. Hankins's exam credentials were suspended for one year.

Revocations or Surrenders of License

Conley Builders, Inc. (Gaston County; 00C367) License No. 19719. On August 1, 2001, Otto Conley, President of Conley Builders, Inc., voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Hepler Building Company, Inc. (Guilford County; 00C241) License No. 26110. On July 17, 2001, Timothy W. Hepler, President of Hepler Building Company, Inc., voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

John Charles Duncan, Sr., t/a Duncan Contracting Services (Davie County, 00C315) License No. 453998. On July 30, 2001, John Charles Duncan voluntarily surrendered his general contractors license to the Board. The Board considers surrender of license as permanent revocation.

D M & K Construction Services, Inc. (Brunswick County; 00C492) License No. 43577. On December 3, 2001, David R. Rylott, President of D M & K Construction Services, Inc., surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Consent Order (Licensees)

Grant Thompson (Wisconsin; 00C215) License No. 44163. On June 22, 2001, the Board entered into a Consent Order in which Mr. Thompson agreed to

an 18-month license suspension, conditionally restored for 12 months following a 12-month active suspension. A violation of the Consent Order would be followed by an additional 30-day surrender of his license to the Board. Mr. Thompson further agreed to allegations that he had "acted" as qualifier for an unlicensed company, Masterbuilders of the Carolinas, in which he was a partner. (During the Spring of 2001, the Board obtained an injunction in Wake County Superior Court against the unlicensed company.)

David K. Byrd (Caldwell County; 98C184) License No. 38123. The Board entered into a Consent Order on June 26, 2001 in which Mr. Byrd agreed to a one-year license suspension, conditionally restored for 18 months following a three-month active suspension, all of which began on June 8, 2000. After admitting to more than 17 violations of the NC State Building Code in the construction of an addition to an existing residence, Mr. Byrd agreed to, and has completed, a Level I Building Code course offered by the NC Department of Insurance/Code Officials Qualification Board.

Eli Brown, III (Durham County; 99C332 and 00C15718) License No. 13524. On July 11, 2001, a Consent Order was filed in which Mr. Brown agreed to a three-month active license suspension to commence upon his completion of all ongoing projects as of the date he signed his Consent Order (July 5, 2001). Mr. Brown agreed that at the conclusion of those three months his license would be conditionally restored for a twelve-month period. Mr. Brown also agreed to take and pass a Level I Building Code course and a Law and Administration course within six months from July 11, 2001. A Consent Order violation would be followed by an additional six-month surrender of his license to the Board. Mr. Brown further agreed to allegations of a violation of the NC State Building Code in the

construction of a single-family dwelling, as well as mistakenly believing that he was authorized to alter a Professional Engineer's report and drawings prior to forwarding them to the Inspections Department.

Haskett Construction Co., Inc. (Pasquotank County; 00C264) License No. 5970. A Consent Order was entered on July 19, 2001 by which Mr. Haskett, as president and on behalf of Haskett Construction Co., Inc., agreed to a four-month license suspension, conditionally restored for six months following a 30-day active suspension, set to run December 15, 2001 through January 13, 2002. A violation of this Consent Order would be followed by an additional three-month active suspension of License No. 5970. Mr. Haskett also agreed to take and pass a Level I Building Code course offered by the NC Department of Insurance/Code Officials Qualification Board, admitting to violations of failing to properly anchor exterior walls on a foundation slab in the construction of a single-family dwelling.

Hy-Tech Construction, Inc. (Wake County; 00C172) License No. 31410. On July 20, 2001, a Consent Order was entered in which Gerald Hyatt, as president, qualifier and on behalf of Hy-Tech Construction, Inc., agreed that within six months he would take and pass a Law and Administration course offered by the NC Department of Insurance/Code Officials Qualification Board. A violation of this Consent Order would be followed by an additional six-month active suspension of License No. 31410, which would necessitate Mr. Hyatt's immediate reporting to the Board of all ongoing projects of \$30,000 or more for which Hy-Tech is acting as general contractor; the six-month active suspension would commence upon the completion of those listed projects. Mr. Hyatt further agreed to violations that Hy-Tech entered into negotiations

with an out-of-state unlicensed company and contemplated combining their businesses, as well as securing building permits for three projects in which it did not act as general contractor.

J.C. Williams (Columbus County; 98C136, 98C153, 98C185, 98C197, 98C217, 98C223 and 99C134) License No. 16826. A Consent Order was entered on July 20, 2001 in which Mr. Williams agreed to a six-month license suspension, conditionally restored for 18 months with no active suspension, provided that he immediately report to the Board all ongoing projects of \$30,000 or more for which he is acting as general contractor. Mr. Williams also agreed to take and pass a Level I Building Code course offered by the NC Department of Insurance/Code Officials Qualification Board. He further agreed with allegations of failing to reveal a lawsuit on his 1997 renewal application, as well as numerous violations of the NC State Building Code on the above-listed projects. Accordingly, Mr. Williams has made restitution for all referenced code violations in order to facilitate necessary repairs and remedial work.

David H. Wysocki (New Hanover County; 00C268) License No. 16251. On July 20, 2001, a Consent Order was entered in which Mr. Wysocki informed the Board of 13 then-currently-ongoing projects. Following the completion of those 13 projects, License No. 16251 shall be suspended for twelve months, conditionally restored for twelve months following a six-month active suspension. Any violation of terms of the Consent Order would mean an additional six-month active suspension. Mr. Wysocki further agreed with allegations of failing to mention two outstanding and unpaid bills from suppliers when he signed a lien waiver prior to closing on a home in 1999.

Glenn Clark McFarland (Durham County; 98C145) License No. 22469. A Consent Order was entered on July 25, 2001 in which Mr. McFarland agreed to a six-month license probation, commencing July 1, 2001 in order to resolve this case with the Board.

Walter E. Thomas (Cumberland County; 00C354) License No. 22069. On July 31, 2001, a Consent Order was entered in which Mr. Thomas agreed to an 18-month license suspension, conditionally restored for 15 months following a twelve-month active suspension. Violation of the terms of the Consent Order would mean an additional 6-month active suspension. Mr. Thomas also agreed with allegations that he authorized an unlicensed entity, "C" Home Improvements, to secure building permits using License No. 22069.

Ray Burnette (Forsyth County; 00C445) License No. 18468. A Consent Order was entered on August 9, 2001 in which Mr. Burnette agreed to a twelve-month license suspension. Mr. Burnette further agreed with allegations of entering into an illegal contract in which he listed himself as contractor, when he did not act as contractor for the construction project.

Paul Byron Mixon t/a Mixon's Renovations (New Hanover County; 00C384) License No. 47299. On August 15, 2001, a Consent Order was entered in which Mr. Mixon agreed to a six-month license suspension, conditionally restored for twelve months. Mr. Mixon also agreed that within 30 days, he would send to the Board a complete list of all current unfinished projects in which the cost of the undertaking was \$30,000 or more; except for those unfinished projects, for three months he was not to bid upon, construct, or undertake to superintend, manage, or enter into contracts on his own behalf or for any unlicensed

person, firm or corporation for the construction of any project enumerated in Chapter 87 Article 1, costing \$30,000 or more, and comply with the Board's rules and regulations. A violation would be followed by an additional six-month surrender of his license to the Board. Mr. Mixon also agreed with allegations that he contracted in an amount in excess of \$30,000 for hurricane damage repair and failed to obtain building permits prior to becoming licensed with the Board.

Ronald W. Spates, Jr. (Swain County; 00C249) License No. 41811. On September 13, 2001, a Consent Order was entered in which Mr. Spates agreed to a 90-day license suspension, conditionally restored for twelve months following a 60-day active suspension. A violation of his Consent Order would result in an additional 30-day surrender of License No. 41811 to the Board. Mr. Spates also agreed to take and pass a Law and Administration course offered by the NC Department of Insurance/Code Officials Qualification Board. Additionally, he agreed with allegations of several violations of the NC State Building Code in the renovations of a single-family dwelling.

Wilmington Housing Finance and Development, Inc. (New Hanover County; 00C200) License No. 25368. A Consent Order was entered on September 14, 2001 in which E.A. Westmoreland, as chairman and on behalf of Wilmington Housing Finance and Development, Inc., agreed to a 60-day license suspension, conditionally restored for 18 months with no active suspension provided that it comply with the Board's rules and regulations. A violation of terms of the Consent Order would result in an additional 60-day surrender of License No. 25368 to the Board. Respondent further agreed to allegations that it

had failed to disclose liens previously not disclosed on its 2000 application for license renewal with the Board.

Environmental Remediation, Inc. and Paul Belisle, Qualifier (New Hanover County; 00C462) License No. 37824. A Consent Order was entered on September 19, 2001 in which Mr. Belisle, as president, qualifier and on behalf of Environmental Remediation, Inc., agreed to a twelve-month license suspension, conditionally restored for 15 months. Mr. Belisle also agreed that within 30 days, he would send to the Board a complete list of all current unfinished projects in which the cost of the undertaking was \$30,000 or more; except for those unfinished projects, for nine months he was not to bid upon, construct, or undertake to superintend, manage, or enter into contracts on his own behalf or for any unlicensed person, firm or corporation projects as enumerated in Chapter 87 Article 1, costing \$30,000 or more. A violation would be followed by an additional three-month surrender of his license to the Board. Mr. Belisle also agreed with allegations that he secured building permits for a project using Respondent's name and license number, when in fact Respondent did not act as the general contractor.

Peterson Residential/Commercial Builders, Inc. (Watauga County; 00C178) License No. 43366. On September 20, 2001, a Consent Order was entered in which Harry V. Peterson, as president and on behalf of Peterson Residential/Commercial Builders, Inc., agreed to a twelve-month license suspension, immediately conditionally restored for 15 months. A violation of the terms of the Consent Order would be followed by an additional twelve-month surrender of License No. 43366 to the Board. Respondent agreed that within 30 days, he would

send to the Board a complete list of all current unfinished projects in which the cost of the undertaking was \$30,000 or more; except for those unfinished projects, for four months he was not to bid upon, construct, or undertake to superintend, manage, or enter into contracts on his own behalf or for any unlicensed person, firm or corporation projects as enumerated in Chapter 87 Article 1, costing \$30,000 or more. Mr. Peterson additionally agreed to allegations of violations of the NC State Building Code in the construction of a single-family dwelling.

Donald E. Owens t/a Owens Construction and Donald E. Owens, Qualifier (Rutherford County; 00C216, 00C242 and 00C259) License No. 17119. A Consent Order was entered on October 11, 2001 in which Mr. Owens agreed to a one-year license suspension, conditionally restored for 18 months following a six-month active suspension. A violation of the terms of the Consent Order would be followed by an additional six-month active suspension. Mr. Owens also agreed to take and pass a Level I Building Code course offered by the NC Department of Insurance/Code Officials Qualification Board. Additionally, he agreed with allegations of numerous violations of the NC State Building Code in the construction of three single-family dwellings.

Bernard W. Mason (Northampton County; 98C184) License No. 39316. On October 22, 2001, a Consent Order was entered in which Bernard W. Mason agreed to a twelve-month license suspension, conditionally restored for 15 months with no active suspension provided that during the conditional restoration of his license, and within 30 days of service of his Consent Order, he would submit to the Board a list of current unfinished projects in which the cost of the

undertaking was \$30,000 or more; except for those unfinished projects, for three months, he was not to bid upon, construct, or undertake to superintend, manage, or enter into contracts on his own behalf or for any unlicensed person, firm or corporation projects as enumerated in Chapter 87 Article 1, costing \$30,000 or more; and must comply with the Board's rules and regulations. A violation of the terms of the Consent Order would be followed by an additional nine-month surrender of his license to the Board. Mr. Mason also agreed to allegations of violations of the NC State Building Code and to contracting in excess of \$30,000 prior to becoming licensed with the Board in 1997.

Frederick Lamar Harris t/a Fare Profit Design Builders and Frederick Lamar Harris, Qualifier (Wake County; 00C158 and 01C213) License No. 33983. A Consent Order was entered on October 29, 2001 in which Mr. Harris consented to a twelve-month license suspension, conditionally restored for 15 months provided that during the conditional restoration of his license and within 30 days of service of his Consent Order, he would submit to the Board a list of current unfinished projects in which the cost of the undertaking was \$30,000 or more; except for those unfinished projects, for nine months, he was not to bid upon, construct, or undertake to superintend, manage, or enter into contracts on his own behalf or for any unlicensed person, firm, or corporation for the construction of any projects as enumerated in Chapter 87 Article 1, costing \$30,000 or more, and must comply with the Board's rules and regulations. A violation of the terms of the Consent Order would be followed by an additional three-month surrender of his license to the Board. Mr.

Harris also agreed to allegations of allowing another individual to use the name and license number of Respondent to obtain building permits for two projects in which Respondent was not the general contractor.

Basland, Inc. (Mecklenburg County; 00C413) License No. 32747. On November 29, 2001, a consent order was entered in which Steve Hrcirik, Jr., as president and in behalf of Basland, Inc., agreed to a nine-month license suspension, conditionally restored for twelve months provided that during the conditional restoration of its license, and within 30 days of service of its Consent Order, Respondent would submit to the Board a list of current unfinished projects in which the cost of the undertaking was \$30,000 or more; except for those unfinished projects, for six months, Basland was not to bid upon, construct, or undertake to superintend, manage, or enter into contracts on its own behalf or for any unlicensed person, firm, or corporation for the construction of any project as enumerated in Chapter 87 Article 1, costing \$30,000 or more, and must comply with the Board's rules and regulations. A violation of the terms of the Consent Order would be followed by an additional three-month surrender of its license to the Board. Mr. Hrcirik also agreed to take and pass a Level I Building Code course within six months of his Consent Order, as well as to allegations that Respondent did not intend to act as the general contractor for a commercial upfit of a store in Cabarrus County, even though it was listed as the contractor on a building permit secured for an unlicensed contractor.

Daniel L. Seay (Macon County; 01C219) License No. 15570. A Consent Order was entered on November 29, 2001 in which Mr. Seay agreed to a twelve-month license suspension, immediately conditionally

restored for 15 months provided that during the conditional restoration of his license, and within 10 days of service of his Consent Order, Mr. Seay would submit to the Board a list of current unfinished projects in which the cost of the undertaking was \$30,000 or more; except for those unfinished projects, for nine months, Mr. Seay agreed not to bid upon, construct, or undertake to superintend, manage, or enter into contracts on his own behalf or for any unlicensed person, firm or corporation the construction of any project as enumerated in Chapter 87 Article 1, costing \$30,000 or more, and must comply with the Board's rules and regulations. A violation of his Consent Order would be followed by an additional twelve-month surrender of his license to the Board. Mr. Seay also agreed to allegations that he himself had not intended to act as the general contractor in the construction of a single-family dwelling for which he obtained a building permit using his name and license number. An unlicensed contractor had contracted for the project in an amount which exceeded Mr. Seay's limitation, although Mr. Seay's name was not mentioned in the contract.

Pace Bros. Const. Co., Inc. (Henderson County; 99C306) License No. 12592. On December 4, 2001 a Consent Order was entered in which William A. Pace, Jr., on behalf of Pace Bros. Const. Co., Inc., agreed to a twelve-month license suspension, conditionally restored for 15 months provided that during the conditional restoration of its license, and within 10 days of service of its Consent Order, Respondent would submit to the Board a list of current unfinished projects in which the cost of the undertaking was \$30,000 or more; except for those unfinished projects, for nine months, Respondent was not to bid upon, construct, or undertake to superintend, man-

age, or enter into contracts on its own behalf or for any unlicensed person, firm, or corporation the construction of any project as enumerated in Chapter 87 Article 1, costing \$30,000 or more, and must comply with the Board's rules and regulations. A violation of the terms of the Consent Order would be followed by an additional twelve-month surrender of its license to the Board. Mr. Pace also agreed to allegations that Respondent had allowed an unlicensed entity to use its license number in submitting a bid for a street repaving project; and, further, that the unlicensed entity completed the project and received direct payment for the work.

Admissions of Violation (Licensees)

David Scott Cunningham (Macon County; 01C58 and 01C79) License No. 39145. On June 26, 2001, an Admission of Violation was filed in which Mr. Cunningham admitted submitting a bid and undertaking construction on a renovation/addition project in which the total cost was in excess of his license limitation.

Robert London, Jr. t/a LHI (Dare County; 01C27) License No. 14364. An Admission of Violation was entered on July 23, 2001 in which Mr. London admitted providing false information and failing to disclose a judgment on his 2001 license renewal application to the Board.

Steven V. Ralph t/a S.V. Ralph Co. (Tyrell County; 00C114) License No. 48287. On July 23, 2001, an Admission of Violation was filed in which Mr. Ralph admitted obtaining a building permit to erect a metal building using the name and license number of another without being authorized to do so.

Stanley N. Robinson (Tyrell County; 99C78) License No.

14073. An Admission of Violation was entered on July 23, 2001 in which Mr. Robinson admitted constructing a single-family dwelling with two violations of the NC State Building Code.

JR Home Improvements, Incorporated (Buncombe County; 00C472 and 00C488) License No. 41500. On July 30, 2001, an Admission of Violation was entered in which Respondent admitted entering into two contracts for renovations of an existing dwelling without obtaining the appropriate building permits, resulting in a stop work order being issued.

Donald R. Simpson t/a S&S Construction Company (Lee County; 01C10) License No. 26897. An Admission of Violation was entered on July 30, 2001 in which Mr. Simpson admitted applying for 16 building permits for the construction of apartment buildings when each project was in excess of his license limitation at the time of filing for the building permits.

Oak Ridge Realty & Construction (Wake County; 98C258 and 99C84) License No. 29119. On August 6, 2001, an Admission of Violation was entered in which Nancy D. Canady, as president and on behalf of Oak Ridge Realty & Construction, admitted failing to disclose numerous liens and judgments on its 1992 through 1998 renewal applications to the Board, as well as violating two sections of the NC State Building Code in the construction of a single-family dwelling.

Charles R. Smith t/a Complete Carpentry Services (Catawba County; 00C385) License No. 36624. An Admission of Violation was entered on August 6, 2001 in which Mr. Smith admitted failing to disclose several liens and judgments on his 1998 through 2000 license renewal applications to the Board.

Lewis Daniel Frazier (Craven County; 00C467) License No. 23736. On August 23, 2001, an Admission of Violation was entered in which Mr. Frazier admitted failing to obtain the appropriate building permits prior to performing structural repairs to a single-family dwelling, which repairs were later found to be inadequate.

Orndorff Construction, Inc. (Guilford County; 00C362) License No. 38730. An Admission of Violation was entered on August 23, 2001 in which Respondent admitted entering into a contract in excess of its license limitation and violating one section of the NC State Building Code in the construction of a single-family dwelling.

Timothy James Richardson t/a Richardson Homes (Union County; 00C293) License No. 28884. On August 27, 2001, an Admission of Violation was entered in which Mr. Richardson admitted violating five sections of the NC State Building Code in the construction of a single-family dwelling.

Stephen R. Baker (Cabarrus County; 00C288) License No. 29957. An Admission of Violation was entered on August 29, 2001 in which Mr. Baker admitted allowing a related corporation, for which he is the vice-president, to use his license number in obtaining building permits for construction projects.

Paul R. Andrus (Dare County; 01C89) License No. 13479. On October 16, 2001, an Admission of Violation was entered in which Mr. Andrus admitted failing to reveal several liens on his 1994, 1995, 1999 and 2001 license renewal applications to the Board.

Alexis B. Cardelli (Craven County; 01C48) License No. 26358. An Admission of Violation was entered on October 18, 2001 in which Mr. Cardelli admitted using his individual license number while operating under the name, Local Builders, Inc., which is an unlicensed entity.

Jesse Anderson and Son, Contractors, Inc. (Person County; 00C383) License No. 2959. On October 18, 2001, an Admission of Violation was entered in which Gary Anderson, as qualifier and on behalf of Respondent, admitted contracting for and securing a building permit for the construction of a single-family dwelling using the name of Anderson Custom Modular Homes, Inc., an unlicensed entity.

Anthony J. Richards (New Hanover County; 01C60) License No. 37145. An Admission of Violation was entered on October 29, 2001 in which Mr. Richards admitted bidding on a project in excess of his license limitation and using the name of JAV Inc., an unlicensed entity.

Strickland Associates, Inc. (Halifax County; 00C450) License No. 23464. On October 29, 2001, an Admission of Violation was entered in which Respondent admitted violating six sections of the NC State Building Code in the construction of a single-family dwelling.

Beachtowne Realty Corporation (Virginia; 01C39) License No. 12412. An Admission of Violation was entered on November 7, 2001 in which Respondent admitted entering into a contract with an unlicensed entity in which Respondent agreed to supervise and direct the construction of a single-family dwelling. The contract also provided for the unlicensed

entity to pay for all supplies and services, as well as to have the right to let other contracts in connection with the project.

Eric Jonathan Coffey (Guilford County; 99C321) License No. 20456. On November 27, 2001, an Admission of Violation was entered in which Mr. Coffey admitted contracting in excess of his license limitation for the construction of a single-family dwelling.

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 Secretary of State; 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.

Glen Newsome d/b/a Custom Built Homes (Ashe County; 00C50). Mr. Newsome contracted to construct a log home for an amount of \$156,600. Default Judgment was entered August 14, 2001.

Mike Rivenbark d/b/a Rivenbark Roofing (Pender County; 00C352). Mr. Rivenbark entered into a contract to remove and replace a tin roof for a price of \$30,300 and then contracted to remove and replace another roof for a price of \$34,120. Default Judgment was entered August 14, 2001.

Showcase Homes of Wayne County (Wayne County; 00C89). Showcase Homes of Wayne County contracted to erect a modular home for a price of \$64,466. Default Judgment was entered August 14, 2001.

Chip Bryant d/b/a Triad Contract Services (Guilford County; 00C323). Mr. Bryant entered into a contract to construct an addition to a home for a price of \$31,945.63. Default Judgment was entered August 14, 2001.

James B. Williams (Wake County; 00C289). Mr. Williams submitted a forged general contractors license bearing his name to a mortgage company. Default Judgment was entered August 14, 2001.

Billy Britt (Wayne County; 00C226). Mr. Britt obtained a building/plumbing permit using the name of a licensed general contractor who had no knowledge of Mr. Britt's activities using their name and license number. Default Judgment was entered August 15, 2001.

Thomas W. Simpson d/b/a Building Solutions International (Guilford County; 00C381). Mr. Simpson contracted to construct a garage for a price of \$34,224. Default Judgment was entered August 15, 2001.

Leroy McKinnon d/b/a Gumbranch Construction (Guilford County; 00C232). Mr. McKinnon entered into a contract to construct an addition to an existing home for a price of \$47,500. Default Judgment was entered August 15, 2001.

Joseph Friel and Judith Friel d/b/a Friel Construction & General Contracting (Iredell County; 00C344). The Friels submitted a proposal to renovate an existing home for a price of \$33,240. Default Judgment was entered August 15, 2001.

Dean Bare and April Bare d/b/a Blue River Builders and Foundations (Ashe County; 00C453, 01C16 and 01C65). The Bares contracted to construct two log homes for prices of \$234,300 and \$114,040 respectively, after which Mr. Bare impersonated a licensed general contractor in order to obtain building permits for the projects. In another situation, the Bares contracted to construct a home for a price of \$223,718. Default Judgment was entered August 22, 2001.

Martin Wade Hendricks (Iredell County; 00C443). Mr. Hendricks contracted to construct an addition to an existing home and was paid \$33,404 before he abandoned the unfinished project. Default Judgment was entered August 22, 2001.

Lincoln Homes and Development L.L.C. (Mecklenburg County; 00C429, 00C432, 00C434, 00C436 and 00C438). Lincoln Homes undertook construction of five homes where the cost of each home exceeded \$30,000. Default Judgment was entered August 22, 2001.

Charles Cline d/b/a Cline and Son Construction (Forsyth County; 01C447). Mr. Cline contracted to reconstruct a fire damaged home for an amount of \$67,261.94. Default Judgment was entered August 22, 2001.

S.D. Smith Homes, Inc. (Wake County; 00C400). Mr. Smith entered into a contract to construct a home for a price of \$221,635. Default Judgment was entered August 22, 2001.

Ed Myers d/b/a Ed Myers Construction (Watauga County; 00C416). Mr. Myers contracted to construct an addition to an existing home for an amount of \$48,700.

Default Judgment was entered September 6, 2001.

Robert Thrush d/b/a Thrush Construction Co. (Scotland County; 00C31). Mr. Thrush obtained a building permit to construct a mini warehouse for an estimated cost of \$19,500. Later in the same month, he obtained a second building permit to construct two additional mini warehouses at the same location for an estimated cost of \$28,900. The total cost of the project exceeded \$30,000. Default Judgment was entered September 6, 2001.

Michael A. Wilson (Cabarrus County; 01C57). Mr. Wilson contracted to perform tub and tile remodeling work for a price of \$32,040. Default Judgment was entered September 6, 2001.

William Chasten d/b/a Chasten Building Contractor (Beaufort County; 00C455). Mr. Chasten entered into a contract to remodel a church for a price of \$71,831.37. Default Judgment was entered October 9, 2001.

William Paul Glass and Skip Brown d/b/a Windows America (Alamance County; 00C473). Windows America contracted to renovate an existing home for a price of \$55,300. Default Judgment was entered October 9, 2001.

Robert A. Bianco, Jr. d/b/a Bianco Construction (Wake County; 01C56). Mr. Bianco entered into a contract to remodel a home for a price of \$42,500 and subsequent change orders increased the contract price to \$61,401. Default Judgment was entered November 7, 2001.

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 constructing projects costing \$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.

Gary Anderson d/b/a Anderson Custom Modular Homes, Inc. (Person County; 00C379). Mr. Anderson contracted to construct a home for a price of \$189,000 unaware that his actions were in violation of North Carolina law. A permanent injunction was obtained by entry of a Consent Order on June 26, 2001.

Coastal Marine Contractors, Inc. (Craven County; 01C72). Coastal Marine Contractors, Inc. submitted four bids to construct walkways, piers and boat docks for a total price of \$70,000 unaware that its actions violated North Carolina law. A per-

manent injunction was obtained by entry of a Consent Order on June 26, 2001.

Brian Scott Peele d/b/a Peele Builders (Guilford County; 00C317). Mr. Peele provided a work order where the cost of labor and materials was \$65,000 unaware that his actions were in violation of North Carolina law. A permanent injunction was obtained by entry of a Consent Order on June 26, 2001.

James L. Selby (Henderson County; 01C07). Mr. Selby obtained a building permit as owner/builder to construct a personal residence for an estimated cost of \$50,000. Before a Certificate of Occupancy was issued, he contracted to sell the house for a price of \$125,000. A permanent injunction was obtained by entry of a Consent Order on June 26, 2001.

Tomahawk Builders, Inc. (Guilford County; 00C182). Tomahawk Builders, Inc. entered into an offer to purchase and contract for the purchase of a new single family home for a price of \$120,060 built on land owned by Tomahawk. Although an individually licensed general contractor obtained the building permit and supervised all construction, Tomahawk—not the licensee—was listed on the new construction addendum to the offer to purchase and contract. Tomahawk would not admit that it or any of its officers, representatives or employees violated any North Carolina law, but it did sign the consent order to resolve its dispute with the Board. A permanent injunction was obtained by entry of a Consent Order on June 26, 2001.

John M. Allen d/b/a Built Clean (Iredell County; 01C02). Mr. Allen contracted to remodel a home for a price of \$31,680 unaware that his actions were in violation of North Carolina law. A permanent injunction was obtained by entry of a Consent Order on June 28, 2001.

First Time Home, Inc. (Mecklenburg County; 00C309). First Time Home prepared a construction cost estimate which approximated costs of \$170,000. A permanent injunction was obtained by entry of a Consent Order on June 28, 2001.

J&L Specialty Equipment & Construction, Inc. (Macon County; 00C195 and 00C412). Defendant submitted two bids at two locations in the amounts of \$973,508 for a water system utility construction and \$358,760 for water and sewer improvements, intending to become licensed. A permanent injunction was obtained by entry of a Consent Order on June 28, 2001.

Michael E. Sartain (Wake County; 00C64). Mr. Sartain obtained a building permit as owner/builder for the construction of a commercial building at a cost in excess of \$30,000. Prior to occupying the building for twelve months after completion, Mr. Sartain placed a "For Rent" sign on the building. A permanent injunction was obtained by entry of a Consent Order on June 28, 2001.

Southern Designs of Wilmington, Inc. (New Hanover County; 00C421). Defendant contracted to construct a new home for a price of \$290,000. A permanent injunction was obtained by entry of a Consent Order on June 28, 2001.

Turn Key Remodeling, Inc. (Mecklenburg County; 00C485). Defendant entered into seven contracts to remodel a home for a total price of \$139,790 and was unaware that its actions violated North Carolina law. A permanent injunction was obtained by entry of a Consent Order on June 28, 2001.

Nancy Bueche (Guilford County; 01C108). Ms. Bueche obtained a building permit as owner/builder to construct a personal residence for an estimated cost of \$196,504, but sold the home before the home was completed. A permanent injunction was obtained by entry of a Consent Order on July 11, 2001.

GMK Associates, Inc. (South Carolina; 01C26). GMK Associates contracted with a Board of Education to serve as construction manager for a county building program, but the contract referred to Defendant by other names within the document and amendments, while all work was performed by an affiliated company. A permanent injunction was obtained by entry of a Consent Order on July 11, 2001.

Edward Robinson (Dare County; 01C71). Mr. Robinson obtained a building permit as owner/builder to construct a personal residence for an estimated cost of \$150,000. Circumstances prevented Mr. Robinson from occupying the home and he contracted with a rental agency to rent the property as a seasonal rental. He was unaware that his actions violated North Carolina law. A permanent injunction was obtained by entry of a Consent Order on July 11, 2001.

William Alfred Tyndall (Sampson County; 00C396). Mr. Tyndall contracted to construct a home for a price of \$187,000. A permanent injunction was obtained by entry of a Consent Order on July 11, 2001.

Assurance Waterproofing Co., Inc. (Tyrrell County; 00C487). Defendant, a South Carolina licensee, submitted a bid to replace windows and do waterproofing work at a Department of Corrections facility for a price of \$88,880. A permanent injunction was obtained by entry of a Consent Order on July 19, 2001.

James R. Brown and Richard L. Brown (Mecklenburg County; 00C475). Defendants obtained a building permit and undertook construction of a single-family dwelling. Thereafter they contracted to sell the home for a price of \$145,900, but deny they have engaged in general contracting without a license; the Browns consented to the entry of their Consent Order. A permanent injunction was obtained by the entry of their Consent Order on July 19, 2001.

Wesley O'Mary d/b/a Bud's Remodeling & Air Conditioning Service (Beaufort County; 00C468). Mr. O'Mary submitted proposals to construct an addition to a home for the price of \$46,885. A permanent injunction was obtained by entry of a Consent Order on July 19, 2001.

William S. Coble d/b/a Coble Construction (Wake County; 00C202). Mr. Coble contracted to construct additions to a residence for a price of \$39,200, plus the cost of materials. A permanent injunction was obtained by entry of a Consent Order on July 25, 2001.

Fisher Development, Inc. (California; 00C420). Defendant contracted to remodel retail space where the cost of the project exceeded \$30,000, but was unaware that its actions violated North Carolina law. A permanent injunction was obtained by entry of a Consent Order on July 25, 2001.

United Welding, Inc. (West Virginia; 00C477). Defendant submitted a bid to construct water system improvements for a cost of \$6,460,101.50 and withdrew its bid when it realized it was not properly licensed. A permanent injunction was obtained by entry of a Consent Order on August 21, 2001.

Michael T. Donaldson (Lincoln County; 01C92). Mr. Donaldson obtained a building permit for the construction of his personal home at an estimated cost of \$68,000. He later decided to purchase another home, listing the self-constructed home for sale. Until a final inspection, inspections made by code officials throughout the construction process failed to mention that Mr. Donaldson might be in violation of North Carolina law. Mr. Donaldson was unaware that his actions in selling the home he built violated the law. A permanent injunction was obtained by entry of a Consent Order on August 29, 2001.

Emerald Green Builders, Inc. (Mecklenburg County; 01C88). Defendant contracted to remodel a home for a price of \$57,000. A permanent injunction was obtained by entry of a Consent Order on September 17, 2001.

Kitchens Unlimited, Inc. (Forsyth County; 00C489). De-

fendant delivered proposals or bids for kitchen equipment and design, labor and materials for renovation of an existing commercial building, and construction supervision for a collective price in excess of \$30,000. Defendant does not admit or stipulate that this conduct constitutes a violation of G.S. § 87-1 *et seq.* A permanent injunction was obtained by entry of a Consent Order on September 17, 2001.

Linwood Brumley (Dare County; 01C67). Mr. Brumley obtained a building permit as owner/builder to construct a personal residence for an estimated cost of \$105,000. Upon certificate of occupancy being issued, within one month Mr. Brumley had employed a realty firm to rent, lease, manage and operate the property. A permanent injunction was obtained by entry of a Consent Order on September 17, 2001.

Amerimann Homes, LLC (Wake County; 01C160). Defendant applied for a building permit to construct a home where the total project was stated as costing \$248,000. A permanent injunction was obtained by entry of a Consent Order on September 17, 2001.

Barry Cuthrell (Pamlico County; 01C40, 01C42, 01C43 and 01C44). Mr. Cuthrell undertook to superintend or manage the construction of three homes and a commercial building where the cost of each project exceeded \$30,000. He was unaware that his actions violated North Carolina law and his violation was unintentional. A permanent injunction was obtained by entry of a Consent Order on September 25, 2001.

Mark Cox (McDowell County; 00C350). Mr. Cox obtained a building permit to construct a foundation and set up a modular home where the value stated in the permit was \$91,000. He was unaware that his actions violated North Carolina

law and his violation was unintentional. A permanent injunction was obtained by entry of a Consent Order on October 2, 2001.

Luke F. Biernot, Jr. and Hugh M. Willey (Virginia; 01C241 and 01C242). Defendants obtained a building permit to construct a home for an estimated cost of \$100,000. Within two weeks of issuance of the permit they signed an exclusive right to sell listing agreement and then undertook construction of the home. Five months later they entered into an exclusive rental agreement with a realty company. Although Defendants deny they have engaged in general contracting without a license, they do consent to the entry of their Consent Order. A permanent injunction was obtained by entry of a Consent Order on October 9, 2001.

Clifford Gregg (Jackson County; 01C218). Mr. Gregg obtained a building permit as owner/builder to construct a personal residence for an estimated cost of \$80,000. He undertook construction of the home subsequently listing it for sale, and later contracting for the sale of the home. A permanent injunction was obtained by entry of a Consent Order on October 9, 2001.

Lloyd McGraw (Moore County; 99C291). Mr. McGraw contracted to remodel and construct an addition to an existing home for a price of \$35,000. A permanent injunction was obtained by entry of a Consent Order on October 9, 2001.

Thomas L. Furcron d/b/a T.L.F. Construction & Home Improvements (Wayne County; 01C114). Mr. Furcron contracted to renovate a home for a price of \$30,875, but an amendment to the contract increased the total cost to \$34,675. Mr. Furcron believed that he could perform renovations to a home up to \$35,000 and was unaware that his actions violated North Carolina law; his violation was

unintentional. A permanent injunction was obtained by entry of a Consent Order on October 9, 2001.

Midway Plumbing, Inc. d/b/a Midway Plumbing & Grading, Inc. (Chatham County; 01C188). Defendant contracted to perform construction work for a cost that exceeded \$30,000. A permanent injunction was obtained by entry of a Consent Order on October 11, 2001.

Bobby Pritchett Builders, Inc. (Georgia; 00C227). Defendant owned property in North Carolina upon which six single-family dwellings were constructed at a cost that exceeded \$30,000 per dwelling. Defendant neither admits to any violation nor has any determination been made as to any liability of Defendant. A permanent injunction was obtained by entry of a Consent Order on October 11, 2001.

Gary Ramsey (Craven County; 01C45). Mr. Ramsey obtained a building permit to construct a single-family dwelling where the cost exceeded \$30,000, and thereafter undertook to superintend and manage the construction of the home. A permanent injunction was obtained by entry of a Consent Order on October 11, 2001.

Paul Oden (Johnston County; 00C353). Mr. Oden contracted to construct an addition to a home for a price of \$53,200. A permanent injunction was obtained by entry of a Consent Order on October 25, 2001.

Triangle Custom Builders, LLC (Durham County; 01C199). Defendant contracted to renovate an existing home for a price of \$57,140 and also misrepresented itself as a general contractor in the BellSouth Yellow Pages. A permanent injunction was obtained by entry of a Consent Order on October 25, 2001.

Shelton Collier (Virginia; 01C38). Mr. Collier obtained a building permit as owner/builder to construct a personal

residence for an estimated cost of \$160,000. On August 25, 2000, Defendant contracted with a licensed contractor to construct the home for a sum of \$10,000. Defendant was to pay for all labor, materials, permits, equipment and machinery for the project. Three days later, Defendant reapplied for the building permit to erect a speculative home listing the licensee as general contractor. Defendant completed construction of the home and sold the home, unaware that his actions constituted general contracting. A permanent injunction was obtained by entry of a Consent Order on November 7, 2001.

Stephen Chorman d/b/a C&W Construction (Wake County; 01C110). Mr. Chorman contracted to construct a sunroom and renovate an existing home for a cost of \$54,250; a change order later increased the total cost to \$66,240. A permanent injunction was obtained by entry of a Consent Order on November 13, 2001.

Charron Sports Services, Inc. (South Carolina; 01C180). Defendant submitted a bid to install bleachers in a high school where all bid prices exceeded \$30,000. A permanent injunction was obtained by entry of a Consent Order on November 13, 2001.

Hill & Williams Construction Co., LLC (New Hanover County; 01C107). Defendant contracted to perform site work including grading and the formation of 14 building pads for a cost of \$139,420. A month later, Defendant submitted a proposal to install sewer, water lines and storm drainage for a cost of \$173,000. Defendant was unaware that its actions violated North Carolina law since one of its members was a licensed general contractor. A permanent injunction was obtained by entry of a Consent Order on November 13, 2001.

Mod Homes Direct, Inc. (Iredell County; 01C151). Defendant contracted for the sale, de-

livery and set-up of a modular home, the construction of a second floor to the home and the construction of a garage for a cost in excess of \$30,000. A permanent injunction was obtained by entry of a Consent Order on November 13, 2001.

The Shally Group, Inc. (Mecklenburg County; 00C428). Defendant submitted a proposal to install a new paver driveway for a cost in excess of \$30,000 and was unaware that its actions violated North Carolina law. A permanent injunction was obtained by entry of a Consent Order on November 13, 2001.

A.J. Richards Construction Company, Inc. (New Hanover County; 01C123). Defendant submitted a bid in the amount of \$849,527.50 to remove stucco, repair damaged areas and install new exterior veneer on condominiums. A permanent injunction was obtained by entry of a Consent Order on November 13, 2001.

Wesley R. Altman, Sr. (Wake County; 01C101). Mr. Altman obtained a building permit to construct a single-family dwelling using the name of a licensed general contractor without the licensee's knowledge or permission. Defendant undertook construction of the home and obtained a final inspection, and never lived in or occupied the home. He sold the home for a price of \$195,000. A permanent injunction was obtained by entry of a Consent Order on November 29, 2001.

Scott Hall Building Corporation (Bladen County; 01C216). Defendant contracted to construct a home for a price of \$120,000. A permanent injunction was obtained by entry of a Consent Order on November 29, 2001.

United Supply of America, Inc. (Pennsylvania; 01C84). Defendant submitted a bid to the NC Department of Corrections to deliver steam to a correctional facility and was the successful bidder. Defendant



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does not admit to any violation of G.S. § 87-1 *et seq.* A permanent injunction was obtained by entry of a Consent Order on November 29, 2001.

KRS Builders, Inc. (Georgia; 01C217). On two occasions, Defendant contracted to construct homes for a price of \$280,000 and \$281,500. A permanent injunction was obtained by entry of a Consent Order on November 29, 2001.

Kevin Paul Roberson d/b/a KP's Home Repair & Improvements (Beaufort County; 01C155). The Board alleges that Mr. Roberson contracted to elevate, repair and remodel an existing home for a cost of \$72,192.88. Mr. Roberson denies the same. A permanent injunction was obtained by entry of a Consent Order on December 10, 2001.

Summerset at Wrightsville, LLC (New Hanover County; 01C32). Defendant contracted to erect a single-family dwelling for a price of \$227,760, including the price of the land. A per-

manent injunction was obtained by entry of a Consent Order on December 10, 2001.

Other: The unlicensed contractor cases below were resolved with the Board by other means:

Mike Ellington (Granville County; 00C474). Mr. Ellington, a landscaping subcontractor, signed an Affidavit of Admission on June 29, 2001 in which he admitted that he submitted a bid to undertake a grading and paving project at a cost exceeding \$30,000, without recognizing that he was acting as a general contractor. Mr. Ellington admits that he inadvertently engaged in general contracting in the State of North Carolina in violation of §§ 87-1 and 87-13. In signing his Affidavit of Admission, Mr. Ellington assures the NC Licensing Board for General Contractors that he will not engage in the practice of general contracting until such time, if ever, that he is properly licensed. He also acknowledges that his Affidavit of Admission may be used for any purpose by the Board, includ-

ing but not limited to seeking an injunction against him in the event it receives any further complaints, as well as in evaluating any future application [Mr. Ellington's] to the Board for a general contractor's license.

Handy Helpers (Pitt County; 00C278; 00 CVS 14601). In Wake County Superior Court on August 15, 2001, the Court enjoined Handy Helpers from practicing general contracting in an amount of \$30,000 or more until such time, if ever, that it is properly licensed by allowing the Board's motion for summary judgment.

Southern Construction and Development Corp. (New Hanover County; 00C408; 00 CVS 14618). The court enjoined Southern Construction and Development Corp. on September 6, 2001 from practicing general contracting in the amount of \$30,000 or more until such time, if ever, that it is properly licensed by allowing the Board's motion for summary judgment.

UNLICENSED CONTRACTOR JAILED

On May 1, 2001, the Wake County Superior Court found Dale A. Patterson guilty of criminal contempt of court for violating the terms of a March 2, 2000 court order enjoining him from the practice of general contracting. The court ordered that Patterson be incarcerated for 30 days in Pender County for the violation.