

NCLBGC Newsletter

Case Summaries –October 2019 – December 2019

Final Decisions

D&DR Assets and Development, Inc. and Daniel Maurice Rice, Qualifier (Cabarrus County, 17 C 353) License No. 76602. A disciplinary hearing was conducted on October 30, 2019 and the Final Decision was entered on November 6, 2019. Kaminski was issued a limited building license on March 12, 2016. The license was last renewed on January 1, 2019, and at the time of the Board's decision, the license was valid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute gross negligence, incompetency and/or misconduct in the profession. Respondent Licensee's license, currently valid, and Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination are hereby suspended for a period of eighteen (18) months, effective as of the date of this Final Decision; provided, that the said suspensions are hereby stayed for a period of eighteen (18) months effective as of the date of this Final Decision provided Respondent Licensee and Respondent Qualifier meet the following conditions: (a.) That neither Respondent Licensee nor Respondent Qualifier commit any violations of Article 1, Chapter 87 of the North Carolina General Statutes and related administrative rules during the 18-month period of stay; (b.) That within one (1) year from the date of this Final Decision Respondent Qualifier take and pass a Level 1 Building Code course offered by the North Carolina Department of Insurance and submit to the Board written proof of satisfactory completion of the course; and (c.) That, pursuant to G.S. § 87-11(e), within thirty (30) days from the date of this Final Decision Respondent Licensee pay the sum of Three Thousand Dollars (\$3,000.00) to the Board to cover the Board's reasonable administrative costs associated with the investigation and prosecution of the violations of Article 1, Chapter 87 of the North Carolina General Statutes as herein found.

K.N.M. General Contracting, Inc. and Michael F. Kaminski, Qualifier (Orange County, 17 C 243, 17 C 416 and 18 C 129) License No. 42362. A disciplinary hearing was conducted on November 20, 2019 and the Final Decision was entered on November 25, 2019. Kaminski was issued a limited building license on June 12, 1998. The license was last renewed on April 13, 2018, and at the time of the Board's decision, the license was invalid. The Board, after considering the testimony and exhibits presented during the hearing, found that the actions of the Respondent Licensee constitute gross negligence, incompetency and/or misconduct in the profession. Respondent Licensee's license, currently invalid, is hereby revoked. Michael F. Kaminski, Respondent Qualifier's ability to act as a qualifying party for a license to practice general contracting for any co-partnership, corporation or any other organization or combination is hereby revoked effective as of the date of this Final Decision.

Consent Orders

Bobby Lee Partin and Bobby Lee Partin, Qualifier (Henderson County, 17 C 445) License No. 68282. On October 16, 2019, the Board entered into a Consent Order with Bobby Lee Partin, as Respondent Licensee in which Respondent Licensee consented to a period of

suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored upon a three (3) month period of active suspension. Respondent Qualifier consented to a period of suspension of his examination credentials of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the license conditionally restored upon a three (3) month period of active suspension. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$3,500.00 cost recovery to the Board.

Bruce Alan Prince and Bruce Alan Prince, Qualifier (Mecklenburg County, 17 C 407) License No. 61539. On October 16, 2019, the Board entered into a Consent Order with Bruce Alan Prince, as Respondent Licensee in which Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored upon a six (6) month period of active suspension. Respondent Qualifier consented to a period of suspension of his examination credentials of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the license conditionally restored upon a six (6) month period of active suspension. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$3,500.00 cost recovery to the Board.

Charles Lee McGaha and Charles Lee McGaha, Qualifier (Graham County, 17 C 175 and 18 C 18) License No. 52503. On October 16, 2019, the Board entered into a Consent Order with Charles Lee McGaha, as Respondent Licensee in which Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. Respondent Qualifier consented to a period of suspension of his examination credentials of twelve (12) months commencing upon the Effective Date of the Consent Order. Within twelve (12) months from the Effective Date of the Consent Order, Respondent Licensee and Respondent Qualifier shall take and pass a Level I Building Code Course offered by the North Carolina Department of Insurance and submit to the Board written proof of satisfactory completion of the course. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$1,000.00 cost recovery to the Board.

Dan A. Gregg t/a Gregg Construction Co. and Thomas E. Beck, Qualifier (Qualifier dismissed) (Henderson County, 17 C 191) License No. 37566. On October 16, 2019, the Board entered into a Consent Order with Dan A. Gregg t/a Gregg Construction Co., as Respondent Licensee in which Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored upon a three (3) month period of active suspension beginning on March 1, 2020. Within twelve (12) months from the Effective Date of the Consent Order, Respondent Licensee shall take and pass a Level I Building Code Course offered by the North Carolina Department of Insurance and submit to the Board written proof of satisfactory completion of the course. Within thirty (30)

days from the date on which the Board approved the Consent Order, Respondent Licensee consented to pay \$4,000.00 cost recovery to the Board.

Daniel V. Barker and Daniel Vance Barker, Qualifier (Orange County, 17 C 457) License No. 68589. On October 16, 2019, the Board entered into a Consent Order with Daniel V. Barker, as Respondent Licensee in which Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored. Respondent Qualifier consented to a period of suspension of his examination credentials of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the license conditionally restored. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$1,500.00 cost recovery to the Board.

DG Custom Homes, LLC and David Michael Gaus, Qualifier (Burke County, 18 C 538) License No. 70571. On October 16, 2019, the Board entered into a Consent Order with DG Custom Homes, as Respondent Licensee in which Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored. Respondent Qualifier consented to a period of suspension of his examination credentials of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the examination credentials conditionally restored. Within twelve (12) months from the Effective Date of the Consent Order, Respondent Licensee and Respondent Qualifier shall take and pass the Law and Administration course offered by the North Carolina Department of Insurance and submit to the Board written proof of satisfactory completion of the course. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$2,500.00 cost recovery to the Board.

Futral Enterprises N.C., LLC and William Johnson Futral, Jr., Qualifier (Macon County, 17 C 197) License No. 52759. On October 16, 2019, the Board entered into a Consent Order with Futral Enterprises N.C., LLC, as Respondent Licensee in which Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored. Respondent Qualifier consented to a period of suspension of his examination credentials of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the examination credentials conditionally restored. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$1,500.00 cost recovery to the Board.

George T. Bashor, Jr. and George T. Bashor, Jr., Qualifier (Madison County, 17 C 302; McDowell County, 17 C 303 and Haywood County, 17 C 304) License No. 76323. On October 16, 2019, the Board entered into a Consent Order with George T. Bashor, Jr. as Respondent Licensee in which Respondent Licensee consented to a period of suspension of twenty-four (24)

months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed. Respondent Qualifier consented to a period of suspension of his examination credentials of twenty-four (24) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the examination credentials conditionally restored. Within twelve (12) months from the Effective Date of the Consent Order, Respondent Licensee and Respondent Qualifier shall take and pass the Law and Administration course offered by the North Carolina Department of Insurance and submit to the Board written proof of satisfactory completion of the course. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$4,000.00 cost recovery to the Board.

Going Green Builders, LLC and Raymond Rynn Jacques, Qualifier (Henderson County, 17 C 344) License No. 66911. On October 16, 2019, the Board entered into a Consent Order with Going Green Builders, LLC, as Respondent Licensee in which Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored. Respondent Qualifier consented to a period of suspension of his examination credentials of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the examination credentials conditionally restored. Within twelve (12) months from the Effective Date of the Consent Order, Respondent Licensee and Respondent Qualifier shall take and pass the Law and Administration course offered by the North Carolina Department of Insurance and submit to the Board written proof of satisfactory completion of the course. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$2,500.00 cost recovery to the Board.

Jonathan Dean Smith, Jr. and Jonathan Dean Smith, Jr., Qualifier (Lincoln County, 17 C 262) License No. 52041. On October 16, 2019, the Board entered into a Consent Order with Jonathan Dean Smith, as Respondent Licensee in which Respondent Licensee consented to a period of suspension of eighteen (18) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored upon a nine (9) month period of active suspension. Respondent Qualifier consented to a period of suspension of his examination credentials of eighteen (18) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the examination credentials conditionally restored upon a nine (9) month period of active suspension. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$3,000.00 cost recovery to the Board.

Kelly Howard Gordy and Kelly Howard Gordy, Qualifier (Wake County, 17 C 219) License No. 74071. On October 16, 2019, the Board entered into a Consent Order with Kelly Howard Gordy, as Respondent Licensee in which Respondent Licensee consented to a period of suspension of eighteen (18) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored upon a three (3) month period of active suspension. Respondent Qualifier

consented to a period of suspension of his examination credentials of eighteen (18) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the examination credentials conditionally restored upon a three (3) month period of active suspension. Within thirty (30) days from the date on which the Board approved the Consent Orders, Respondent Licensee and Respondent Qualifier consented to pay jointly \$1,000.00 cost recovery to the Board.

Ryan Richard Peeler and Ryan Richard Peeler, Qualifier (Catawba County, 17 C 132) License No. 66847. On October 16, 2019, the Board entered into a Consent Order with Ryan Richard Peeler, as Respondent Licensee in which Respondent Licensee consented to a period of suspension of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored upon a three (3) month period of active suspension. Respondent Qualifier consented to a period of suspension of his examination credentials of twelve (12) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the examination credentials conditionally restored upon a three (3) month period of active suspension. Within twelve (12) months from the Effective Date of the Consent Order, Respondent Licensee and Respondent Qualifier shall take and pass a Level I Building Code Course offered by the North Carolina Department of Insurance and submit to the Board written proof of satisfactory completion of the course.

TAB Construction, Inc. and Tony Allen Basinger, Jr., Qualifier (Rowan County, 17 C 325) License No. 45527. On October 16, 2019, the Board entered into a Consent Order with TAB Construction, Inc., as Respondent Licensee in which Respondent Licensee consented to a period of suspension of six (6) months commencing upon the Effective Date of the Consent Order. With Respondent Licensee's consent, the suspension shall be stayed and the license conditionally restored. Respondent Qualifier consented to a period of suspension of his examination credentials of six (6) months commencing upon the Effective Date of the Consent Order. With Respondent Qualifier's consent, the suspension shall be stayed and the examination credentials conditionally restored. Within twelve (12) months from the Effective Date of the Consent Order, Respondent Licensee and Respondent Qualifier shall take and pass a Level I Building Code Course offered by the North Carolina Department of Insurance and submit to the Board written proof of satisfactory completion of the course.

Reprimands

Gary Christopher Manus and Gary Christopher Manus, as Qualifier (Union County, 17 C 69 and 18 C 256). On November 22, 2019, the Board entered into a Consent Order with Gary Christopher Manus, as Respondent Licensee and Gary Christopher Manus, as Qualifier in which Respondent Licensee and Respondent Qualifier consented to a reprimand commencing upon the Effective Date of the Consent Order. Respondent Licensee and Respondent Qualifier consented to submit to the Board cost recovery in the amount of \$2,500.00 due upon submission of the executed Consent Order to the Board.

The Keyo Development Corporation and Gregory J. Garczynski, as Qualifier (Mecklenburg County, 17 C 376). On October 16, 2019, the Board entered into a Consent Order with The

Keyo Development Corporation, as Respondent Licensee and Gregory J. Garczynski, as Qualifier in which Respondent Licensee and Respondent Qualifier consented to a reprimand commencing upon the Effective Date of the Consent Order.