



5400 Creedmoor Rd
Raleigh, North Carolina 27612
919-571-4183

FILED

2019 SEP -3 P 12:59

**North Carolina
Licensing Board for General Contractors**

5400 Creedmoor Rd
Raleigh, North Carolina 27612

LICENSING BOARD /
GENERAL CONTRACTORS

INSTRUCTIONS FOR FILING CHARGES AGAINST A GENERAL CONTRACTOR:

Complaint Procedures and Information for Complainants

This form may be used to submit information and material to the North Carolina Licensing Board for General Contractors (Board) to complain about the conduct and actions of a licensed general contractor. In order for the staff to properly investigate the charges, your responses and the information on this questionnaire and form should be clear, specific and factual. Section I requires important information concerning the nature of the complaint and the charges you are filing. Copies of exhibits such as contracts, letters, photographs or any other supporting documents may be attached to this form. The Board reserves the right to retain any material submitted with the complaint, and you may want to keep any originals for your personal use. Section II provides specific information to assist the Board in its investigation of the charges. 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 are not a party to formal disciplinary proceedings before the Board. Parties to the investigative and disciplinary process are the Board and the licensed general contractor. Complainants should also be aware that:

- 1) The Board has no authority to provide you with legal counsel or advice where private counsel is necessary or appropriate.
- 2) The Board has no authority to order the Respondent contractors to pay money, make restitution, compel the Respondent to complete unfurnished projects or to undertake corrective action.
- 3) The Board is not required to obtain your consent or approval before entering into a settlement or Consent Agreement with the Respondent.
- 4) 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.

By North Carolina law, the Board only has the authority to impose discipline on the license issued to a general contractor. The primary objective with many of the Board's investigations is to determine whether a general contractor has complied with requirements of the North Carolina State Building Codes. The building codes set out minimum construction standards for critical issues such as public health and safety. The codes do not assure customer satisfaction, cosmetic quality, workmanship or contractual performance. Under the Board's disciplinary statute (N.C.G.S. §87-11), discipline may not be imposed on a licensee for cosmetic quality of workmanship for a project, building defects not governed by building codes or established industry standards, warranty, financial or contractual disputes, and other controversies where litigation and/or the advice of private counsel is appropriate. The Board may discipline licensed general 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 lawful authority to seek an injunction in Superior Court to restrain the contractor from the further practice of general contracting.

In Section I, please list the contractor you are preferring charges against, specifying the exact name in which the contractor conducted business with you (and whether the contractor was doing business as an individual, sole proprietorship, partnership or corporation). Incorrectly naming the contractor in the form may result in the Board either dismissing the charges or a delay in the investigation. **Before mailing or submitting your complaint to the Board, please make sure all questions are answered, all necessary documents are attached, and that the form is signed and sworn before a Notary Public. Your name also must be signed at the bottom of this page verifying that you have read these instructions. Your complaint package will be returned to you for failure to comply with these requirements.**

When the Complaint is Received by the Board

After your completed complaint is received by the Board office, an investigation 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 familiar with the case. After an investigation is completed the case is referred to the Board's Review Committee, which then makes a recommendation to the Board as to whether probable cause exists to recommend that the case be presented to the full Board for a disciplinary hearing.

In addition to the probable cause recommendation, the Review Committee may recommend that a hearing is not necessary, or that some other sanction or discipline may be more appropriate for the licensee. The Review Committee may recommend to dismiss the complaint as unfounded or trivial, or for lack of probable cause. Once a determination has been made with a complaint, both the Respondent and Complainant are notified in writing of the decision. Until such notice is received, all communication with the Board must be directed to the field investigator assigned to the case. The actual decision of the Board is final and cannot be appealed. If a disciplinary hearing is conducted, based on its findings the Board may impose discipline by revoking or suspending the license of a general contractor. If a hearing is conducted, Complainants should be prepared to attend and testify at the hearing.

The Board may reveal information contained in your complaint to the accused general contractor. A receipt-funded 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. Should you have any questions about preferring charges against a general contractor, please call the *Violations & Complaints* department at (919) 571-4189, or (919) 571-4183.

The complaint form should be signed and dated below. Mail the completed complaint form to the Licensing Board for General Contractors with all exhibits and documents attached. The 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 Signature

Date

08/21/2019

Date

08/21/2019

SECTION I

Complaint against:

GREENKIND BUILDERS LLC / MICHAEL ALEXANDER POLLOCK
(person, firm, corporation license issued to)

License Number

77234

Telephone (828) 575-7969

105 PINETREE DRIVE, CANDLER NC 28715 or 81 GOLDMONT ST. BLACK MOUNTAIN, NC 28711
Street, P. O. Box, Route City State Zip

Your Name:

DECIO SALES-FILHO

805

Telephone (day/eve)

Street, P. O. Box, Route

ASHEVILLE

NC

28801

City

State

Zip

Location of Project, work complained about:

37 WOODROW AVE

Street #, Lot #

ASHEVILLE

BUNCOMBE

City

County

Directions to Site:

Flag pole lot on woodrow.

1. Did you execute a contract for this work with the general contractor named above? YES
(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? No If not, what percentage of completion or stage of construction is the project at the time of filing this complaint? ± 5%.
4. Has the general contractor been dismissed or terminated from the project? NOT RESPONDING
5. Has the general contractor abandoned the project? YES
6. Has a Certificate of Occupancy or Certificate of Compliance been issued by the local (city, county) inspection department? NO If so, date issued _____
7. Please list the dates or approximate dates when the work was performed by the general contractor in this complaint.
Deposit, wire to Greenland, email stating he needed more funds.
8. Are you and the general contractor currently involved in any dispute or proceeding concerning purely monetary or contractual matter, or breach of contract? NOT YET, POLICE REPORT FILED 19026844 Detective Allen
9. To your knowledge, have any civil complaints or lawsuits been filed by either you or the general contractor in this matter?
WILL BE, 3 OTHERS WHO ALSO SIGNED CONTRACTS AND PAID MONEY ARE FILING LAWSUIT
10. Please include additional or supporting details in the space provided below:
- 1) Contract signed wire sent 1/22/19
- 2) expense summary sent 7/25/19 + Need additional funds email
- 3) of the \$106854.00 pd only Permits pd (2197.30)
\$2000 Deposit Superior walls, \$ pd to Greader, Maybe
pd MSD \$6972.00 — maybe used 11,000 of the funds
misrepresented the rest, Greader Josh Miller contacted me
about his outstanding Bill WAS pd

SECTION II

1. If applicable, please list the name of city or county inspection department which performed the required building code inspections for this project.
ASHEVILLE, BUNCOMBE COUNTY
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 in this complaint? No If yes, have these code violations 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 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 violations.
5. To your knowledge, has the general contractor been notified of any existing building code violations, in this project? No
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?
NOT RESPONDING, ABANDONED JOB AND PAYMENT OBLIGATIONS TO SUB-CONTRACTORS
9. Will you permit the general contractor to undertake or begin necessary corrections or remedial work? NO
If not, please explain. HAS ABANDONED all known jobs, website changed to "Closed" Does not respond to email, text, phone calls. - has embezzled the money + opened new corporation Shelter, Inc
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

DECIO SALES-FILHO

Date 8/21/2019

Sworn to (or affirmed) and subscribed before me this 28th day

of August, 2019

Amy Elizabeth Tesner
Notary Public Signature

My commission expires 2-4-2020



NOTICE OF THE FILING OF A COMPLAINT AGAINST A LICENSEE

File No. 19-C-563

TAKE NOTICE that a sworn complaint has been filed against the following licensee of this Board.

Greenkind Builders LLC
none, as qualifier(s)
License No. 77234

SUCH COMPLAINT has been filed with the Board pursuant to N.C.G.S. Section 87-11(a). The Board will investigate the charges and follow the procedures set forth in Rule .0701 "Board Disciplinary Procedures" and following. Licensees of this Board are obligated to assist and cooperate with this investigation. This obligation must be taken seriously. Failure to cooperate and to respond may result in discipline such failure, aside from discipline which may result from complaint's allegations.

It is suggested that licensees read and familiarize themselves with N.C.G.S. Section 87-11(a) and 21 N.C.A.C. 12.0100 (Board Rules). These are contained in the Board's publication Laws and Regulations Applicable to General Contracting in the State of North Carolina or in most public libraries. (The Licensing Board's website is at www.NCLBGC.org)

Discipline, such as license revocation and future disqualification of a qualifier, may result ultimately from the filing of a sworn complaint. Licensees who permit unlicensed persons or firms to use their licenses may be disciplined, even if the licensee has an ownership interest in the unlicensed entity. You may wish to and are entitled to seek legal counsel.

A copy of the actual complaint, or a summary of the charges is attached for reference. You may respond in writing to each allegation. If you choose to submit a written response, your response is due within 15 days of service of this notice upon you. You may include photographs, documents such as invoices, change orders, building permits, and any other documents which may be helpful. If there is a written contract (or contracts) involved, please submit a clean photocopy. If the contract was oral, please summarize in writing your understanding of the contract terms. If remedial construction work (repairs of corrective action) is appropriate at this time, you are urged to consider making remedial efforts.

Please submit your written response to the Board Executive Office at the following address:

Violations/Complaints Section
P. O. Box 17187
Raleigh, North Carolina 27619;

(You may deliver your response to 5400 Creedmoor Road, Raleigh, North Carolina; a telephone call will not be considered a response.)

Cc: Ryan Cody, Field Investigator



North Carolina
Licensing Board for General Contractors

October 3, 2019

Mr. Michael Alexander Pollock
81 Goldmont Street
Black Mountain, NC 28711-2790

Re: Voluntary Surrender of Examination Credentials

Dear Mr. Pollock:

This will acknowledge our receipt of the signed, notarized document titled "Voluntary Surrender of Examination Credentials" dated October 1, 2019, voluntarily surrendering the NASCLA examination credential that the North Carolina Licensing Board for General Contractors (the Board) previously authorized.

The Board accepts the surrender of the NASCLA examination credential you held. This letter will also confirm that the NASCLA examination credential, is hereby considered to be permanently revoked by the Board. This shall conclude the matter concerning Complaint Files 19 C 2525, 19 C 563 and 19 C 564 previously filed against you, as Qualifier for License No.77234.

Sincerely,

A handwritten signature in dark ink, reading "C. Frank Wiesner". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

C. Frank Wiesner
Executive Director

THE NORTH CAROLINA LICENSING BOARD FOR GENERAL CONTRACTORS

Complaint File No. 19C-525 + 19C-563 + 19C-564

In the Matter of:

GreenKind Builders LLC
Michael Alexander Pollock, Qualifier

VOLUNTARY SURRENDER OF EXAMINATION CREDENTIALS

I, MICHAEL Palak, hereby voluntarily surrender my examination credentials. I understand that by doing so, a hearing on the above-referenced complaint(s) is waived and the complaint file(s) will be closed. I have been advised that the North Carolina Licensing Board for General Contractors considers such surrender a revocation of my examination credentials under G.S. 87-11(a).

This the 1st day of OCTOBER, 2019.

hup

Signature

By: MIKE POLLAK
PRINT NAME OF QUALIFIER

STATE OF NORTH CAROLINA

Burcombe COUNTY

Sworn to and Subscribed before me

this the 1st day of October, 2019.

Notary Public

Ryan D. Cobb
Typed or Printed Notary Name

My Commission Expires: 8-10-2022

