



North Carolina Landscape Contractors' Licensing Board
Post Office Box 20875
Raleigh, North Carolina 27619
(O) 919.266.8070 (F) 919.782.9470
administrator@nclclb.com
www.nclclb.com

July 10, 2020

Case: 18.81.S and Case: 19.93.S

Christopher James Brook (NCLC # 2930)
Brooks Nursery
421 Hunters point Drive
Indian Trail, NC 28079

Christopher James Brook (NCLC # 2930)
Brooks Nursery
4404 S. Potter Road
Monroe, NC 28112

Mr. Brook:

As you are aware, the NC Landscape Contractors' Licensing Board (Board) Disciplinary Review Committee (DRC) conducted an investigation in reference to two (2) complaints against you and Brook's Nursery for possible violations of N.C.G.S 89D; Board Minimum Standards and/or the Board Code of Conduct.

The investigation established that violations did in fact occur and on June 23, 2020 the Board voted to approve the Consent Order having verified your signed agreement on June 16, 2020 to the Finding of Fact, Reprimand, and terms and conditions set forth in the Consent Order.

Having submitted payment for the cost of the investigation, you are reminded that per your agreement and as specified in the terms and conditions of the Consent Order, you are to locate and take a Board approved, two-hour course on drainage and paver installation within twelve month from June 23, 2020, the date the Board approved the Consent Order.

Additionally, the Board strongly cautions you as a licensed landscape contractor to comply with the Board's Minimum Standards for licensed landscape contractors set forth in NC Administrative Code 28B including but not limited to 21 NCAC 28B .0504 and .0506. It is recommended that you carefully review the Board Minimum Standards; Code of Conduct, the NC General Statute 89D and the Administrative Rules (21 NCAC 28B) which are all found on the Board's website at: www.nclclb.com.

This letter will be placed in your file as a matter of public record.

Sincerely,

Calvin M. Kirven
Executive Administrator for the
NC Landscape Contractors' Licensing Board

BEFORE THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD

Complaint File No. 18.81.S

In the Matter Of:)	
)	
CHRISTOPHER JAMES BROOK dba)	CONSENT ORDER
BROOKS NURSERY)	
(License No. 2930))	

THIS MATTER is before the North Carolina Landscape Contractors' Licensing Board (Board), pursuant to G.S. §89D-22 and with the consent of Christopher Brook dba Brooks Nursery (Respondent Licensee), for consideration of an entry of a Consent Order in lieu of an administrative hearing.

With Respondent Licensee's consent, the Board makes the following:

FINDINGS OF FACT

1. On October 1, 2015 Respondent Licensee was issued a landscape contractor's license, license no. 2930. The license was last renewed on August 1, 2018 and is currently active.
2. On August 2, 2018, William and Jessica Johnson ("homeowners") filed a complaint against Respondent Licensee. The Board subsequently commenced an investigation.
3. On or about April 3, 2018, Respondent Licensee submitted an invoice to the homeowners for corrective grading and lawn seeding at a home located at 3004 Capullo Court, Wesley Chapel, North Carolina. The invoice totaled \$4,275.00.
4. Prior to the initiation of the project, the homeowners informed Respondent Licensee that the work was to resolve problems where water settled and pooled in their backyard. However, after Respondent Licensee completed the project, the problem area described above remained.

5. Upon investigation, the Board's investigator identified the following violations of Title 21, Chapter 28, Subchapter B of the N.C. Administrative Code:

.0504 in that when grading, Respondent Licensee did not (1) grade the surface such that the finish grade is smooth and free of depressions and debris, and (2) did not insure positive water flow through the site, away from structures, and in such a manner that there is no puddling or ponding.

6. Respondent Licensee alleges that on or about mid-April of 2018, Respondent Licensee was contacted by the Johnsons to install irrigation. Respondent Licensee further alleges that the installation of the irrigation system disrupted the final grading that had been completed in early March of 2018 and thus the grading observed by the Board's investigator was not the final grading.

CONCLUSIONS OF LAW

The Board alleges but Respondent Licensee denies that the actions of Respondent Licensee, as described above in paragraph 5, fall below the adopted and published minimum standards of the Board. However, Respondent Licensee acknowledges that if proven at hearing, the grading violation cited above would violate G.S. 89D-22. As such, the Board is authorized to enter this Order.

Based on the foregoing, and with Respondent Licensee's consent, IT IS, THEREFORE, ORDERED as follows:


1. License number 2930 issued to Respondent Licensee is hereby REPRIMANDED pursuant to G.S. 89D-15.

2. Within thirty (30) days after the date that the Board approves the Consent Order and pursuant to G.S. 89D-22(b), Respondent Licensee shall past costs in the amount of \$1,000.00.
3. Respondent Licensee shall locate and take a two-hour course on drainage and paver installation, approved by the Board, within twelve months from the date this Consent Order is approved by the Board.
4. Respondent Licensee shall comply with Chapter 89D of the N.C. General Statutes and the Board's rules and regulations.
5. **Noncompliance:** If Respondent Licensee fails to comply with any provision of this Consent Order or breaches any term or condition thereof, either in substance or timing, upon written demand, Respondent Licensee's license shall be suspended for six months. If Respondent Licensee disputes that such a violation of the conditions has occurred, then he must file a written objection with the Board WITHIN TEN (10) BUSINESS DAYS of the date of the notice of the violations to request a show cause hearing. The notice to the Board shall contain with specificity the violations disputed. Upon receipt of this notice of objection, Board staff shall schedule a show cause hearing before the Board at the next scheduled meeting date for which appropriate notice can be provided or scheduled by consent of the parties.
5. **Waiver:** Failure to file a written objection with the Board within the designated time period will be construed to mean the Respondent Licensee is not contesting the matter and all further proceedings to which Respondent Licensee is otherwise entitled by law are hereby waived.

6. **Modification:** Any request for modification of this Consent Order must be submitted in writing to the Board and approved prior to the modification occurring.
7. **Effective Date:** The effective date of this Consent Order shall begin on the date that it is approved by the Board; provided that the Board will not consider the Consent Order unless an original, signed by Respondent Licensee, is received prior to the Board meeting at which the Consent Order is being considered.

Approved by the Board this the 23 day of June 2020.

NORTH CAROLINA LANDSCAPE
CONTRACTORS' LICENSING BOARD

By: 
Chris Mitchell
Chairman

STATEMENT OF CONSENT
LICENSEE

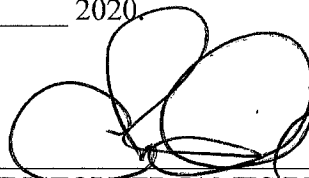
The undersigned does hereby certify that he has read the foregoing Consent Order in its entirety and that on behalf of Respondent Licensee, he freely and voluntarily admits that there is a factual basis for the Findings of Fact set forth therein, that the Findings of Fact support the Conclusions of Law, that Respondent Licensee will not contest the Findings of Fact should further disciplinary action be warranted in this matter, and that Respondent Licensee assents to the terms and conditions set forth therein.

The undersigned agrees to accept service of the fully executed Consent Order via first-class mail addressed as follows:

Christopher James Brook dba Brooks Nursery
421 Hunters Point Drive
Indian Trail, NC 28079

Christopher James Brook dba Brooks Nursery
4404 S. Potter Rd.
Monroe, NC 28112

This the 16th day of June 2020.



CHRISTOPHER JAMES BROOK
dba Brooks Nursery

STATE OF NORTH CAROLINA

COUNTY OF Union

Sworn to and subscribed before me this
the 16th day of June 2020.


Notary Public

Todd M. Hess
Typed or Printed Notary Name

My Commission Expires: February 12, 2024

