

# NICHOLS, CHOI & LEE, PLLC

M. Jackson Nichols  
Anna Baird Choi  
Catherine E. Lee  
A. Grant Simpkins

ATTORNEYS AT LAW

Nonprofit  
Employment  
Administrative  
Occupational Licensing

September 15, 2022

**VIA US Mail and Electronic Mail**

Kinson Demangles  
Academic Landscaping  
5322 Rozzelles Ferry Road  
Charlotte, NC 28214  
[kinson@academiclawn.com](mailto:kinson@academiclawn.com)

RE: N.C. Landscape Contractors' Licensing Board  
*In the Matter of: Academic Landscaping and Kinson Demangles* (License Nos.  
CL1675 and L3512) Complaint File No. 22.149.S

Dear Mr. Demangles:

As you are aware, the Board received a complaint that was filed against you on or about May 17, 2022. Upon conclusion of the investigation, the Board found probable cause to conduct a hearing in this matter. However, in an attempt to resolve this matter without a hearing, enclosed you will find two Consent Orders for your consideration. If you wish to resolve this matter without a hearing, please sign the Orders, have your signature notarized, and return the Orders to me. Please be advised that you have the right to consult with an attorney prior to signing.

Upon receipt of the executed Orders, the Board will consider the Orders at the next regularly-scheduled Board meeting. If the Orders are approved by the Board, we will return fully-executed copies to you. **If I do not hear from you within thirty (30) days, I will presume that you reject this offer of settlement and wish to proceed with a full hearing.**

Please contact me at [grant@ncl-law.com](mailto:grant@ncl-law.com) if you have any questions.

Sincerely,

NICHOLS, CHOI & LEE, PLLC



A. Grant Simpkins

Encls. (2)

cc: Calvin Kirven, Executive Administrator (email only)

BEFORE THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD

Complaint File No. 22.149.S

In the Matter Of:

ACADEMIC LANDSCAPING, LLC  
(License No. CL 1675), and  
KINSON DESMANGLES  
(License No. 3512)

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**CONSENT ORDER**  
**(Academic Landscaping, LLC)**

THIS MATTER is before the North Carolina Landscape Contractors' Licensing Board ("Board"), pursuant to G.S. § 89D-22 and with the consent of ACADEMIC LANDSCAPING, LLC and KINSON DESMANGLES ("Respondent Licensees"), for consideration of an entry of a Consent Order in lieu of an administrative hearing.

With Respondent Licensees' consent, the Board makes the following:

**FINDINGS OF FACT**

1. On November 16, 2020, ACADEMIC LANDSCAPING, LLC ("Respondent Licensee Academic") was issued a corporate landscape contractor's license by the Board, License No. CL 1675. The license was last renewed on August 1, 2022 and is currently active.
2. Respondent Licensee Academic is a limited liability company organized under North Carolina law. Kinson Desmangles is the Chief Executive Officer.
3. On November 11, 2020, KINSON DESMANGLES ("Respondent Licensee Desmangles") was issued a landscape contractor's license by the Board, License No. 3512. The license was last renewed on August 1, 2022 and is currently active.
4. On May 17, 2022, Christin Generale ("Generale") filed a complaint against Respondent Licensees alleging workmanship issues and project abandonment for a landscaping

project located at 116 Timberside Drive, Davidson, Iredell County, North Carolina. The Board subsequently commenced an investigation.

5. On or about June 28, 2022, the Board's investigator performed a site visit. The investigator identified the following violations of Title 21, Subchapter 28B of the North Carolina Administrative Code:

a. .0501 GENERAL

- i. (a)(7) in that the estimates and contracts provided to Generale by Respondent Licensees did not include an estimated time of completion;

b. .0502 PLANTING

- i. (1) in that Respondent Licensees damaged underground lines;
- ii. (3) in that plants were left unplanted and not watered prior to planting; and
- iii. (22) in that Respondent Licensees did not provide watering instructions;

c. .0503 TURF

- i. (a)(8) in that sod strips were laid with open seams; and
- ii. (a)(13) in that Respondent Licensee did not provide watering instructions;

d. .0504 FINISH GRADE

- i. (1) in that Respondent Licensees left uneven grades in sod; and
- ii. (2) in that Respondent Licensees' installation of a retaining wall trapped water from flowing through the site and resulted in puddling;

e. .0507 LOW-VOLTAGE LIGHTING; POOLS

- i. (a)(9) in that Respondent Licensees did not provide literature about lighting components; and

f. .0508 WALLS

- i. (a)(7) in that Respondent Licensees did not install a retaining wall on a level, well-compacted base at least 6-inches deep.

### **CONCLUSIONS OF LAW**

The actions of Respondent Licensees as described above in paragraph 5, constitute a violation of G.S. § 89D-22.

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

1. Corporate License No. CL1493 issued to Respondent Licensee Academic is hereby REPRIMANDED.
2. License No. 3512 issued to Respondent Licensee Desmangles is hereby REPRIMANDED.
3. Respondent Licensees shall take two (2) hours of Board approved continuing education courses on retaining wall construction. Record of completion shall be submitted to the Board within twelve (12) months of execution of this Consent Order.
4. Respondent Licensees shall comply with Chapter 89D of the N.C. General Statutes and the Board's rules and regulations found in Title 21, Subchapter 28B of the N.C. Administrative Code.
5. **Noncompliance:** If Respondent Licensees fail 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 Licensees' licenses shall be suspended for six months. If Respondent Licensees dispute that such a violation of the conditions has occurred, then a written objection must be filed 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.

6. **Waiver:** Failure to file a written objection with the Board within the designated time period will be construed to mean the Respondent Licensees are not contesting the matter and all further proceedings to which Respondent Licensees are otherwise entitled by law are hereby waived.
7. **Modification:** Any request for modification of this Consent Order must be submitted in writing to the Board and approved prior to the modification occurring.
8. **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 Licensees, is received prior to the Board meeting at which the Consent Order is being considered.

Approved by the Board this the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

NORTH CAROLINA LANDSCAPE  
CONTRACTORS' LICENSING BOARD

By: \_\_\_\_\_

Kerry Danger  
Chairman

STATEMENT OF CONSENT

The undersigned does hereby certify that he has read the foregoing Consent Order in its entirety and that 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 assent 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:

Academic Landscaping, LLC  
c/o Kinson Desmangles  
5322 Rozzelles Ferry Road  
Charlotte, NC 28214

This the \_\_\_\_ day of \_\_\_\_\_ 2022.

ACADEMIC LANDSCAPING, LLC  
License # CL 1675

By \_\_\_\_\_

\_\_\_\_\_  
Print Name and Title:

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this  
the \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Typed or Printed Notary Name

My Commission Expires: \_\_\_\_\_

BEFORE THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD

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KINSON DESMANGLES  
(License No. 3512)

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**CONSENT ORDER**  
**(Desmangles)**

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Approved by the Board this the \_\_\_\_\_ day of \_\_\_\_\_ 2022.

NORTH CAROLINA LANDSCAPE  
CONTRACTORS' LICENSING BOARD

By: \_\_\_\_\_

Kerry Danger  
Chairman

STATEMENT OF CONSENT

The undersigned does hereby certify that he has read the foregoing Consent Order in its entirety and that 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 assent 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:

Kinson Desmangles  
Academic Landscaping, LLC  
5322 Rozzelles Ferry Road  
Charlotte, NC 28214

This the 24 day of October 2022.

  
Kinson Desmangles  
License # 3512

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

Sworn to and subscribed before me this  
the 24 day of October 2022.

  
Notary Public

Janice R. Troutman  
Typed or Printed Notary Name

My Commission Expires: 04/15/2026

