

NC Irrigation Contractors' Licensing Board Newsletter



March 2011

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BOARD STAFF

Dr. Ronald Sneed, **Chair**
John Marmorato, **Vice Chair**
David Collins, **Treasurer**
David Williams, **Secretary**
Barry Bloch, **Board Counsel**

Members

Michael Currin
Lindsey Griffin
Charles Nieman
Bob Peter

Board Administrators

Maeneen Klein
Barbara Geiger
Lisa Deubler

UPCOMING BOARD MEETINGS

April 13, 2011
May 11, 2011
June 8, 2011
July 13, 2011

All meetings are held at the NCDA Agronomics Building 4300 Reedy Creek Rd., Raleigh, NC unless otherwise noted. The meetings are scheduled to begin at 10:00 am and are open to the public. Please notify the Board office if you will attend.

MESSAGE FROM THE CHAIRMAN

On January 1, 2011 the North Carolina Irrigation Contractors' Licensing Board began its third year of existence. From the first Board meeting, held on December 3, 2008, the Board has been guided by several objectives:

- 1) Administer and enforce GS89G
- 2) Work to ensure that landscape and turf irrigation systems are installed by licensed contractors.
- 3) Serve the licensed North Carolina contractors, while at the same time serving the public.
- 4) Promote the installation of water and energy conserving landscape and turf irrigation systems through adherence to Minimum Standards and Best Management Practices.

Elsewhere in this newsletter, you will see some of the work being done to support these objectives. The employment in April, 2010 of 25 licensed contractors to investigate complaints is assisting the Board with enforcement of the General Statute. The Minimum Standards and other items covered in GS89G are in the process of being converted to Board Rules. The number of candidates taking the Board exam is increasing. More people are aware of the Licensing Law because the Board is hearing from the general public, permitting and inspection departments, contractors, educators and other Licensing Boards.

The Board has a contract with a website developer to improve the website, to make it more interactive and to allow contractors to perform more functions electronically. The number of Continuing Education classes is increasing. To address a question that has been raised, the annual CEU requirement is ten (10) hours each year of which two (2) and not more than four (4) hours of business are required and the other six (6) to eight (8) hours must be landscape and turf irrigation related. All Continuing Education must be approved. Refer to the website to see approved Continuing Education classes and the categories of Continuing Education.

The Board and administrative staff are committed to carrying out the above stated objectives.

Ronald Sneed, Chair

Website Update

Most of us use the internet daily to help run our businesses. The NCICLB is working with the Raleigh company Vitalink to make our website a better tool and to streamline the way licensees provide and receive information. We expect the new website to be up and running within the next month or so. We hope you find it more useful and easier to navigate.

We will continue to work with Viatalink to offer more on-line features to licensees and the public. The Board and the administrators want to help you manage your license in the most efficient way possible. We want to reduce the amount of time it takes you to deal with the necessity of maintaining your license.

In the future, we hope to offer on-line license renewal and on-line CEU management. We are hoping to be able to accept online payments for fees also.

CEU's are already listed online but we are exploring ways make searching for the classes you want and possibly even register for the class online through the NCICLB website. This will also reduce the amount of time the administrators have to spend on the phone answering questions, and hopefully eliminate as much paper shuffling as possible.

Enforcement needs to be handled in the fastest way possible. The quicker complaints can be made and investigated, the quicker action can be taken when it is warranted. We hope to provide a convenient way for you to search for

UPCOMING EXAMS

April 15, 2011 - Raleigh
July 15, 2011 - Raleigh
October 13, 2011 - Raleigh

VISIT OUR WEBSITE

WWW.NCICLB.ORG

- To view Frequently Asked Questions.
- To view the minimum standards and best management practices.
- To review the law.
- To view Board approved continuing education activities.
- To download continuing education activity approval forms.
- To file a complaint
- For a schedule of Board meetings and Exams.
- To view a full listing of Licensed Irrigation Contractors and Licensed Irrigation Contracting Companies.

Free Posters Available



**Got a License?
It's the Law.**

The North Carolina Irrigation Contractors' Licensing Board (NCICLB) was established to protect the public health, safety and welfare and to promote the efficient use of water.

According to the N.C. Statutes, no person shall engage in the practice of irrigation contracting or contracting for the designation "irrigation contractor" or either as being or in the name of such person, unless he/she is an irrigation contractor within the meaning as defined in the N.C. Statutes.

For more information call 919-872-2229 or visit www.nciclb.org for an application.

The Board has designed and printed 8x11 and 16x20 "It's the Law" posters. These are available for you to display in your place of business and distribute to local departmental offices of inspection and permitting offices and other locations where you think they are appropriate. To obtain copies call the Board office at 919-872-2229 or e-mail lisa@nciclb.org.

IMPORTANT REMINDERS

- Don't wait until the last minute to complete your continuing education
You must complete 10 credit hours before 12/31/11. (2 min/4 max business hours, balance irrigation hours).
- Contact the Board with changes in contact information and company name.
- Contact the Board with changes to the corporate qualifier or company status.

The \$2,500.00

licensees. Part of the enforcement process is receiving complaints, many times from other contractors. Making it easy for you to check on proper licensing will make it easier for you to report unlicensed practice.

There will be other interesting and helpful aspects to the new website and we look forward to providing the best management possible for your license. We look forward to your comments and input to help us make this on-line service as intuitive and responsive as possible.

Continuing Education Committee Report

The CEU Committee is made up of Lindsey Griffin, David Williams and Michael Currin Chairman. The committee's role is to review all submitted classes for CEU credit to insure that they are relevant to the design, installation, maintenance and operation of turf and ornamental irrigation systems.

The classes do not always have to be centered on irrigation. Classes associated with the physiology of plants and the attributes of soil and water would be a related subject and important to the requisite knowledge of irrigation contractors. Classes associated with business management, finance, marketing and sales would be relevant to meet the two to four hours of business credit out of the ten CEU's required for license renewal each year.

As the irrigation contracting law is focused on turf and landscape irrigation, classes associated with agricultural or golf related irrigation do not qualify for credit.

The Board is working hard to clarify and enhance the guidelines pertaining to CEU credit. It plans to post these enhancements on the website soon. Please make sure that all classes being submitted have the times, dates and places that the course will be taught so that contractors can find it on the website.

Of special interest to owners and managers may be teaching an in-house irrigation-training course. Irrigation industry manufacturers, distributors, dealers or a licensed irrigation contractor for their individual company, normally conduct these courses. The course outline must be submitted and approved by the CEU committee. One hour of credit is given for each hour of instruction. This is a great way to offer further training to your employees while gaining your required credits.

We would like to thank the many suppliers and distributors for the classes they have offered across the state to help irrigation contractors meet their CEU requirements. We also very much appreciate the work being done by college and university personnel as well as extension agents who have designed and taught courses leading to CEU credit. We would be remiss if we did not also recognize the great work provided by our industry associations such as CIA, NCNLA and TCNC who have provided educational opportunities at annual meetings and events. We look forward to working together to continue to improve offerings across the state. We realize that classes must remain relevant and readily available as well as affordable for our licensees. Thank you for all you do to help us meet this goal.

NCICLB Rules Process

The Board was informed in late summer 2010 that policies, including fees, minimum standards, continuing education unit guidelines, who qualify for a corporation, LLC, partnership and so on, must be formatted and formally adopted by the State as rules. After several months of work by the Board and the Board's Attorney, the rules were submitted to the Office of Administrative Hearings in early December and a public comment period was opened in January. A public hearing was held at the February 9th Board meeting, where the Board heard comments by the public. After the public hearing and subsequent comment period, the Board considered all comments and revised some of the rules and wordings per the comments. The Board reviewed all of the rules one last time at their March 9th meeting, voted to accept the rules as revised, and sent the rules package to the Rules Review Commission for approval. If approved by the Rules Review Commission the rules then become law. We will keep you informed as this process moves forward with the Rules Committee.

Your Role in Policing the Profession

There are two types of professional licensing laws, Title Acts and Practice Acts. Title acts regulate the use of a term or title. For instance, The North Carolina Landscape Contractors' Licensing law is a title act. Unlicensed individuals may not call themselves landscape contractors. However, they may perform the work of a landscape contractor. A practice act regulates the use of the title as well as the practice of that profession. This is the strongest form of regulation to ensure protection of the public health, safety, and welfare. The North Carolina Irrigation Contractor's License Act (89G) is a practice act; that is to say, a person or firm cannot call themselves an irrigation contractor or perform irrigation contracting services without a license.

All licensing laws have one primary purpose, to protect the health, safety, and welfare of the public. To this end, policing a licensed profession is a very

Contraction Exemption

The NC Irrigation Licensing Law allows an exemption for "irrigation construction or contracting work where the price of all contracts for labor, material, and other items for a given jobsite is less than two thousand five hundred dollars (\$2,500)."

This \$2,500.00 maximum cost includes all work associated with the irrigation system, including water sources and pumps, backflow prevention, sleeves, electrical connections, etc. , no matter who installed what portion. The law refers to the jobsite, so any items related to irrigation on that jobsite is included in the \$2,500.

This limit is for the life of the project. For instance, if a small residential system costs \$2,495.00, there can be no further irrigation contracting or service work performed on that project, ever.

So if you see unlawful, unlicensed irrigation contracting underway, and the contracting party claims the \$2,500 exemption, notify the Board; we'll make inquiries and take the necessary actions.

serious matter and of great importance to the public's interests against sub-standard services and practices while at the same time protecting and conserving our greatest of natural resources, water.

It is every licensee's duty to report unlicensed and or sub-standard irrigation work. It is primarily through the diligent efforts of licensees that these unlicensed and sub-standard irrigation installers and service companies can be brought to the attention of the Board, at which time the Board begins an investigative process that will lead to resolve of the issue (see article).

If you see unlicensed or sub-standard irrigation work being performed or offered, it is your duty as a licensee to report the matter. The Board requires that complaints be made in writing. This can be done electronically or through a written form, both available at www.nciclb.org under the Enforcement tab. The Board will not disclose the name of a person making a complaint except as required by law.

Be sure to review the list of revoked licenses.

Legal Summary

As of January 1, 2010

Number of complaints filed: 152
Number of investigations: 125
Number of Cease and Desist Letters Sent: 132
Cases currently in legal process: 4
Notice of Violation issued not delivered: 4
Notice of Violation issued: 2
Settlements Approved: 1
Number of cases pending action by the Board attorney: 4
Number of cases resulting in agreements: 8

COMPLETED SETTLEMENTS

CASE #U10-043

Tony Ferguson - Soggy Bottom Irrigaton & Trenching
Kernersville, NC

VIOLATION: Mr. Ferguson and his company installed a landscape irrigation system in NC without being licensed by the NCICLB in violation of GS89G.

BOARD ACTION: Mr. Ferguson agrees not to contract or provide irrigation system services in NC without a license. Mr. Ferguson Paid \$500 in lieu of civil penalty.

CASE #U10-066

Edgar M. Biggers - Lakeside Lawn Care, Inc.
Cornelius, NC

VIOLATION: Mr. Biggers and his company installed a landscape irrigation system in NC without being licensed by the NCICLB in violation of GS89G.

BOARD ACTION: Entered into an agreement in which Mr. Biggers agrees not to contract or provide irrigation system services in NC without a license. Mr. Biggers agreed to pay \$500 in lieu of civil penalty. The Board agreed to forgo collecting \$500 if Mr. Biggers applied for licensing before October 1, 2010. Mr. Biggers completed application before the deadline.

Revoked Licenses

Licenses are revoked under the following circumstances: failure to renew a license, failure to secure or renew the required bond, or failure to meet yearly continuing education requirements. The following individuals and business have forfeited their licenses as of the publication date of this newsletter and can no longer practice irrigation contracting in the State of North Carolina. If you witness any of these individuals or businesses practicing without a license, it is your duty to notify the Board.

INDIVIDUALS

Michael W. Askew	Russell W. Blanton	Tino C. Bleimann
Michael Wayne Boyd	William Odie Bradley	Ryan Y. Bradshaw
James G. Capps	Donavaughn R. Carlisle	G. Baine Carruthers
James Oakes Carter	William Robert Collins	Phillip N. Croom
Tammy Lue DeRousse	Fredric J. Dionne	Christopher Byron Dudley
Gary Wayne Dull	Thomas G. Ellingson	Mitchell Lee Eudy
Ricky W. Farmer	Miles W. Gabriel	Dewey Charles Gamble
David Wyatt Gay	Michael E. Gress	Robert W. Haroth
Lee T. Harvey	Ronald Monroe Hendrix	David Marshall Henry
Jason Wayne Hicks	Robert W. Holden	Gayle Cleveland Huntley
Leonard Joseph Jacklett	William N. Jeffers	Earle Lee Johnson
Russell Scott Kee	John David Kelly	Darrell Craig Kiser
Jeffrey Scott LaPointe	William Thomas Larmore	Bruce D. Lewis
William L. Long	Timothy Wayne Long	Jeremy Scott Lowder
Thomas Earl Maddry	George D. Mainor	David Wayne Martin
Richard Harrison Mason	Travis Wiley Mayo	Darryle Lamont Miles
Malcolm Key Mobley	Steven Pat Mott	Ted Baker Mullen
Steven Pat Mott	Ted Baker Mullen	James Musser
James Morris Newlin	Kenneth Martin Nye	Terry B. Padgett
Jason Daniel Parker	Jimmy Perry	Matthew D. Peters
Seth Lee Phillips	Ryan S. Pope	Walter Webster Ramsey
Harold Eugene Renegar	Jeffrey A. Roberts	Richard H. Ross
James Allen Russell	Matthew C. Sandberg	John Robert Shaw
Brian Lee Shook	Gregory Kent Sizemore	J. Mark Smith

Richard Mar Story	Doyle Allison Stout	Andrew Armstrong Tait
Craig Michael Taylor	William Bright Terry	Michael Randolph
Thomas		
Matthew Adam Thompson	Greg David Thompson	Christopher Mark
Trotter		
Danny M. Williamson	Chad Eugene Wilson	Stephen C. Wilson
Phillip Randall Wood	J. Thomas Wright	

CORPORATIONS

All Seasons Landscape Management, LLC
 Armstrong Landscapes, LLC
 ArtisticScapes, Inc
 Bill Bradley Plumbing, Inc
 Billy Creech Plumbing
 Byron's Landscaping, Inc
 Carefree Carolina Landscaping
 Carolina Custom Lawn & Landscape, Inc
 Clear Springs Landscaping, LLC
 Coastal Landesign, Inc.
 Dominion Landscaping, Inc.
 Doughty Landscape Construction, LLC
 Environmental Design Landscape, Inc
 First Impressions Landscaping
 Glover & Kelly Landscape & Garden Center, Inc
 Golden Leaf Gardens & Lawns, Inc
 Grasshopper Lawn & Landscaping, Inc
 Gress's Landscaping, Inc
 H & R Landscaping, Inc
 Huntley Construction Company
 Irrigation & Specialist, Inc.
 Jacklett Construction, Inc.
 Long's Lawn & Landscaping, Inc
 Madison Landscape & Design Group, Inc
 Mainor Tile and Irrigation, Inc
 martin landscaping Co., Inc
 Mason Landscaping, LLC
 Mountain Advantage, LLC
 Mr. Landscape Design
 Premier Landscaping
 Premier Plumbing & Repair, LLC
 Quality Landscape Materials, Inc.
 R. Story Development, Inc.
 Rainmaker, Inc.
 Red Oak Limited, Inc
 Salt Air Landscapes, Inc
 Shurburt Group
 Southeastern Landscape Services, LLC
 Taylor Well Systems
 The Earthscape company, Inc
 Thompson Landscape Company
 Urban Landscape Design
 Vistascape, LLC
 Wilson's Wilderness Landscaping, Inc