



5400 Creedmoor Rd
Raleigh, North Carolina 27612
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2019 AUG 21 P 1:17

North Carolina
Licensing Board for General Contractors
5400 Creedmoor Rd
Raleigh, North Carolina 27612
N.C. 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 Nelida Barrios Date 8-16-19

Date 8-16-19

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 Dr, Candler NC 28715 OR 81 Goldmont St, Black Mountain, NC 28711

Street, P. O. Box, Route

City

State

Zip

Your Name:

Nelida Barrios

(305)

Telephone (day/eve)

Street, P. O. Box, Route

City

State

Zip

Location of Project, work complained about:

104 Woodrow Ave

Pin 9649-34-2554-00000

Street #, Lot #

Asheville

Buncombe

City

County

Directions to Site:

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? 50%
4. Has the general contractor been dismissed or terminated from the project? Will be-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.
contract started 9/28/18, permits pulled 10/24/18 actual work started in February/March 2019
8. Are you and the general contractor currently involved in any dispute or proceeding concerning purely monetary or contractual matter, or breach of contract? will be, police Report filed
9. To your knowledge, have any civil complaints or lawsuits been filed by either you or the general contractor in this matter?
I will be, 2 friends that also signed contracts with him are also filing complaints/lawsuit
10. Please include additional or supporting details in the space provided below:
Included are text message print outs from the start of discussion to date of last exchange, email printouts, payments made, timeline of work as provided by Greenkind Builders, payment made to first sub-contractor that contacted me about not being paid and was going to file a lien. Shows misleading information, lack of progress he attributed to weather, sub contractors, inspections etc.

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.
will be in NC 8/26 and pull information from records at site and at the building/code office

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 to me or the other 2 individuals that have contracts with Greenkind Builders LLC _____
9. Will you permit the general contractor to undertake or begin necessary corrections or remedial work? _____
If not, please explain. He is not capable, has embezzled the money. Has not paid sub-contractors to date I know of at least \$23,000 unpaid, did not order and install windows & exterior doors. Trying to obtain estimates to see how much it will be to complete build since I paid 191,960. to Greenkind plus \$35,000-\$40,000 in additional building supplies. I have calls in to 4 contractors to determine total amount of loss, amount to finish the build since he was collecting in advance of work performed.
10. Please include additional or supporting details concerning questions 1 through 9 in the space provided below.
copies of contracts, timeline, checks/payments made, supplies agreed to provide are all included in this package, _____

*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.

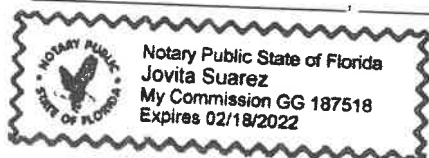
Your signature [Signature] Date 8-16-2019

Sworn to (or affirmed) and subscribed before me this 16 day
of August, 2019.

[Signature]
Notary Public Signature

My commission expires _____

OFFICIAL SEAL
Notary Public



8/16/19

1st Certified
Letter

Mike Pollock
Greenkind Builders LLC
105 Pine tree Drive
Candler, NC 28715

Mike,

I will begin by stating the obvious-I am very disappointed in you. You have embezzled funds from my friends and me. Lying to us again and again about timelines, funds, and release of liens. Most recently at our meeting on 8/9/19.

You have not paid sub-contractors- small businessmen who have families, financial obligations to meet- jeopardizing their lives, their families, and their homes.

You abandoned your fiduciary, contractual and legal obligations at 104 Woodrow Avenue- leaving me with a shell, unpaid sub-contractors and forcing me to expend even more time and money which you know I do not have. Lying about timelines, expenditures, stringing me along taking more money along the way.

You left Decio with a hole in the ground and a grader demanding payment of \$32,000 besides the \$106,000 he already paid you.

You extorted additional money from Kay who is recovering from a massive stroke, claiming you underbid and showing misleading inflated bills to justify your continued lying, cheating and stealing

Nothing can excuse your behavior; nothing can justify your behavior. Nothing. You have children, a wife-how can you explain this to them? Obviously you have nothing to say since you have not had the decency to return calls, text messages, emails, to me, the others, the sub-contractors you have used along the way.

Since I have to officially "fire" you from this contract-please consider yourself FIRED. Karma will catch up with you, and I will be there to witness.



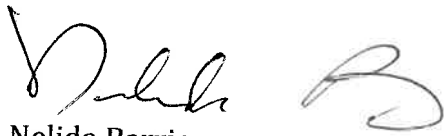
Nelida Barrios/ NellBarr Self Directed IRA LLC

8/19/19

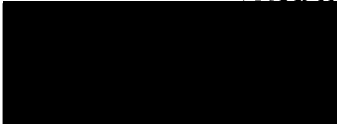
2nd certified
letter

Mike Pollock
Greenkind Builders LLC
105 Pine tree Drive
Candler, NC 28715

Request for full accounting, receipts, releases from sub-contractors, contracts with sub-contractors and return of excess funds immediately from contract with NellBarr Self directed IRA LLC.



Nelida Barrios
NellBarr Self Directed IRA LLC



Face to Face meeting with Mike Pollock/Greenkind Builders LLC.

8/9/19

Advised Mike Pollock (Greenkind) a few days prior to arriving that I would be there and wanted to meet and discuss work and payment plan by email and text. He responded on 8/8 that he would come only if I brought the next payment. Agreed to meet with him-did not state I would bring a check. He was contending that he was entitled to the payment despite not having the windows and exterior door purchased and installed as per his timeline.

Met with Mike Pollock at 11AM and there were 4 additional witnesses to that meeting. Decio Sales, Steven, Cristina La Franco, and Perry Martino. Decio is also under contract with Greenkind and was recently advised by a sub-contractor (grader) that he has not been paid.

We discussed the timeline, the failure to meet the timeline, that the next payment of \$47,990 would require I activate a loan and have an obligation to repay that loan. If he did not complete the house by 10/1/19 I wanted him to agree to a penalty of \$80/day for further delays. That amount was equal to what the loan would cost me per day since I had no way of paying the loan if I could not rent out the house. I also requested release of liens from the sub-contractors to date.

I emphasized to him that I do not have the money, a friend is loaning me the money and the house would be collateral. If he did not agree to completion and/or penalty-I would not be able to meet my obligations and could lose my house as well as my IRA (30 years of savings) by his failure to meet his timelines. This was a second extended timeline for a 30 week build that was now approaching 48 weeks. He agreed to review with his attorney and respond by the following Monday or Tuesday.

Decio discussed with him his concerns regarding the sub contractor contacting him. Mike Pollock explained that it was a misunderstanding that he had in fact paid him some of the amount due and that the original quoted price of \$15,000 had been inflated by doing

unnecessary work. HOWEVER, the grader stated the amount owed was \$32,000 and the "estimated expenditure of funds" Mike Pollock provided Decio was for \$49,760 of which 0 had been paid to the grader.

TO date I have been contacted by the Grader Josh Miller Backwoods grading who was not paid for the work completed at 104 Woodrow Avenue and confirmed that the information relayed to me by Mike regarding equipment failure that delayed the grading/slab was not correct. I do not have the invoices yet but he is claiming approximately \$13,000 is owed.

I was also contacted by Kilowatt Electrical they were not paid and that bill was just over \$13,000.

I am expecting calls from the plumber and HVAC company among others.

I know of 3 additional victims of this contractor and estimate the total funds embezzled to be in excess of \$600,000. Two are over 68 years old further qualifying for additional charges for financial fraud against the elderly.



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 that reads "C. Frank Wiesner". The signature is written in a cursive, flowing style.

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 Pollock, 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.



Signature

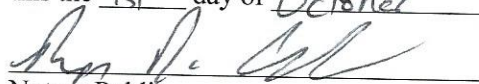
By: MIKE Pollock
PRINT NAME OF QUALIFIER

STATE OF NORTH CAROLINA

Burrhead COUNTY

Sworn to and Subscribed before me

this the 1st day of October, 2019.


Notary Public

Ryan D. Cody
Typed or Printed Notary Name

My Commission Expires: 8-10-2022



