



North Carolina Licensing Board for General Contractors

FILING CHARGES AGAINST PERSONS, FIRMS OR CORPORATIONS FOR UNLAWFUL PRACTICE; LICENSING BOARD DISCIPLINARY PROCEDURES

INSTRUCTIONS FOR FILING CHARGES:

General Statute §87-11, *et seq.*, and NCAC Title 21, Chapter 12.0702 provide that anyone who believes that "any person or corporation is in violation of the acts specified in G.S. §87-13 may prefer charges against that person or corporation." This complaint form is provided as a means for complainants to submit required information and materials to the North Carolina Licensing Board for General Contractors. Such charges must be filed with the Secretary Treasurer of the Board at the Board's office in Raleigh.

In order for the staff to conduct a fair and effective investigation of any charges filed, information submitted by the complaining parties should be presented in a clear, concise manner. All facts pertinent to the complaint should be disclosed on the complaint form. Complaints alleging unlawful practice or for violation of the general contractor licensing statutes will be investigated by the Board Review Committee. The Review Committee considers complaints submitted to the Board to determine if probable cause exists to refer the matter to Legal Counsel for appropriate action. The Board is authorized to apply to the courts for entry of a permanent injunction against anyone found to be in violation of §87-1, 13, *et seq.* If no probable cause is found in the complaint, the party filing the complaint is notified of the findings. The Board can also discipline licensees who wrongfully allow an unlicensed entity to use its license. Please include information about licensees alleged to be permitting the unauthorized use of their licenses.

You are encouraged to enclose any exhibits, photographs, or supporting materials (copies of bid documents, contracts, etc.) with this complaint form. When filing injunctive actions, the Board office occasionally experiences difficulty in achieving service on the unlicensed contractor. It is vitally important that you provide as much information as possible concerning the physical address, mailing address and all telephone numbers of unlicensed contractors or respondents.

Please enclose and mail the completed form and any attachments or supplemental information in the addressed return envelope provided. For further information, you may contact the Licensing Board office by calling (919) 571-4183.

§87-1 "GENERAL CONTRACTOR" DEFINED; EXCEPTIONS.

For the purpose of this Article any person or firm or corporation who for a fixed price, commission, fee, or wage, undertakes to bid upon or to construct or who undertakes to superintend or manage, on his own behalf or for any person, firm, or corporation that is not licensed as a general contractor pursuant to this Article, the construction of any building, highway, public utilities, grading or any improvement or structure where the cost of the undertaking is thirty thousand dollars (\$30,000) or more, or undertakes to erect a North Carolina labeled manufactured modular building meeting the North Carolina State Building Code, shall be deemed to be a 'general contractor' engaged in the business of general contracting in the State of North Carolina.

This section shall not apply to persons or firms or corporations furnishing or erecting industrial equipment, power plant equipment, radial brick chimneys, and monuments.

This section shall not apply to any person or firm or corporation who constructs or alters a building on land owned by that person, firm or corporation provided such building is intended solely for occupancy by that person and his family, firm, or corporation after completion; and provided further that, if such building is not occupied solely by such person and his family, firm, or corporation for at least 12 months following completion, it shall be presumed that the person, firm, or corporation did not intend such building solely for occupancy by that person and his family, firm, or corporation.

This section shall not apply to any person engaged in the business of farming who constructs or alters a building on land owned by that person and used in the business of farming, when such building is intended for use by that person after completion.

§87-13 UNAUTHORIZED PRACTICE OF CONTRACTING; IMPERSONATING CONTRACTOR; FALSE CERTIFICATE; GIVING FALSE EVIDENCE TO THE BOARD; PENALTIES.

Any person, firm or corporation not being duly authorized who shall contract for or bid upon the construction of any of the projects or works enumerated in G.S. §87-1, without having first complied with the provisions hereof, or who shall attempt to practice general contracting in the State, except as provided for in this Article, and any person, firm or corporation presenting or attempting to file as his own the license certificate of another or who shall give false or forged evidence of any kind to the Board or to any member thereof in maintaining a certificate of license or who falsely shall impersonate another or who shall use an expired or revoked certificate of license, and *any architect or engineer who recommends to any project owner the award of a contract to anyone not properly licensed under this Article, shall be deemed to be guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than five hundred dollars (\$500.00) or imprisonment of three months, or both fine and imprisonment in the discretion of the court.* And the Board may, in its discretion, use its funds to defray the expense, legal or otherwise, in the prosecution of any violations of this Article. No architect or engineer shall be guilty of a violation of this section if his recommendation to award a contract is made in reliance upon current written information received by him from the appropriate Contractor Licensing Board of this State which information erroneously indicates that the contractor being recommended for contract award is properly licensed.

Date _____, 200__

COMPLAINT AGAINST:

Person, Partnership or Corporation (circle one)

Street, Route # City State Zip

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Telephone (day/eve) Individual to contact

LOCATION OF PROJECT:

Street, Lot No., Directions to job site, etc.

City County

1. Please provide a brief description of the project (type of construction, i.e., dwelling, utility, highway, commercial building):

2. What is the cost of the project? \$ _____

3. Please list the name(s), address, and telephone number of individuals, firms or businesses who have contracted with the respondent for the construction of this project:

Telephone

City State Zip

4. Please provide the name and telephone number of the firm/individual who received bids for this project, if applicable:

5. Was this project awarded to respondent by an architect, engineer or government agency? If so, please list the names and telephone number of the firm and/or principals involved with the project.

Telephone

6. Have building permits or other permits been applied for or issued for this project? If so, name the issuing county or municipal inspections department or authority.

7. Please list the date (or approximate date) when work commenced on this project: _____

8. List other individuals or subcontractors we may contact for additional information about this project:

Name Address Telephone

Name Address Telephone

Name of Person Completing this Form Signature

Address City State/Zip Telephone

Sworn to and subscribed before

me this ___ day of _____
200__.

_____ County

(Notary Public)

(Seal)