



Bulletin

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In this Issue

Board Sets Adoption, Amendment of Rules in 2004	1
General Contractors Must Comply With Well Contractor Certification Requirements	1
2003 Homeowners Recovery Fund Report	2
Disciplinary Action	6

Licensing Board Calendar

- Christmas/Board Office Closed**
December 24-26, 2003
- General Contractors Licenses Expire**
December 31, 2003
- New Year's Day/Board Office Closed**
January 1, 2004
- Martin Luther King, Jr.'s Birthday/Board Office Closed**
January 19, 2004
- Regular Board Meeting**
January 21, 2004
- Good Friday/Board Office Closed**
April 9, 2004
- Regular Board Meeting**
April 16-17, 2004
- Memorial Day/Board Office Closed**
May 31, 2004
- Independence Day/Board Office Closed**
July 5, 2004

BOARD PROPOSES ADOPTION OF SINGLE PRIME REGULATION FOR PUBLIC PROJECTS

Board Sets Adoption, Amendment of Rules in 2004

The Licensing Board accepted comment on three proposed rules at an October 8 public hearing in Raleigh. The proposed rules had previously been published in the *North Carolina Register* in September 2003. The Board will consider proposed text of these rules at its January 21, 2004 regular meeting.

By amending *21 NCAC 12.0202 Classification*, specialty classifications would be included in primary classifications such as Building Contractor, Residential Contractor, Highway Contractor and Public Utilities Contractor. The Board will repeal *21 NCAC 12.0409, Review Workshop* since the office no longer collects failing candidate review fees. The Board is adopting *21 NCAC 12.0210,*

Public Building Projects in response to legislation enacted during the 2003 session of the General Assembly. Senate Bill 437, enacted by the legislature in June 2003, allows licensed plumbing and heating or electrical contractors to bid and contract directly with public building owners in certain circumstances established by Board rules. New *21 NCAC 12.0210* will allow licensed plumbing and heating and electrical contractors to bid directly with a public owner if a licensed general contractor performs all of the work falling within license classifications in effect as set out in G.S. 87-10(b) and *21 NCAC 12.0200*, and the total amount of the work to be performed by a general contractor does not exceed 25% of the total bid price.

continued on page 3

General Contractors Must Comply With Well Contractor Certification Requirements

In 1997, the North Carolina General Assembly passed laws designed to protect our groundwater resource and protect consumers from persons who may not be qualified to construct, repair, alter or abandon water wells (including but not limited to water supply wells, irrigation wells, injection wells, recovery wells, dewatering wells, temporary and permanent monitoring wells and peizometers) in North Carolina. These laws went into effect January 1, 2000, and state that any activity that meets the definition of a well contractor activity (construction, installation, repair or abandonment of any well) must be performed or

directly (on-site) supervised by an individual with a current North Carolina Well Contractors Certification. Whenever engaging in or supervising any well contractor activities in North Carolina, an on-site individual is required to carry a valid certification card and picture ID.

The NC Well Contractor Certification Commission (WCCC) found recent instances where licensed general contractors are not always following lawful procedures regarding well contractor activities (see page 5) as outlined in NCAC Title 15A Chapter 27. On May 23, 2003, an inspector for Wake County observed

continued on page 11

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.

**NORTH CAROLINA
LICENSING BOARD for
GENERAL CONTRACTORS**

3739 National Drive, Suite 225
P.O. Box 17187
Raleigh, NC 27619
Telephone: (919) 571-4183
Fax: (919) 571-4703
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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

2003 Homeowners Recovery Fund Report

Following 21 hearings on claims presented to the Board in 2003, a total of \$258,049 has been awarded from the Homeowners Recovery Fund to eligible claimants. In December 2002, the Homeowners Recovery Fund Review Committee considered 29 claims before the recovery fund, dismissing 10 of the claims and referring the remainder of the eligible claims to the Board for a hearing in 2003.

Persons who file claims with the Homeowners Recovery Fund must meet specific criteria, and must demonstrate to the Board that they have suffered a reimbursable loss in the construction or alteration of a single-family

dwelling unit. The Homeowners Recovery Fund is generated from fees paid to local government inspection departments by licensed general contractors who apply for building permits in the construction of single-family dwelling units. The General Assembly, during the 2003 session, approved legislation increasing the Homeowners Recovery Fund fee from \$5 to \$10 assessed per building permit issued. As of December 2003, the recovery fund's net worth is \$496,277.

Below is a list of awards ordered by the Board in 2003 to eligible claimants, including the names of the general contractors whose conduct caused reimbursable losses to claimants.

Claimant	Award	General Contractor
Cheatham	\$11,300	Robertson Construction Company, Inc.
Williams	\$6,000	M. Baxter Hobbs Construction
Tew	\$6,500	Woodlin Builders, Inc.
Clark	\$20,000	Richard A. Adams
Rapp	\$7,300	Perry J. Washington, Jr.
Knight	\$2,700	Patricia D. Creef/Creef Construction
Buklarewicz	\$5,000	W. E. Meyer Builder, Inc.
Gardner	\$1,000	M. A. Peedin
Baumann	\$1,000	Quality Interiors, Inc.
Oates	\$1,000	J. B. Mangum and Associates, Inc.
Lassiter	\$66,516	Castle Construction Company, Inc.
Creque	\$1,000	Customized Specialty Contractors
Morrison	\$2,000	J. B. Mangum and Associates, Inc.
Steinert	\$40,217	B. W. Murrell Construction Co., Inc.
Good	\$66,516	Brugh Properties, Inc.
Bright	\$20,000	K & G Building Systems, Inc.

Board Sets Adoption, Amendment of Rules in 2004

continued from page 1

Text of the actual proposed rules following October's public hearing is printed below. The portion of text with strike-through is deleted and new text is underlined.

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 building construction activity including but not limited to: commercial, industrial, institutional, and all residential building construction; parking decks; all site work, grading and paving of parking lots, driveways, sidewalks, curbs, gutters, and water and wastewater systems which are ancillary to the aforementioned structures and improvements; and covers the work done under the specialty classifications of S(Concrete Construction), S(Insulation), S(Interior Construction), S(Marine Construction), S(Masonry Construction), S(Roofing), S(Metal Erection), ~~and S(Swimming Pools)~~, S(Swimming Pools), and S(Asbestos).
- (2) Residential Contractor. This classification covers all 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; all site work, driveways, sidewalks, and water and wastewater systems ancillary to the aforementioned structures and improvements;

and the work done as part of such residential units under the specialty classifications of S(Insulation), S(Interior Construction), S(Masonry Construction), S(Roofing), ~~and S(Swimming Pools)~~, S(Swimming Pools), and S(Asbestos).

- (3) Highway Contractor. This classification covers all 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, culvert 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 fencing, signage, runway lighting and marking; and covers work done under the specialty classifications of S(Boring and Tunneling), S(Concrete Construction), S(Marine Construction), S(Railroad Construction), and H(Grading and Excavating).
- (4) Public Utilities Contractor. This classification includes those whose operations are the performance of construction work on water and wastewater 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. 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), PU(Water Lines and Sewer Lines), PU(Water Purification and Sewage Disposal), and S(Swimming Pools).

- (5) Specialty Contractor. This classification covers all 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, excavation, 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:

continued on page 4

Board Sets Adoption, Amendment of Rules in 2004

continued from page 3

- (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 gunite applications, but excludes bridges, streets, sidewalks, 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 water and wastewater systems, water and wastewater treatment facilities and 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 accoustical ceiling systems and panels; dry-wall 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 nontoxic 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

continued on page 5

Board Sets Adoption, Amendment of Rules in 2004

continued from page 4

- 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 gen-

eral contracting provided the applicant meets the qualifications for the classifications, which includes passing the examination for the classifications in question. The license granted to the applicant who meets the qualifications for all classifications will carry with it a designation of "unclassified."

21 NCAC 12.0210—Public Building Projects

If a public building project is performed pursuant to G.S. 87-1.1, the total amount of work to be performed by the licensed general contractor shall not exceed 25% of the total bid price. The licensed general contractor shall hold the applicable classifications and limitation for the work undertaken by the licensed general contractor. For the purpose of this Rule, a public building project is a building project that is governed by G.S. 143, Article 8.

21 NCAC 12.0409—Review Workshop Charge

~~Each applicant who fails an examination may attend a group workshop conducted by the staff of the Board, in which examinations and examination results are made available to the applicant. The workshop shall be self taught. The Board shall charge a fee of twenty dollars (\$20.00) per person attending such workshop. Should the actual cost of the workshop be less than twenty dollars (\$20.00) per person, the Board may not charge more than the actual cost, which shall include the cost of renting conference space, materials, and labor.~~

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.)

Alain A. Coidan t/a C&M Engineering and Construction and Alain A. Coidan, Qualifier

(Wake County; 02C181 & 02C200) License No. 35694. A disciplinary hearing was conducted on August 13, 2003 and the Final Decision entered August 16, 2003. At hearing, evidence was presented showing the Board that an unlicensed contractor who represented himself to be the agent of Alain A. Coidan t/a C&M Engineering and Construction (C&M), contracted with prospective homeowners and applied for/obtained building permits for the construction of two single-family dwellings in the \$235,000 to \$237,000 range using License No. 35694. Until February of 2002, Mr. Coidan knew nothing about the two permits bearing C&M's License No., and neither acted nor intended to act as the general contractor for those projects, although he did have an agreement with the unlicensed contractor to provide professional services, including structural engineering and construction administration. When Mr. Coidan became fully aware of the permits, he failed to contact either of the involved County Inspections Departments, the NC Licensing Board for General Contractors or the affected homeowners. The Board found the actions of Mr. Coidan to constitute misconduct in the practice of general contracting; License No. 35694 was suspended for one year, as was Mr. Coidan's ability to act as a qualifying party. The Board further ordered that the one-year suspension shall be stayed and the respondent may continue to practice general contracting. On March 13, 2003, the Board

obtained a permanent injunction against the unlicensed contractor.

Connor-Wilson Contracting, LLC, and Robert J. Wilson, Qualifier

(Mecklenburg County; 02C78) License No. 47482. Although service on respondent of the Notice of Hearing was accomplished through Certified Mail and publication, neither respondent's attorney nor respondent qualifier appeared for the August 13, 2003 disciplinary hearing. Evidence was presented which showed the Board that Connor-Wilson Contracting, LLC (Connor-Wilson) entered into an agreement to construct additions to an existing single-family dwelling for a cost of \$171,400. Thereafter Connor-Wilson secured a building permit and construction began. The project was abandoned before completion and Respondent failed to correct violations of three sections of the NC Residential Building Code, Vol. VII, 1997. The Final Decision was entered August 26, 2003 finding the actions of respondent licensee and respondent qualifier to constitute gross negligence, incompetency and misconduct in the practice of general contracting. License No. 47482 was revoked, as was Mr. Wilson's ability to act as a qualifying party for another license.

T A Constructors, Inc. and Michael A. Thomas, Qualifier

(South Carolina; 02C254) License No. 49412. A disciplinary hearing was conducted on November 12, 2003 and the Final Decision entered November 20, 2003. The Board saw and heard evidence that T A Constructors, Inc. (T A Constructors) applied for/obtained a building permit in its own name

to erect a 37,500 square foot hotel at a cost of \$1,700,000. Meanwhile T A Constructors neither acted nor intended to act as the general contractor on the project and all general contracting operations on the building were performed by or on behalf of an unlicensed contractor. The Board found the actions of respondent licensee and respondent qualifier to constitute misconduct in the practice of general contracting and a willful violation of Article 1, Chapter 87. License No. 49412 was revoked, as was the ability of Mr. Thomas to act as a qualifying party for another license. The Board permanently enjoined the unlicensed contractor on February 21, 2003.

Revocations or Surrenders of License

Dennis C. Hendrix t/a Part Time Restorations (Iredell County; 03C18, 03C56 & 03C81) License No. 45017. On October 2, 2003 Dennis C. Hendrix voluntarily surrendered his general contractors license to the Board. The Board considers surrender of license as permanent revocation.

Dirtworks, Inc. (Mecklenburg County; 03C176) License No. 36894. On October 31, 2003 Deborah B. Timmerman, President of Dirtworks, Inc., voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Architectural Products, Inc. (Mecklenburg County; 03C47, 03C52 & 03C115) License No. 49884. On September 4, 2003 Burhan Hinawi, CEO of Archi-

tectural Products, Inc., voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Gary Dean Potter (Caldwell County; 03C229) License No. 38450. On December 8, 2003 Gary Dean Potter voluntarily surrendered his general contractors license to the Board. The Board considers surrender of license as permanent revocation.

Ronald Dwayne Meadows t/a Meadows Custom Home-builders (Wake County; 03C397 & 03C453) License No. 33374. On December 11, 2003 Ronald Dwayne Meadows voluntarily surrendered his general contractors license to the Board. The Board considers surrender of license as permanent revocation.

Hovis Development, Inc. (Gaston County; 03C323) License No. 50745. On December 11, 2003 Dennis M. Hovis voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

Consent Order (Licensees)

Waterproofing Systems, Inc. and Richard Daniel Sykes as Qualifier (Durham County; 02C110) License No. 45393. On August 14, 2003 the Board entered into a Consent Order in which Waterproofing Systems, Inc. (Waterproofing) and Richard Daniel Sykes as Qualifier agreed to a 12-month suspension of license and exam credentials, immediately conditionally restored for 15 months, but restricted to submitting a list with supporting documentation of current unfinished projects and undertaking no new projects in excess of \$30,000 or

qualifying no new projects for five months. A Consent Order violation would require a 12-month surrender of license and exam credentials to the Board. Waterproofing and Mr. Sykes further agreed to allegations of entering into a contract with an unlicensed entity for the construction of a single-family dwelling whereby the unlicensed entity would become a signing agent able to use the license issued to Waterproofing. The unlicensed entity did, in fact, obtain the building permit and entered into a contract for the construction of another single-family dwelling using the name of Waterproofing; Waterproofing did not act as the general contractor for the project. The Board obtained a permanent injunction against the unlicensed entity in March of 2003.

Frank C. Niver t/a Niver Contracting and Qualifier, Frank C. Niver (Iredell County; 02C73) License No. 45132. The Board entered into a Consent Order on September 5, 2003 in which Mr. Niver agreed to a 12-month suspension of license and exam credentials, immediately and conditionally restored for 15 months, but restricted to submitting a list with supporting documentation of current unfinished projects and undertaking no new projects in excess of \$30,000 or qualifying no new projects for nine months. A Consent Order violation would necessitate a 12-month surrender of license and exam credentials to the Board. Mr. Niver further agreed to allegations of contracting with an unlicensed entity whereby he agreed to provide labor and materials, supervision, and permits on a construction project for which the unlicensed entity actually performed as the general contractor. The Board obtained a permanent injunction against

the unlicensed entity in August of 2002.

Jeff H. Peek Builder, Inc. and Jeff H. Peek as Qualifier (Buncombe County; 02C177) License No. 26474. On September 26, 2003 a Consent Order was filed in which Mr. Peek agreed to a 6-month suspension of license and exam credentials, immediately and conditionally restored for 15 months, but restricted to submitting a list with supporting documentation of current unfinished projects and undertaking no new projects in excess of \$30,000 or qualifying no new projects for 60 days. A Consent Order violation would require a 6-month surrender of license and exam credentials to the Board. Mr. Peek further agreed to allegations of continuing to practice general contracting in an amount over \$30,000 at a time when his license was invalid and inactive, failing to obtain required building permits and releases and failing to call for required inspections.

Sydney Development Inc. (Guilford County; 01C256) License No. 41828. The Board entered into a Consent Order on November 18, 2003 in which Sydney Development Inc. agreed to a 24-month suspension of license and exam credentials of Rebecca Moore Coppola, Qualifier. Ms. Coppola also agreed to successfully complete a Level 2 or higher Building Code Course. The complaint involved a commercial project in which a structural building component failed.

James F. Glass t/a Northside Plumbing & Heating and James F. Glass, Qualifier (Guilford County; 02C236) License No. 39586. On November 26, 2003 a Consent Order was entered in which James F. Glass t/a Northside Plumbing & Heating and James F. Glass,

Qualifier, agreed to a 6-month suspension of both license and exam qualifications, immediately and conditionally restored for 12 months. A violation of the Consent Order would require a 12-month surrender of license and exam credentials to the Board. Mr. Glass further agreed to allegations of obtaining a building permit to erect a model home at a cost of \$216,776 at a time when his license was inactive and when he did not act as nor intend to act as the contractor for the construction of the building. In August 2003 the Board obtained a permanent injunction against the unlicensed contractor who performed as contractor for the project.

Anthony and Sylvan Pools Corporation (Ohio; 01C291, 02C10, 02C70, 02C185 & 02C264) License No. 45742. A Consent Order was entered on December 12, 2003 in which Anthony and Sylvan Pools Corporation (Anthony and Sylvan) agreed to a 24-month license suspension, immediately and conditionally restored for 24 months, but restricted to undertaking no new projects in excess of \$30,000 for 30 days. A violation of the Consent Order would necessitate a 24-month license surrender to the Board. Anthony and Sylvan further agreed to allegations that it had entered into contracts in excess of \$30,000 with an invalid or canceled license.

Admissions of Violation (Licensees)

Robert Lee Gore, Jr. (Cumberland County; 03C50) License No. 32973. On October 2, 2003 an Admission of Violation was filed in which Mr. Gore admitted entering into a contract to construct a single-

family dwelling in the name of an unlicensed corporation, while obtaining a building permit using his individual license number. Mr. Gore additionally admitted that he failed to disclose three liens filed against him and provided false information concerning liens, lawsuits, judgments, or lis pendens on his 2002 Application for Renewal with the Board.

Lakeview Construction Company (Moore County; 00C333) License No. 16692. An Admission of Violation was entered on October 2, 2003 in which Lakeview Construction Company admitted violating one section of the NC Residential Building Code, Vol. VII, 1997 in the construction of a single-family dwelling in that seven floor joists were cut in the middle third of the span.

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

Ron Bolin d/b/a R & B Enterprises (South Carolina; 01C280). Ron Bolin d/b/a R & B Enterprises submitted a proposal to renovate or convert an existing home into a business for a price of \$52,900 and then contracted to perform the

work, securing a building permit for \$25,000. After receiving \$39,690, Defendant abandoned the project without completing the work. Default Judgment was entered August 5, 2003.

Carolina Woodmasters Inc. (Cabarrus County; 01C437). Carolina Woodmasters Inc. contracted to renovate and construct an addition to an existing home for a price of \$34,000. Default Judgment was entered August 5, 2003.

Dale Ruffin (Durham County; 01C469). Mr. Ruffin contracted to construct a single-family dwelling for a price of \$51,000 and undertook construction. Default judgment was entered August 5, 2003.

Squarefoot Builders, Inc. (Georgia; 01C451). Squarefoot Builders, Inc. contracted to construct an addition to an existing home for a price of \$36,500. Default Judgment was entered August 5, 2003.

Danny R. Willis and Bessie Jean Willis (Carteret County; 02C290). Danny R. and Bessie Jean Willis obtained a building permit to construct a personal residence for an estimated cost of \$210,000 and undertook construction. Five months after the Certificate of Occupancy had been issued, a "For Sale" sign was placed on the property listing the house for \$312,500. Default Judgment was entered August 6, 2003.

Donnie Edwards and Pro Contracting, Inc. (Wake County; 02C251). Donnie Edwards contracted to construct a single-family dwelling for a price of \$100,000 and then impersonated a general contractor by applying for a building permit using the license number held by someone else. Pro Contracting contracted to construct another single-family dwelling for a price of \$126,560, signing a

second contract for a reduced price afterwards. Donnie Edwards signed both contracts and then impersonated a general contractor by applying for the building permit using the same license number held by another. Pro Contracting again contracted to construct a single-family dwelling for a price of \$300,000 and Edwards impersonated a general contractor by applying for the building permit using the same license number as before. Default Judgment was entered August 7, 2003.

Gregory Harold Ivey (Robeson County; 02C174). Mr. Ivey contracted to construct an addition to and renovate an existing home for a cost of \$25,000, but later increased the cost to \$34,000. Default Judgment was entered August 7, 2003.

Claude O'Hagan d/b/a Tar River Landscaping and Irrigation (Vance County; 01C405). Claude O'Hagan d/b/a Tar River Landscaping and Irrigation contracted to construct an addition to and renovate an existing home for an estimated cost of \$27,870 to \$31,790. Default Judgment was entered August 7, 2003.

Sun Room Specialist, Inc. and James Golden d/b/a Four Seasons Sunrooms and Mr. Beaver (New Hanover County; 02C342). Defendants contracted to construct an addition to a home for a cost of \$35,000. Default Judgment was entered August 7, 2003.

Brad May d/b/a May Construction Company (Chowan County; 02C226). Brad May d/b/a May Construction Company contracted to renovate an existing home for a cost of \$45,000. Default Judgment was entered August 8, 2003.

Triangle Designer Homes, Inc. (Orange County; 02C379). Triangle Designer Homes, Inc.

contracted to renovate a home for a cost of \$40,000, misrepresented itself as holding a license number belonging to another and obtained a building permit stating the cost of the project as \$28,000. Default Judgment was entered August 8, 2003.

Keith Wells d/b/a Wells Construction (Lincoln County; 02C276). Keith Wells d/b/a Wells Construction contracted to renovate an existing home for a cost of \$42,000. Default Judgment was entered August 8, 2003.

Daniel Wayne Woodie d/b/a Dan Woodie Construction (Caldwell County; 02C325). Daniel Wayne Woodie d/b/a Dan Woodie Construction contracted to complete the construction of a single-family dwelling for an estimated cost of \$129,377.60 plus a contractor's fee of \$13,000. Default Judgment was entered August 8, 2003.

Gregory Todd Bader (Florida; 03C93). Mr. Bader contracted to construct a 6,000 square foot single-family dwelling for an estimated cost of \$523,000. Default Judgment was entered December 12, 2003.

Harry G. Silos d/b/a Square Foot Construction (Guilford County; 03C158). Harry G. Silos d/b/a Square Foot Construction contracted to remove stucco and siding and replace the stucco and siding with Hardiplank shingles and stone for a price of \$40,000. Default Judgment was entered December 12, 2003.

Kellaco Contracting, Inc. (Wake County; 02C430). Kellaco Contracting, Inc. contracted to construct an addition onto an existing home for a cost of \$34,500 and also to renovate another home for a cost of \$127,260. Kellaco Con-

tracting, Inc. then undertook construction on both projects and misrepresented the cost of each on building permit applications. Default Judgment was entered December 12, 2003.

Consent Orders of Unlicensed

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

Paul Bryant d/b/a Bryant Construction (Catawba County; 03C02). Paul Bryant d/b/a Bryant contracted to construct an addition onto an existing home for a price of \$62,995 unaware that his activities violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on July 8, 2003.

Richard P. Sellers d/b/a Mountain Carports & Metal Buildings (Macon County; 03C49). Richard P. Sellers d/b/a Mountain Carports & Metal Buildings contracted to construct commercial storage units for a price of \$35,300, unaware that his activities violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on July 8, 2003.

Johnny Seward (Guilford County; 03C16). Mr. Seward obtained a building permit as owner/builder to construct a personal residence for an estimated cost of \$123,456 and undertook construction. Prior to completion of the construction, Seward placed a "For Sale" sign on the property, unaware that his actions violated North Carolina law. A permanent injunction was obtained

in Wake County Superior Court by entry of a Consent Order on July 8, 2003.

Henry Bates d/b/a Bates Builders & Remodeling (Virginia; 02C243). Henry Bates d/b/a Bates Builders & Remodeling contracted to repair and renovate an existing home for a price of \$84,480. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on July 21, 2003.

C.D. Brothers Construction, Inc. (Henderson County; 02C441). C.D. Brothers Construction, Inc. contracted to renovate a home on a cost plus 20% basis with an estimated cost of \$114,213, unaware that its activities violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on July 21, 2003.

Jasper Grant Presnell d/b/a G&P Construction (Watauga County; 03C04). Jasper Grant Presnell d/b/a G&P Construction contracted to build an addition onto a home for a price in excess of \$30,000, unaware that his actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on July 21, 2003.

Sasser Home Builders, Inc. (Wayne County; 03C24). Sasser Home Builders, Inc. obtained a building permit to construct a home for an estimated cost of \$69,000 and then sold the house for \$111,400 unaware that its actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on July 21, 2003.

Dallas Shamblin (Georgia; 03C71). Mr. Shamblin contracted to construct a home for a price of \$148,500 unaware that his actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on July 21, 2003.

Larry E. Wilson d/b/a Wilson Carpentry Service (Rowan County; 03C11). Larry E. Wilson d/b/a Wilson Carpentry Service submitted a quotation to renovate a home for a price of \$41,450 and undertook construction. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on July 21, 2003.

Champion Window Company of Charlotte, Inc. (Mecklenburg County; 02C447). Champion Window Company of Charlotte, Inc. contracted for the construction of an addition to a home for a price of \$35,000. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on August 5, 2003.

Chartwell Homes, Inc. (Rockingham County; 02C160). Chartwell Homes, Inc. offered to contract and sell a lot for a price of \$30,000 at a time when the contract provided that Chartwell Homes, Inc. "shall be the only contractor building on Buyers lot(s)" A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on August 5, 2003.

Shane Ward d/b/a Shane Ward Custom Builder (Columbus County; 03C19). Shane Ward d/b/a Shane Ward Custom Builder submitted a Proposal to construct a home for an estimated cost of \$60,000 to \$75,000, unaware that his actions violated North Carolina

law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on August 5, 2003.

Eddie L. Bingham and Angie Marlowe d/b/a A & E Custom Builders (Gaston County; 02C412). Eddie L. Bingham and Angie Marlowe d/b/a A & E Custom Builders contracted to renovate and repair an existing home for a cost in excess of \$30,000. Defendants deny the allegations but are willing to enter into this consent order. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order filed on August 8, 2003.

Coastal Construction, Inc. of Rochester (New York; 01C453). Coastal Construction of Rochester contracted to construct a restaurant for a cost of \$53,000 unaware that its actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on August 8, 2003.

Phoenix Custom Home Builders, LLC (Mecklenburg County; 02C440). Phoenix Custom Home Builders, LLC submitted a Proposal to remodel a home for a price of \$35,461.72. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on August 8, 2003.

Wester Farms Construction and Landscaping, LLC (Franklin County; 02C407). Wester Farms Construction and Landscaping, LLC provided an estimate to grade and pave a road for the amount of \$248,776, unaware that its actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a

Consent Order on August 22, 2003.

Robert Whitehead d/b/a RE Home Repair and R&E Home Repair (Edgecombe County; 02C316). Robert Whitehead d/b/a RE Home Repair and R&E Home Repair entered into four contracts to construct additions to a church for a total cost of \$90,000. A permanent injunction was obtained in Wake County Superior Court by the entry of a Consent Order on August 8, 2003.

Dwight Miller and Harold Miller (Sampson County; 03C151). Dwight Miller and Harold Miller undertook construction of eight homes where the cost of construction of each home exceeded \$30,000. Defendants were unaware that their actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on September 11, 2003.

Larry C. Hayes d/b/a H & H Builders (Davie County; 02C387). Larry C. Hayes d/b/a H & H Builders undertook to construct a building for a Volunteer Fire Department. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on September 17, 2003.

K.C. & Associates, Inc. (Cabarrus County; 02C419). K.C. & Associates, Inc. submitted a proposal for grading, paving and construction of utilities for a development for a price of \$721,342. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on September 17, 2003.

Joe Bostic d/b/a House of Glass (Wake County; 03C198). Joe Bostic d/b/a House of Glass

contracted to construct an addition onto an existing home for a cost of \$31,750 believing he was working under a licensed general contractor and unaware that his actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on September 22, 2003.

Newcon General Contractors Incorporated (Gaston County; 02C421). Newcon General Contractors Incorporated contracted to remodel and upfit a commercial building for a price of \$74,000, unaware that its actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on September 26, 2003.

GIA Design & Construction, Inc. (Iredell County; 03C65). The North Carolina Licensing Board for General Contractors contends that GIA Design & Construction, Inc. (GIA) contracted to construct a home for an estimated cost of \$393,507; GIA contends that it acted as a subcontractor only, but is willing to enter into a consent order. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on October 6, 2003.

Village Development Group, Inc. (Cumberland County; 03C99). Village Development Group, Inc. contracted to construct a home for a cost in excess of \$30,000. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on October 6, 2003.

Virginia Restaurant Equipment Supply Corporation d/b/a American Equipment Suppliers, USA Corp. (Vir-

ginia; 03C41). Virginia Restaurant Equipment Supply Corporation d/b/a American Equipment Suppliers, USA Corp. contracted to renovate a kitchen for a cost of \$60,000 and undertook construction unaware that its actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on October 7, 2003.

Dallas Cherry Remodeling & Construction, Inc. (Craven County; 03C36 & 03C60). Dallas Cherry Remodeling & Construction, Inc. contracted to convert an existing garage into two bedrooms for a cost of \$21,325. A second contract was entered into to construct a garage on the same property for a cost of \$22,135 unaware that its actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on October 20, 2003.

Jerry Dillard d/b/a Dillard Construction (Ashe County; 03C131). Jerry Dillard d/b/a Dillard Construction contracted to construct an addition onto an existing home for a price of \$132,600 unaware that his actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on October 20, 2003.

Stan Waters d/b/a Waters & Son Home Remodeling (Brunswick County; 03C168). Stan Waters d/b/a Waters & Son Home Remodeling contracted to remodel a home for a price of \$36,000. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on October 20, 2003.

Derrick Bennett (Northampton County; 03C12). Mr. Bennett submitted three bids ranging from \$38,690 to \$56,545 to rehabilitate standard dwellings, unaware that his actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on November 4, 2003.

Dreambuilders Enterprises, Inc. (Wake County; 03C66). Dreambuilders Enterprises, Inc. contracted to construct an addition to and renovate an existing home for a price in excess of \$30,000. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on November 4, 2003.

Morley's Creative Earthworks & Design, Incorporated (New Hanover County; 03C125). Morley's Creative Earthworks & Design, Incorporated (Morley's) contracted to construct a pergola, brick retaining wall, walkways and other structures for a cost in excess of \$30,000, which it contends are "structures" or "improvements." Morley's denies it engaged in the practice of general contracting and by agreeing to enter into a consent order does not admit the allegations and claims asserted by the North Carolina Licensing Board for General Contractors. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on November 4, 2003.

M. Vincent Palafox d/b/a Palafox Creations (Cabarrus County; 03C73). M. Vincent Palafox d/b/a Palafox Creations contracted to remodel a home for a cost of \$24,000, and additions to the contract increased the total price to \$33,665. Mr.

Palafox was unaware that his actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on November 5, 2003.

Manuel F. Sanabria d/b/a M. Sanabria Home Improvements and Renovations (Pender County; 03C120). The North Carolina Licensing Board for General Contractors contends that Manuel F. Sanabria d/b/a M. Sanabria Home Improvements and Renovations (Sanabria) contracted to renovate and construct an addition onto a house for a cost in excess of \$30,000. Sanabria denies the allegations but is willing to enter into a consent order. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on November 21, 2003.

Melvin Todd Simpson d/b/a Simpson's Framing & Siding (Washington County; 03C68). Melvin Todd Simpson d/b/a Simpson's Framing & Siding submitted specifications and estimates to construct a home for a price of \$197,700 and undertook to superintend and manage the construction unaware that his actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on November 21, 2003.

Charlotte Custom Homes, Inc. (Union County; 03C117). Charlotte Custom Homes, Inc. contracted to construct a single-family dwelling for a cost in excess of \$30,000. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on December 2, 2003.

E.W. Rapp Construction, Inc. (Wake County; 03C38). E.W. Rapp Construction, Inc. contracted to upfit a store for a cost of \$45,000; the corporation was unaware that its actions violated North Carolina law. A permanent injunction was obtained in Wake County Superior Court by entry of a Consent Order on December 3, 2003.

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

Ashton Development Corporation (Jackson County; 02C212). The Board's motion for summary judgment was allowed, and Ashton Development Corporation was enjoined "from further practice of general contracting in North Carolina until such time, if ever, that it is properly licensed" by a Superior Court Order entered August 7, 2003.

Barry R. Marshall, Jr. (Guilford County; 02C190). The Board's motion for summary judgment was allowed, and Mr. Marshall was enjoined "from further practice of general contracting in North Carolina until such time, if ever, that he is properly licensed" by a Superior Court Order entered August 7, 2003.

Earl Rhames d/b/a Chino's House Designs (New Hanover County; 02C193). The Board's motion for summary judgment was allowed, and Earl Rhames d/b/a Chino's House Designs was enjoined "from further practice of general contracting in North Carolina until such time, if ever, that he is properly licensed" by a Superior Court Order entered August 7, 2003.

Ralph T. Kennemore d/b/a Kennemore Construction (Mecklenburg County;

02C311). The Board's motion for summary judgment was allowed, and Ralph T. Kennemore d/b/a Kennemore Construction was enjoined "from further practice of general contracting in North Carolina until such time, if ever, that he is properly licensed" by a Superior Court Order entered October 20, 2003.

Roger Humphrey d/b/a Humphrey & Son (Lenoir County; 02C318). The Board's motion for summary judgment

was allowed, and Roger Humphrey d/b/a Humphrey & Son was enjoined "from further practice of general contracting in North Carolina until such time, if ever, that he is properly licensed" by a Superior Court Order entered December 30, 2003.

General Contractors Must Comply With Well Contractor Certification Requirements

continued from page 1

an uncertified individual with a local licensed general contracting company abandoning a well in Wake County. On September 29, 2003, the NC Department of Natural Resources/Division of Water Quality - Groundwater Section (NCDENR/DWQ GW Section) received a well abandonment record for an existing residential well abandoned at Willis Hare Elementary School in Northampton County from an uncertified individual employed by another local licensed general contracting company. If these regulations are not adhered to, a civil penalty or other fines and levies may be administered and enforced by the NCDENR/DWQ GW Section and the NC Attorney General's Office.

The Well Contractor Certification Commission invites you to visit the Groundwater Section web page at <http://gw.ehnr.state.nc.us> to learn more about the Well Contractor Certification Commission (WCCC) Program. The Well Contractor Database has a listing of all certified well contractors in the state and is updated daily. Certification rules, applications and Frequently Asked Questions can be downloaded from the Well Information and Well Certification areas. Questions regarding the certification program can be directed to WCCC staff members Mike Cunningham (919) 715-6698 or Joanne Weekes at (919) 715-6186.



North Carolina Licensing Board for General Contractors

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