



North Carolina Licensing Board for General Contractors

Post Office Box 17187
Raleigh, North Carolina 27619

INSTRUCTIONS FOR FILING CHARGES AGAINST A GENERAL CONTRACTOR:

Complaint Procedures and Information for Complainants

The enclosed form may be used to submit information and materials to the North Carolina Licensing Board for General Contractors (Board) regarding the conduct of a general contractor. To enable the staff to properly investigate the charges, your responses and information on this questionnaire should be clear, specific and factual. Section I of this form requires important information and details concerning the nature of the charges you are filing against a general contractor. Copies of exhibits, such as contracts, letters, photographs and any other supporting documents should be enclosed in the pocket provided on the back of this form. The Board reserves the right to retain any materials submitted with the complaint, therefore you may want to keep any originals for your files. To be legally sufficient, a complaint must be signed and sworn before a Notary Public. Please use the enclosed return envelope when submitting your complaint form to the Board office. Upon filing of the complaint, you will thereafter be referred to as the Complainant and the complained-of contractor as Respondent. Complainants play a meaningful role in the disciplinary process. It is important for you to understand, however, that as a Complainant you are not a party to formal disciplinary proceedings. Parties to the investigative and disciplinary process are the Board and the general contractor.

As a Complainant you should also be aware that:

- (1) Complainants do not have the right to demand a hearing or to request that the Board take a specific course of action against the Respondent.
- (2) The Board is not required to obtain your consent or approval before entering into a settlement or Consent Agreement with the Respondent.
- (3) The Board has no authority to provide you with legal counsel or advice where private counsel is necessary or appropriate.
- (4) The Board has no authority to order the Respondent to pay money, make restitution, compel the Respondent to complete unfinished projects or to undertake corrective action.

By North Carolina law, the Board only has the authority to discipline the license issued to a general contractor. The primary focus and objective in many of the Board's investigations is to determine whether a general contractor has complied with the requirements of the North Carolina State Building Code. The Code sets out minimal construction standards relating to critical issues such as public health or safety; the Code does not assure customer satisfaction, cosmetic quality and attractiveness, workmanship or contractual performance. Under the Board's disciplinary statutes (N.C.G.S. 87-11(a)), the Board cannot impose discipline on licensees for cosmetic quality of workmanship for a project, building defects not governed by applicable codes or established industry standards, warranty, financial or contractual disputes and other controversies where litigation and/or the advice of private counsel is necessary. The Board may discipline licensed contractors for conduct which includes fraud or deceit in obtaining a license, gross negligence—requiring more than a finding of simple negligence, incompetency, misconduct, and, willful violations of the licensing statutes. If an accused contractor is unlicensed, the Board only has the authority by law to seek an injunction in Superior Court to restrain the contractor from the further practice of general contracting.

In completing this complaint form, as you list the contractor you are preferring charges against, please specify the exact name in which the contractor conducted business with you (how the contract was signed; whether the contractor was doing business as an individual, sole proprietorship, partnership or corporation). Otherwise, incorrectly naming the contractor could result in the Board dismissing the complaint or a possible delay in the investigation. **Before mailing or submitting your complaint to the Board, make sure all questions are answered, all documents are attached, and that the complaint form is signed and sworn to before a Notary Public. Your name also must be signed at the bottom of this page verifying that you have read these instructions. Your failure to comply with any one of these requirements will result in the return of the complaint package.**

When the Complaint is Received by the Board

After your properly completed complaint is received by the Board office, an investigative file is opened and the complaint (case) is then assigned to a staff field investigator for investigation. Written notice of the charges will be forwarded to the general contractor (Respondent) for a response. Following a preliminary review of the complaint, the investigator may gather additional evidence by making an inspection of the project or the work in question. Investigators also may interview the Respondent, fact witnesses or other individuals who are familiar with the case. When an investigation is completed the case is forwarded to the Board's Review Committee, which then determines whether probable cause exists to recommend that the case be presented to the full Board for a disciplinary hearing. In addition to probable cause, the Review Committee may find that a hearing is not required, but some type of sanction or other discipline may be more appropriate. The Review Committee may also decide to dismiss the complaint as unfounded or trivial, or for lack of probable cause. Once a determination has been made regarding a complaint, both the Respondent and the Complainant are notified in writing of the decision. Until such notice is received, all communication with the Board must be made through the field investigator assigned to the case. Whatever determination is made, the actual decision of the Review Committee is final and cannot be appealed. If a disciplinary hearing is held, based on its findings the Board may impose discipline by revoking or suspending the certificate of license of the general contractor. If a hearing is necessary, Complainants should be prepared to attend and testify at the hearing.

The Board may reveal information set forth in your complaint to the accused general contractor. An occupational licensing board, the Board operates from the receipt of licensing fees, and no State general fund revenues are received or used by the Board for expenditures. Should you have any questions about preferring charges against a general contractor, please call the *Violations & Complaints Section* at (919) 571-4189, or (919) 571-4183.

The complaint form should be signed and dated below. Tear off at top edge and retain the (white) top copy for your use. Mail the completed complaint form to the Licensing Board for General Contractors, with all exhibits and materials attached. Your complaint will not be accepted and will be returned to you if these instructions are not followed.

I have read the foregoing instructions for filing a sworn complaint. _____

Complainant's Signature

Date _____

Date _____, 19__

SECTION I

Complaint against: _____
(person, firm, corporation license issued to)

License Number _____ Telephone () _____

Street, P.O. Box, Route _____ City _____ State _____ Zip _____

Your Name: _____ () _____
Telephone (day/eve)

Street, P.O. Box, Route _____ City _____ State _____ Zip _____

Location of Project, work complained about: _____
Street #, Lot # _____

City _____ County _____

Directions to Site: _____

1. Did you execute a contract for this work with the general contractor named above? _____
(If the contract between you and the general contractor is written, please attach a copy of this document to the complaint.)

2. If the contract is not written (oral/verbal), please briefly describe the contract terms:

3. Is this project or work complete? _____ If not, what percentage of completion or stage of construction is the project at the time of filing this complaint? _____

4. Has the general contractor been dismissed or terminated from the project? _____

5. Has the general contractor abandoned the project? _____

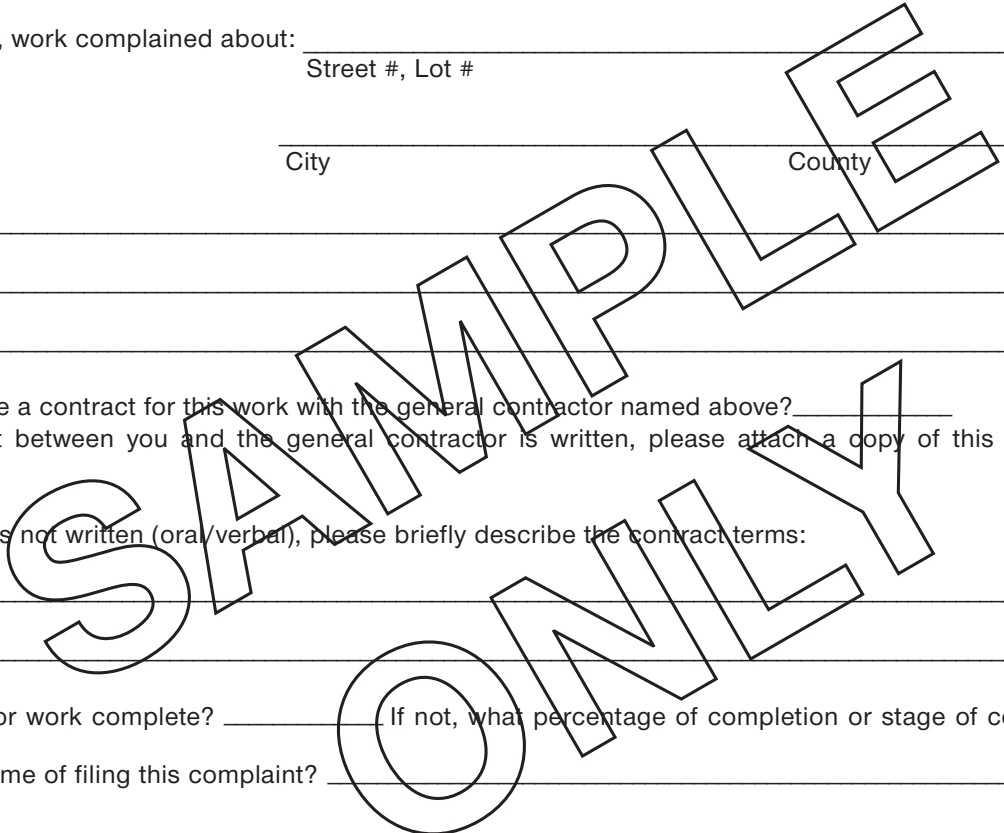
6. Has a Certificate of Occupancy or Certificate of Compliance been issued by the local (city, county) inspection department? _____ If so, date issued _____

7. Please list the dates or approximate dates when the work was performed by the general contractor in this complaint.

8. Are you and the general contractor currently involved in any dispute or proceeding concerning purely monetary or contractual matters, or breach of contract? _____

9. To your knowledge, have any civil complaints or lawsuits been filed by either you or the general contractor in this matter? _____

10. Please include additional or supporting details in the space provided below:



SECTION II

1. If applicable, please list the name of the city or county inspection department which performed the required building code inspections for this project.

2. Please list the name(s) of code officials or local building inspectors, if applicable, who are familiar with this complaint.

3. Are you aware of any building code violations or other construction deficiencies in this complaint? _____ If yes, have these code violations or deficiencies been verified by local city or county code enforcement officials (building inspectors)? _____

4. Is the general contractor named in this complaint directly responsible for these code violations or deficiencies, or other non-compliance with laws and regulations applicable to the practice of general contracting? _____ If yes, please attach copies of inspection reports, orders for corrective action or other materials documenting such defects or violations.

5. To your knowledge, has the general contractor been notified of any existing building code violations, in this project? _____

6. Has the general contractor proposed or undertaken any remedial work or repairs? _____

7. Was the remedial work inspected by local code officials or other construction officials? _____

If yes, was this work approved by the inspector(s)? _____

8. If applicable, is the general contractor willing to correct or repair any building code violations or other deficiencies in this complaint? _____

9. Will you permit the general contractor to undertake or begin necessary corrections or remedial work? _____

If not, please explain. _____

10. Please include additional or supporting details concerning questions 1 through 9 in the space provided below.

* Inspection reports, contract documents and other materials submitted with this form should be attached to the back of this page, as provided.

North Carolina General Statute § 87-11(a) requires that any charge filed against a general contractor shall be in writing and sworn to by the complainant before being submitted to the Licensing Board. Please sign this complaint in the space designated below. The execution of this complaint should be subscribed and attested by a NOTARY PUBLIC as shown.

Your signature _____ Date _____

Sworn to (or affirmed) and subscribed before me this _____ day

of _____, 19____.

Notary Public

OFFICIAL SEAL
Notary Public

My commission expires _____, 19____.