

FILED

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
2020 SEP 16 PM 4:45  
19-CVS-16034

NORTH CAROLINA LANDSCAPE )  
CONTRACTORS' LICENSING BOARD, )  
Plaintiff, )  
v. )  
TONY McCOLLETT d/b/a )  
TONY'S UNTOUCHABLE LANDSCAPES, )  
Defendant. )

2020 SEP 16 PM 4:45  
C.S.C.

**DEFAULT JUDGMENT**

THIS CAUSE coming on to be heard and being heard before the undersigned judge presiding, upon the Complaint of the North Carolina Landscape Contractors' Licensing Board, Plaintiff, and the Court having reviewed the pleadings, makes the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina Landscape Contractors' Licensing Board (hereinafter "Plaintiff" and "Board"), is an agency of the State of North Carolina created under the authority Chapter 89D of the General Statutes of North Carolina.

2. Defendant TONY McCOLLETT ("McCollett") d/b/a TONY'S UNTOUCHABLE LANDSCAPES is a citizen and resident of Wake County, North Carolina, residing at 12926 NC Highway 42 E, Kenly, North Carolina 27542.

3. Defendant is not presently and was not previously licensed as a Landscape Contractor, as defined by N.C. Gen. Stat. § 89D-12, by Plaintiff Board.

4. Defendant engaged in and advertised the practice of landscape contracting in violation of N.C. Gen. Stat. §§ 89D-11(2) and 89D-11(3) in that on or about September 17, 2019, Plaintiff Board received a complaint alleging that Defendant was advertising as a landscape

contractor and offering to perform landscape contracting without first obtaining a license from the Board.

5. Defendant's website, [www.untouchablelandscapes.com](http://www.untouchablelandscapes.com), lists a variety of landscape construction and contracting services and bears a seal reading "North Carolina Registered Landscape Contractor."

6.. Prior to August 1, 2015, Defendant held a registration issued by the N.C. Landscape Contractors' Registration Board ("Registration Board"). However, the Registration Board ceased to exist on August 1, 2015.

7. Defendant has been duly served with the Summons and Complaint and Application for Injunctive Relief in this action.

8. Entry of Default was filed on March 9, 2020.

Based upon the foregoing Findings of Fact, the Court makes the following:

#### CONCLUSIONS OF LAW

1. Plaintiff is authorized to bring this suit and to obtain injunctive relief under the provisions of N.C. Gen. Stat. § 89D-24(a).

2. Defendant has violated N.C. Gen. Stat. §§ 89D-11(2) and 89D-11(3).

3. Plaintiff is entitled to judgment by default.

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED, ADJUDGED and DECREED that:

1. Plaintiff's Motion for Default Judgment is hereby granted; and

2. Defendant is hereby permanently enjoined from the practice of landscape construction or contracting in North Carolina, until such time as he is licensed by the Board.

2. That costs of this action, including Plaintiff's reasonable costs associated with the investigation and prosecution of Defendants' violation, be taxed against Defendant.

This the 17<sup>th</sup> day of September, 2020.

  
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Superior Court Judge, Presiding