

CASE # U19-004

In the matter of Magnolia Landscaping Pro and Juan Tolentino Juarez

Cove City, NC

VIOLATION: Mr. Juarez and his company installed a landscape irrigation system in NC without obtaining the proper license before installation from the NCICLB in violation of GS § 89G.

BOARD ACTION: Upon review of the evidence presented, the Board determined a violation of NC GS § 89G-2, prohibiting the practice of irrigation construction or contracting by an unlicensed individual, occurred in a multi-family residential location in Raleigh, NC. The Board assessed a total civil penalty in the amount of two thousand dollars (\$2,000) in accordance with NC GS § 89G-12.

CASE # U19-007

In the matter of All About Irrigation and Robert Edward Mowery

Cove City, NC

VIOLATION: Mr. Mowery and his company installed a landscape irrigation system in NC without obtaining the proper license before installation from the NCICLB in violation of GS § 89G.

BOARD ACTION: Upon review of the evidence presented, the Board determined a violation of NC GS § 89G-2, prohibiting the practice of irrigation construction or contracting by an unlicensed individual, occurred at ten separate locations in a residential location in Wilmington, NC. The Board assessed a total civil penalty in the amount of twenty thousand dollars (\$20,000) in accordance with NC GS § 89G-12.

CASE # U20-010

In the matter of Yardscapes, Inc. and Steven Wood

Cove City, NC

VIOLATION: Mr. Wood and his company installed a landscape irrigation system in NC without obtaining the proper license before installation from the NCICLB in violation of GS § 89G.

BOARD ACTION: Upon review of the evidence presented, the Board determined a violation of NC GS § 89G-2, prohibiting the practice of irrigation construction or contracting by an unlicensed individual, occurred at a residential location in New Bern. The Board assessed a total civil penalty in the amount of two thousand dollars (\$2,000) in accordance with NC GS § 89G-12.

CASE # U18-022, November 13, 2019

In the matter of Brooks Nursery and Chris Brooks

Monroe, NC

Following a contested case hearing, the Board determined that Respondents violated N.C. Gen. Stat. 89G-2 by engaging in the practice of irrigation construction at a residential location. The Board concluded that based upon a preponderance of evidence, a civil penalty of two thousand dollars (\$2000) and the costs associated with this action of four hundred and four dollars (\$404) in accordance with NC GS § 89G-11(b) was necessary and appropriate.

CASE # L18-012, November 13, 2019

In the matter of 1st Charlotte Lawn and Sprinklers Kenneth Hollenbeck

Catawba, SC

In the consolidated contested cases hearing involving six independent, alleged violations of 21 N.C. Admin. Code 23, the Board determined Respondents violated all six of those Admin. Codes. The Board determined that a civil penalty of fifty dollars (\$50) and costs in the amount of one thousand five dollars and forty-six cents (\$1005.46) was necessary and appropriate.

CASE # U17-015, May 8, 2019

In the matter of Grass Roots Landscaping, LLC and Benjamin Thomas Galletto

Supply, NC

Following the close of evidence, the Board determined that Respondent violated N.C. Gen. Stat. 89G-2 by illegally advertising licensure as an irrigation contractor without having a license. The Board concluded that, based upon a preponderance of evidence, and willful violation of the law and other aggravating factors, a civil penalty of fifty dollars (\$50) be assessed. Additionally, the respondent will be responsible for paying the costs associated with this action in the amount of four hundred and twenty dollars (\$420.00), for a total amount of four hundred and seventy dollars (\$470.00).

CASE # U17-022, June 27, 2018

In the matter of Reilly Irrigation and Thom Reilly

Swannanoa, NC

Following the close of evidence, the Board determined that Respondent violated N.C. Gen. Stat. 89G-2 by engaging in the practice of irrigation construction at a retail site in Asheville NC. The Board concluded that, based upon a preponderance of evidence, a civil penalty of two hundred and fifty dollars (\$250) and the costs associated with this action of six hundred and twenty nine dollars (\$629) in accordance with NC GS § 89G-11(b).

CASE # U13-020; U13-193; U14-069, May 23, 2016

In the matter of Todd Twist and Charlotte Irrigation aka Infinity Landscape Development, aka Charlotte Sprinkler Repair Charlotte, NC

This matter came before the Honorable Donald J. Stephens in superior court in Wake County at which point the court allowed a motion by the NCICLB to enter a judgment on the pleadings and the court entered a judgment of twelve thousand twenty eight dollars and eighty-one cents against Defendants, Todd Twist, et. al, on behalf of the NCICLB. There is presently a warrant out for Mr. Twist's arrest.

CASE # L14-023, September 9, 2015

In the matter of William Godbout and Bill's Lawn Sprinkler Installation & Repairs Terrell, NC

Upon review of the evidence presented, the Board determined that Respondent failed to perform in accordance with the terms of his licensure as outlined in a 2013 consent agreement. In addition, Respondent violated NC GS § 89G-3 (5), by practicing irrigation construction and contracting as an unlicensed individual at a residential location in Mooresville.

In this consolidated hearing the Board concluded that, based upon a preponderance of evidence and willful violation of the law, in accordance with NC GS § 89G-11, Respondent's license shall be revoked. In addition, the Board determined the Respondent shall pay the costs associated with this action of one thousand four hundred four dollars and twenty-five cents (\$1,404.25), in accordance with NC GS § 89G-11(b).

CASE # U13-023, September 10, 2014

In the matter of Kenneth Trull and Four Star Turf Management Concord, NC

Following the close of evidence, the Board determined that Respondent violated N.C. Gen. Stat. 89G-2 by illegally advertising on two separate occasions. The Board concluded that, based on a preponderance of evidence, and willful violation of the law and other aggravating factors, the maximum civil penalty of two thousand dollars (\$2000) per violation was necessary and appropriate for a total of four thousand dollars (\$4000).

CASE # U14-014, September 10, 2014

In the matter of Stuart Bill and Stuart's Irrigation Lawn Care Hope Mills, NC

Following a consolidated contested cases hearing, the Board determined that Respondent violated N.C. Gen. Stat. 89G-2 by illegally advertising on three separate occasions. The Board concluded that, based on a preponderance of evidence and willful violation of the law, its persistence over an extended period of time following direct notice from this Board, the explicitness of the false assertions of licensure in some instances and other aggravating factors, the maximum civil penalty of two thousand dollars (\$2000) per violation was appropriate and necessary for a total of six thousand dollars (\$6000).

CASE # U14-010, September 10, 2014

In the matter of Brad Stamper and Green sscape Landscaping & Irrigation Salisbury, NC

Following the close of evidence, the Board determined that Respondent violated N.C. Gen. Stat. 89G-2 by illegally advertising on four separate occasions. The Board concluded that, based on a preponderance of

evidence and willful violation of the law, the maximum civil penalty of two thousand dollars (\$2000) per violation for a total of eight thousand dollars (\$8000).

CASE # U13-070, September 10, 2014

**In the matter of Greg Moody and Carolina Roots Lawn Maintenance
Youngsville, NC**

Following the close of evidence, the Board determined that Respondent violated N.C. Gen. Stat. 89G-2 on two distinct occasions by advertising on two forums falsely implying licensure as an irrigation contractor. The Board concluded that, based on a preponderance of evidence showing willful violation of the law over several years, the maximum civil penalty of two thousand dollars (\$2000) per violation was appropriate and necessary for a total of four thousand dollars (\$4000).

CASE # U13-156, September 10, 2014

**In the matter of John Cameron and ValleyView Landscape Company
Waxhaw, NC**

Following the close of evidence, the Board determined that Respondent violated N.C. Gen. Stat. 89G-2 by (1) installing an irrigation system and (2) advertising in a manner falsely implying licensure as an irrigation contractor. The Board, noting the persistence of the violation following notice by the Board that these violations were willful and, citing other aggravating factors assessed the maximum civil penalty of two thousand dollars (\$2000) per violation for a total of four thousand dollars (\$4000).

CASE # U12-042, 056, 133, U13-077, October 9, 2013

**In the matter of Greg Boykin and Boykin Landscape & Design aka Environmental Landscape Design
Wilmington, NC**

Following a consolidated contested cases hearing, the Board determined that the Respondent violated N.C. Gen. Stat. 89G-2 on four (4) different occasions. The Board determined that a civil penalty of two thousand dollars (\$2000) per violation was necessary and appropriate, for a total of eight thousand dollars (\$8000.00).

CASE # L13-007, 008, October 9, 2013

**In the matter of Christopher Fortunes and Evergreen Companies
Cary, NC**

In the consolidated contested cases hearing involving 13 independent, alleged violations of 21 N.C. Admin. Code 23, the Board determined Respondents violated eleven of those Admin. Codes. The Board determined that a civil penalty of five hundred dollars (\$500) per violation was necessary and appropriate, for a total of five thousand five hundred dollars (\$5500). Additionally, the respondent will be responsible for paying the court costs, of which, he will be advised by Board Counsel at a later date. Lastly, Mr. Fortunes will submit the next six (6) irrigation projects to the Board for inspection.

CASE # U13-061, September 11, 2013

**In the matter of Robert Huffman and Huffman Lawn Solutions
Charlotte, NC**

Following a consolidated contested cases hearing, the Board determined that Respondent violated N.C. Gen. Stat. 89G-2 on two separate occasions by advertising using titles and descriptions implying licensure on two online forums. The Board concluded that, under the circumstances presented, the maximum civil penalty of two thousand dollars (\$2000) per violation was necessary and appropriate, for a total of \$4000. Respondent has 30 days to remove and correct the identified advertising; continued advertising would be construed as a separate violation, subjecting Respondent to further disciplinary action.

CASE # U12-066, U13-031, July 10, 2013

**In the matter of Jason Hinshaw and Fresh Cut Lawn Service, LLC
Sanford, NC**

Following a consolidated contested cases hearing, the Board determined that Respondents violated N.C. Gen. Stat. 89G-2 on two separate occasions by installing systems at two addresses. The Board concluded that, based on a preponderance of evidence, respondent was not subject to any exemption, and willfully violated the statute, having previously been alerted of the governing statute, including having been counseled by a Board investigator on the law, and willful violation of the law. The Board determined that the maximum civil penalty of two thousand dollars (\$2000) per violation was necessary and appropriate, for a total of four thousand dollars (\$4000).

CASE # U12-076, -086, June 12, 2013

**In the matter of Chris Neal and Clean Sweep, LLC
Goldsboro, NC**

Following a consolidated contested cases hearing, the Board determined that Respondents violated N.C. Gen. Stat. 89G-2 by advertising using titles or descriptions implying licensure as an irrigation contractor in the absence of such licensure, with particular reference to two youtube videos for Clean Sweep, LLC. The Board concluded that, based upon various aggravating factors, the maximum civil penalty of two thousand dollars (\$2,000) was justified in this instance and necessary in order to prevent repetition of the violation.

The Board also concluded that Respondent was in violation of Respondent's previous settlement agreement with the Board in three instances and imposed three separate penalties of two thousand dollars (\$2000) per violation, as allowed under the terms of the executed agreement, for a combined total of eight thousand dollars (\$8000).

CASE # U12-038, May 8, 2013

**In the matter of Mike Hoskins and Stone Creek Landscaping, Inc.
Apex, NC**

Based upon the evidence presented the Board determined that Respondent's website advertising irrigation services violated N.C. Gen. Stat. 89G-2 by (1) holding the Respondents out as being legally capable and qualified to undertake the services advertised and (2) identifying and emphasizing the purported 'professional' nature of Respondents' services.

The Board determined that, given the nature and scope of the cited violation, a civil penalty was justified and necessary to prevent its continuance, but also noted a number of mitigating circumstances, including evidence of Respondent's past efforts to take corrective action with his company's website manager and various third parties. The Board assessed a civil penalty in the amount of five hundred dollars which will be reduced to two hundred dollars if Respondent Hoskins removes identified material and classifications from his website and other internet profiles within 30 days.

CASE # U12-114, U13-025, May 8, 2013

**In the matter of Jeff Clark and Firehouse Irrigation
Waxhaw, NC**

Following a consolidated contested cases hearing, the Board determined that Respondents violated N.C. Gen. Stat. 89G-2 by (1) advertising using titles or descriptions implying licensure as an irrigation contractor in the absence of such licensure and (2) engaging in the practice of irrigation construction at a residential location. The Board concluded that, among other aggravating factors, the Respondents continued willful use of his revoked irrigation licensure number and seal over a period of nearly two years, along with express assertions of such licensure in advertising materials, justified the assessment of the maximum civil penalty of two thousand dollars (\$2,000) in each instance in accordance with N.C. Gen. Stat. § 89G-12.

CASE # U12-076, -086, April 10, 2013

**In the matter of Jeff Smith and Choice Landscaping and Irrigation
Belmont, NC**

Following a consolidated contested cases hearing, the Board determined that substantial evidence supports the existence of seven violations of the licensure laws and its subject administrative rules, including (1) four instances of advertising improperly implying licensure; (2) one instance of unlicensed practice of irrigation construction and/or contracting; and (3) two violation of minimum standards for the design and installation of irrigation systems. The Board determined that a significant civil penalty was justified and necessary in each instance and assessed the maximum civil penalty of two thousand dollars (\$2,000) for each instance, for a total of fourteen thousand dollars (\$14,000) in accordance with N.C. Gen. Stat. § 89G-12.

CASE # U12-104 U12-149, March 13, 2013

In the matter of Chris Ricci and Pleasant Surroundings

Raleigh, NC

Upon review of the evidence presented, the Board determined Respondents violated NC GS § 89G-2, by advertising using titles or descriptions implying licensure as an irrigation contractor in the absence of such licensure. The Board assessed a civil penalty in the amount of one thousand dollars (\$1000) in accordance with NC GS § 89G-12.

CASE # U11-107 U12-092,-097 March 13, 2013**In the matter of Shawn Kaiser and Sky Irrigation
 Mooresville, NC**

In the consolidated contested cases hearing involving 9 independent, alleged violations of NC GS § 89G-12, the Board determined Respondents violated the licensure statute on four separate residential locations. Having established the existence of aggravating circumstances in each instance, the Board assessed four civil penalties in the amount of two thousand dollars (\$2000) each for a total of eight thousand dollars (\$8000).

CASE # U12-044, 045, 061, March 13, 2013**In the matter of Larry Burgin and L & L Irrigation
 Charlotte, NC**

Upon review of the evidence presented, the Board determined Respondents violated of NC GS § 89G-2, by advertising using titles or descriptions implying licensure as an irrigation contractor. The Board assessed a civil penalty in the amount of five hundred dollars (\$500) in accordance with NC GS § 89G-12. In this consolidated hearing, the Board further concluded that Respondents practiced irrigation construction or contracting as an unlicensed individual at two residential locations in Charlotte. Upon evaluation of the circumstances the Board assessed the maximum civil penalty of two thousand dollars (\$2000) for each individual violation, in accordance with NC GS § 89G-12 for a total of four thousand dollars (\$4000).

CASE # U12-053, U12-149, December 12, 2012**In the matter of Abram Skibo and Caribbean Landscaping
 Kitty Hawk, NC**

Upon review of the evidence presented, the Board determined a violation of NC GS § 89G-2, prohibiting the practice of irrigation construction or contracting by an unlicensed individual, occurred at three residential locations in Kill Devil Hills. The Board, having determined the existence of mitigating circumstances, assessed a total civil penalty in the amount of five hundred dollars (\$500) in accordance with NC GS § 89G-12.

CASE # U12-064, U12-149, September 20, 2012**In the matter of Gaby Mathieu and Antoine Sprinkler Repair Service, Inc.
 Huntersville, NC**

Upon review of the evidence presented, the Board determined Respondent violated NC GS § 89G-2, by advertising using titles or descriptions implying licensure as an irrigation contractor in the absence of such licensure. The Board assessed a civil penalty in the amount of \$1000.00 in accordance with NC GS § 89G-12. The Board further determined that insufficient evidence existed to support allegations of unlicensed practice by Respondents as prohibited by NC GS § 89G-2 and dismissed the claim.

CASE # U10-001, U12-149, May 9, 2012**In the matter of Ricky Loye and Loye Grading & Tree Services, Inc.
 Reidsville, NC**

Upon review of the evidence presented, the Board determined a violation of NC GS § 89G-2, prohibiting the practice of irrigation construction or contracting by an unlicensed individual, occurred at a commercial location in Reidsville, the Board assessed a civil penalty in the amount of \$2000.00 in accordance with NC GS § 89G-12.

CASE # U11-098**In the matter of J. Patrick Olberding and The Landscape Corporation/All Year Lawn and More, Inc.**

Gastonia, NC

VIOLATION: Mr. Olberding and his company installed a landscape irrigation system in NC without being licensed by the NCICLB in violation of NC GS § 89G.

BOARD ACTION: The Wake County Superior Court approved a Consent Order imposing an Injunction on J. Patrick Olberding of Gastonia, NC, prohibiting him from contracting for, or providing irrigation services except those covered by an exception under NC GS § 89G-3.

CASE # U11-109

In the matter of John Armstrong and God's Green Earth

Newport, NC

VIOLATION: Mr. Armstrong and his company installed a landscape irrigation system in NC without being licensed by the NCICLB in violation of GS § 89G.

BOARD ACTION: The Wake County Superior Court approved a Consent Order imposing an Injunction on John Armstrong of Newport, NC, prohibiting him from contracting for or providing irrigation services except those covered by an exception under GS §89G-3.