

+BEFORE THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD

Complaint File Nos. 18.81.S & 19.93.S

In the Matter Of:

CHRISTOPHER JAMES BROOK dba  
BROOKS NURSERY  
(License No. 2930)

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**AMENDED  
CONSENT ORDER**

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.

18.81.S

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.

19.93.S

7. On June 21, 2019, Casey Granger filed a complaint against Respondent Licensee. The Board subsequently commenced an investigation.

8. On or about May of 2019, Respondent Licensee was hired by Granger to perform light grading, install a low stone wall and a timber wall at Granger's home located at 2018 Tinkham Trail, Cramerton, North Carolina. Granger hired Super-Sod to install sod at his home; Super-Sod contracted with Respondent Licensee for the installation.

9. Respondent Licensee subsequently performed the above-described work.

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

- a. .0508(a)(3) and (6) in that the first course was not buried on either the stone wall or timber wall and there was no granular base below either the stone wall or timber wall; and
- b. .0503(2) and (7) in that there was only a very thin layer of organic material between the sod and existing soil (thus no evidence of proper soil preparation) and based upon the homeowner's verbal statements, the sod was not installed within 36 hours of harvesting.

11. Respondent Licensee denies that the sod was improperly installed. Respondent Licensee asserts that the existing soil was tilled with Soil3 product prior to the installation of the sod. Respondent Licensee further asserts that issues with Granger's existing irrigation system, which Respondent Licensee alleges was not properly permitted or installed, delayed the installation of sod. Finally, Respondent Licensee asserts that Granger did not follow watering instructions provided by Respondent Licensee or Super-Sod.

#### CONCLUSIONS OF LAW

The Board alleges but Respondent Licensee denies that the actions of Respondent Licensee, as described above in paragraphs 5 and 10, fall below the adopted and published minimum standards of the Board. However, Respondent Licensee acknowledges that if proven at hearing, the violations 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:

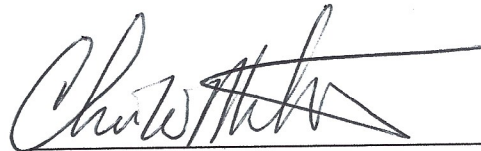
1. This Consent Order supersedes all prior Consent Orders entered in either matter set forth above.
2. License number 2930 issued to Respondent Licensee is hereby REPRIMANDED pursuant to G.S. 89D-15.
3. Within thirty (30) days after the date that the Board approves the Consent Order and pursuant to G.S. 89D-22(b), Respondent Licensee shall past costs in the amount of \$1,000.00.
4. 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.
5. Respondent Licensee shall comply with Chapter 89D of the N.C. General Statutes and the Board's rules and regulations.
6. **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.

7. **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.
8. **Modification:** Any request for modification of this Consent Order must be submitted in writing to the Board and approved prior to the modification occurring.
9. **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 11 day of September 2020.

NORTH CAROLINA LANDSCAPE  
CONTRACTORS' LICENSING BOARD

By:



Chris Mitchell  
Chairman

STATEMENT OF CONSENT

The undersigned does hereby certify that he has read the foregoing Amended 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 Amended 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 1 day of SEPT 2020.



CHRISTOPHER JAMES BROOK  
dba Brooks Nursery

STATE OF NORTH CAROLINA

COUNTY OF Union

Sworn to and subscribed before me this  
the 1 day of September 2020.

Riley Taylor

Notary Public

Riley Taylor

Typed or Printed Notary Name

My Commission Expires: July 27 2025

