

BEFORE THE NORTH CAROLINA LANDSCAPE
CONTRACTORS' LICENSING BOARD

Complaint File No. 24.230.S

In the Matter of:

GREEN POST IRRIGATION &
LANDSCAPING, INC.
(License No. CL 1089), and
WILLIAM DERRICK BELL
(License No. 2964)

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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 Green Post Irrigation & Landscaping, Inc., and William Derrick Bell (collectively "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 October 1, 2015, Petitioner Board issued Green Post Irrigation & Landscaping, Inc. ("Respondent Green Post") a corporate landscape contractor license, License No. CL 1089. William Derrick Bell ("Respondent Bell") is the qualifying party for Green Post. The license was last renewed on August 1, 2024, and is currently valid.
2. On October 1, 2015, Petitioner Board issued Respondent Bell a landscape contractor's license, License No. 2964. The license was last renewed on August 1, 2024, and is currently valid.
3. Respondent Green Post is a corporation organized and registered under the laws of the State of North Carolina with its principal place of business located at 305 Fox Hunter Rd., Harmony, Iredell County, North Carolina. Bell is the Registered Agent and President of Respondent Green Post.
4. Neither Respondent Bell nor Respondent Green Post have had prior disciplinary action imposed by the Board.

5. On March 21, 2024, Amy and Jason Murphy (the “Murphys”) filed a complaint with Petitioner Board against Respondents alleging misconduct in that there was no written agreement, failure to disclose material and labor costs, and workmanship issues. The file number assigned by the Board was 24.230.S. The Board subsequently commenced an investigation.
6. During their initial conversations the Murphys represented to Respondent Green Post that Terry Attinger (“Attinger”) would serve as the general contractor over the project and would speak directly for the Murphys. Attinger served as the general contractor over the project from December 2021 until they Murphys fired Attinger on or about May 25, 2022.
7. Respondent Green Post informed Attinger and the Murphys that Respondent Green Post would charge for the work on the project on a “time and materials” basis plus the hourly cost of large machinery which would be necessary on the project.
8. In December 2021, Attinger hired Respondent Green Post to remove existing concrete decking around a pool; construct stone terraces, steps, and planting beds; construct a waterfall feature; install plants; grade areas of their backyard; and address drainage issues in various areas of the Murphy’s backyard at property located at 109 Goathill Road, Mooresville, Iredell County, North Carolina. Respondents and Attinger did not sign a written contract.
9. In December 2021, Respondent Green Post began work on the above-referenced project.
10. On May 25, 2022, Respondent Green Post sent an estimate (“Estimate”) to the Murphys for \$33,000.00 regarding the Rock Water Feature of the project. The Estimate was sent after Attinger was removed as general contractor. The Estimate stated that the \$33,000 covered six (6) days of labor and machinery time. The Estimate stated that Murphys were responsible for material charges incurred by Respondent Green Post after May 25, 2022. The Estimate was signed by Jason Murphy.
11. During the course of the project, Respondent Green Post submitted the following invoices to Attinger:
 - a. December 30, 2021: \$22,716.97
 - b. January 20, 2022: \$54,835.51

- c. February 28, 2022: \$42,916.57
- d. March 27, 2022: \$56,974.22
- e. April 18, 2022: \$44,207.36
- f. May 8, 2022: \$49,936.12

12. Respondent Green Post submitted the following invoices directly to the Murphys:

- a. June 20, 2022: \$84,793.92; and
- b. July 17, 2022: \$ 12,007.46.

13. Upon information and belief, on or about June 29, 2022, Respondent Green Post completed the project.

14. Respondent Green Post violated 21 N.C.A.C. 28B .0501(a) in that Respondent Green Post did not enter into a written agreement with Attinger for services performed that exceeded five thousand dollars (\$5,000.00).

15. The actions of Respondents, as described above, fall below the adopted and published minimum standards of the Board, violate G.S. § 89D-22(6) as a violation of rules adopted by the Board.

CONCLUSIONS OF LAW

The actions of Respondent Licensees as described above in paragraphs 12 - 14, constitute a violation of G.S. § 89D-22.

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

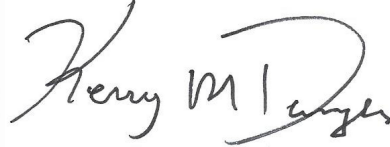
1. Corporate License No. CL1089 issued to Respondent Green Post is hereby REPRIMANDED.
2. License No. 2964 issued to Respondent Licensee Bell is hereby REPRIMANDED.
3. Respondent Licensees shall take two (2) hours of Board approved continuing education courses on hardscape construction. Record of completion 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 17th day of February 2025.

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 he will not contest the Findings of Fact should further disciplinary action be warranted in this matter, and that Respondent Green Post assents to the terms and conditions set forth therein.

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

Green Post Irrigation & Landscaping, Inc.
c/o William Derrick Bell, Registered Agent & President
305 Fox Hunter Rd.
Harmony, NC 28634

This the 12th day of February, 2025.

**GREEN POST IRRIGATION & LANDSCAPING,
INC.**, Corporate Licensee

BY: William Derrick Bell
Signature

TITLE: Owner / President

STATE OF North Carolina

COUNTY OF Iredell

Sworn to and subscribed before me this
the 12th day of February 2025.

Hannah Wright
Notary Public

Hannah Wright
Typed or Printed Notary Name

My Commission Expires: 4/2/27



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 he will not contest the Findings of Fact should further disciplinary action be warranted in this matter, and that Respondent Green Post assents to the terms and conditions set forth therein.

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

William Derrick Bell
305 Fox Hunter Rd.
Harmony, NC 28634

This the 12th day of February, 2025.

WILLIAM DERRICK BELL, Licensee

BY: William Derrick Bell
Signature

STATE OF North Carolina

COUNTY OF Iredell

Sworn to and subscribed before me this
the 12th day of February 2025.

Hannah Wright
Notary Public

Hannah Wright
Typed or Printed Notary Name

My Commission Expires: 4/2/27

