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STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD,

Plaintiff,

v.

LUIS TORRES, LLC,

Defendant.

COMPLAINT AND APPLICATION FOR INJUNCTIVE RELIEF

Pursuant to N.C. Gen. Stat. § 89D-24 and Rule 65 of the North Carolina Rules of Civil Procedure, Plaintiff complains against Defendant and moves for injunctive relief, and in support of which alleges and says as follows:

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

2. Upon information and belief, Defendant Luis Torres, LLC ("Defendant"):

   a) Is a limited liability company organized under the laws of North Carolina with a principal place of business of 126 Marshay Meadows Rd, Raleigh, Franklin County, North Carolina. Luis E. Torres Basilio is the Registered Agent and Manager for Defendant; and

   b) Not presently and was not previously licensed by Plaintiff Board as a "Landscape Contractor," as that term is defined by N.C. Gen. Stat. § 89D-11(3).

3. Steel Oak, LLC ("Steel Oak") is a limited liability company organized under the laws of the State of North Carolina. Steel Oak is not presently and was not previously licensed by Plaintiff Board as a "Landscape Contractor," as that term is defined by N.C. Gen. Stat. § 89D-11(3).

4. Upon information and belief, Steel Oak hired Defendant to work as a subcontractor for landscape construction on certain projects.

5. Plaintiff Board is charged with the regulation of landscape contractors in North Carolina and is authorized to bring this action under N.C. Gen. Stat. § 89D-24(a) which provides:

> If the Board finds that a person who does not have a license issued under this Chapter is engaging in the practice of landscape construction or contracting, the Board may appear in its own name in superior court in actions for injunctive relief to prevent any person from violating the provisions of this Chapter or the rules adopted by the Board.

6. N.C. Gen. Stat. § 89D-11 defines "Landscape Contractor" as "Any person who, for compensation or other consideration does any of the following:

   a) Engages in the business requiring the art, experience, ability, knowledge, science, and skill to prepare contracts and bid for the performance of landscape services, including installing, planting, repairing, and managing gardens, lawns, shrubs, vines, trees, or other decorative vegetation, including the finish grading and preparation of plots and areas of land for decorative utilitarian treatment and arrangement.

   b) Practices the act of horticulture consultation or planting design for employment purposes.

   c) Constructs, installs, or maintains landscape drainage systems and cisterns; provided the landscaping contractor makes no connection to pipes, fixtures, apparatus, or appurtenances installed upon the premises, or in a building to supply water thereto or convey sewage or other waste therefrom as defined in G.S. 87-21.

   d) Designs, installs, or maintains low-voltage landscape lighting systems, provided (i) the work does not exceed the scope of the exception set forth in G.S. 87-43.1(7) and (ii) the low-voltage lighting systems do not exceed 50 volts and constitutes a Class II or Class III cord and plug connected power system.

   e) Engages in the construction of garden pools, retaining walls, walks, patios, or other decorative landscape features."

7. N.C. Gen. Stat. § 89D-11(2) defines "Landscape construction or contracting" as "The act of providing services as a landscape contractor, as defined in this section for compensation or other consideration."

8. N.C. Gen. Stat. § 89D-12(a) provides:

> Except as otherwise provided in this Chapter, no person shall engage in the practice of landscape construction or contracting, use the designation "landscape contractor," or advertise using any title or description that implies licensure as a landscape contractor unless the person is licensed as

> a landscape contractor as provided by this Chapter. All landscape construction or contracting performed by a partnership, association, corporation, firm, or other group shall be performed under an individual who is readily available to exercise supervision over the landscape construction and contracting work and who is licensed by the Board under this Chapter.

9. N.C. Gen. Stat. § 89D-13(5) provides a limited exception for projects "where the price of all contracts for labor, material, and other items for a given job site during any consecutive 12-month period is less than thirty thousand dollars ($30,000)."

10. Upon information and belief, Defendant engaged in the practice of landscape construction or contracting in violation of N.C. Gen. Stat. § 89D-12(a). Specifically, on or about June 19, 2023, Defendant submitted an estimate to Steel Oak to provide landscaping services as a subcontractor for Steel Oak at a property located at 12562 Village Springs Rd., Raleigh, Wake County, North Carolina. The subtotal listed on the estimate was $60,668.00. **Exhibit A.**

11. On or about June 22, 2023, Steel Oak submitted an estimate to Theodore Lithgow ("Lithgow") to provide landscaping services for the above referenced property. The grand total listed on the estimate was $654,999.77. **Exhibit B.**

12. As part of the above-referenced estimate, Defendant was listed a subcontractor to perform landscaping services such as installation of plants and grading at the above-referenced property. Defendant's subtotal for the estimate was listed as $57,668.00. **Exhibit B.**

13. On June 23, 2023, Lithgow paid Defendant $19,222.00 for the above referenced project. **Exhibit C.**

14. On July 24, 2023, Defendant sent an invoice to Steel Oak for the above referenced property. The balance due on the invoice was $46,846.00. **Exhibit D.**

15. On May 15, 2024, Lithgow paid Defendant $46,246.00 for the above referenced project. **Exhibit E.**

16. By entering into a contract for landscaping services in excess of $30,000.00 during a 12-month period without first obtaining requisite licensure from Plaintiff Board or qualifying

for any of the licensure exemptions set forth in N.C. Gen. Stat. § 89D-13, Defendant has engaged in the unlicensed practice of landscape construction and contracting.

17. Plaintiff Board is entitled to have the Court restrain and permanently enjoin Defendant from any further conduct in violation of the law.

WHEREFORE, Plaintiff Board respectfully prays the Court for the following relief:

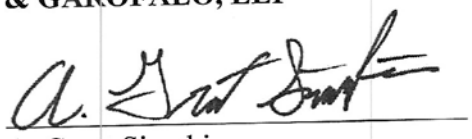
I. That Defendant be permanently enjoined from the practice of landscape construction or contracting in North Carolina, where the price of all contracts for labor, material, and other items for a given job site during any consecutive 12-month period is valued at an amount greater than thirty thousand dollars ($30,000) unless and until such time as Defendant is properly licensed by Plaintiff Board.

II. That cost of this action, including Plaintiff Board's reasonable costs associated with the investigation and prosecution of Defendants' violations, be taxed against Defendant.

III. That Plaintiff Board have and recover such other and further relief against Defendant as the Court may deem proper.

This the 27th day of August, 2025.

HEDRICK GARDNER KINCHELOE & GAROFALO, LLP



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rmitiguy@hedrickgardner.com
clee@hedrickgardner.com

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Luis Torres LLC (hardscape)

126 Marshay Meadows Rd
Youngsville, NC 27596

Estimate

Date	Estimate #
6/19/2023	298

Name / Address
Steel Oak NC

Project

Description	Qty	Cost	Total
Silt Fence	200	3.25	650.00
Artificial turf and 3 golf cups flags include french drain under the turf	400	40.00	16,000.00
temporary downspouts extensions above grade	1	200.00	200.00
Demo all hardscape on back yard	1	5,000.00	5,000.00
Pool soil haul	20	250.00	5,000.00
Rough grade after pool shell complete	1	2,500.00	2,500.00
50/50 topsoil for plants	2	450.00	900.00
Final grade work	1	2,500.00	2,500.00
Plants package	1	18,418.00	18,418.00
Cap irrigation lines on the back yard	1	500.00	500.00
drip zones for new plants	2	900.00	1,800.00
Mulch (sq ft)	1	3,000.00	3,000.00
Replace sod after construction entrance is removed-Fescue	3	400.00	1,200.00
re dig swell existing drain and install river fabric and rock	1	3,000.00	3,000.00
12562 Village Spring rd			
$19,222 Deposit July 2023			
		Total	$60,668.00

Customer Signature TD Lithgow

EXHIBIT

A

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STEEL OAK

Landscape Services Proposal

Lithgow_6/22/23
Telephone: 919-819-5754
Email: jaison@steeloaknc.com
tony@steeloaknc.com

BELOW ARE ESTIMATES FROM THE FOLLOWING COMPANIES:

Aquatic Artists

Activity	Amount
Base pool price	$243,250.00
17' x 56' concrete pool (3' - 8' depth)	
10' x 8' spa w/ 4' spillover	
Quartz plaster interior finish, 6" waterline tile	
(1) 5' lighted sheer, (2) 3' lighted sheer water features	
Pump, filter, control system, salt system, spa blower, gas heater, entry steps, (4) benches, (4) stools, (12) pool/spa lights, water fill raised sheer wall w/tile, electric/gas for pool and firepit	
*pool stool seat material TBD and not included in price	
*fire pit burner pan provided by homeowner	
*Excavated soils to remain on site	
*As built survey not included	
In floor cleaning/circulating system	$13,750.00
*required due to swim up bar stools	
Natural stone waterfall and adjacent landscape boulders/dive rock	$45,000.00
Total	**$302,000.00**
Deposit	**$45,300.00 (paid)** ✓

Seegars Fence Co

Activity	Amount
206 LF of 4'H aluminum pool code fence	$7,488.00
(2) 4' wide gates	
(1) 5' wide gate	
14 LF 6'H wood privacy fence	
*actual LF of fencing installed will determine final price	
Total	**$7,488.00**
Deposit	**$0.00**

EXHIBIT

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Luis Torres LLC

Activity	Amount
Replace sod after construction entrance removed	$1,200.00
200 LF silt fence in backyard	$650.00
Temporary downspout connections during construction	$200.00
Demo existing hardscape materials	$5,000.00
Pool soil haul	$5,000.00
*allowance (priced as 20 truck loads)	
Rough grading	$2,500.00
Finish grading	$2,500.00
50/50 mix for plants	$900.00
Cap irrigation in backyard	$500.00
(2) irrigation drip zones for plantings	$1,800.00
Plant package	$18,418.00
(1) Acer 'Crimson Queen'	
(1) Acer 'Bloodgood'	
(1) Magnolia 'Little Gem'	
(6) Cornus 'Cherokee Brave'	
(9) Ilex 'Nellie Stevens'	
(7) Ilex 'Steeds'	
(9) Buxus 'Wintergreen'	
(9) Camellia 'Yuletide'	
(7) Buddleia 'Blue Chip'	
(27) Veronica 'Georgia Blue'	
(20) Hemerocallis 'Happy Returns'	
(25) Muhlenbergia capillaris	
(5) Loropetalum 'Darkfire'	
(18) Ligustrum japonicum	
(2) Panicum 'Shenandoah'	
(43) Ajuga 'Catlin's Giant'	
(18) Nepeta 'Walker's Low'	
Artificial turf with 3 golf cups/flags and french drains underneath	$16,000.00
5,000 SF mulch	$3,000.00
Total	$57,668.00
Deposit	$19,222.00

Trees of Carolina

Activity	Amount
Remove (4) tagged trees and stump grind	$1,875.00
Total	$1,875.00
Deposit	$0.00

pd 7/24

Outdoor Lighting Perspectives

Activity	Amount
(17) uplights	$5,015.00
(16) pathlights	$4,720.00
(13) undercap step lights	$3,835.00
(3) core drilled well lights	$885.00
(2) downlights on spiral staircase	$590.00
Tax	$727.18
*all lights will use existing low voltage transformer	
Total	$15,772.18
Deposit	$7,886.09

✓

Davis Dunlap Electric

Activity	Amount
Disconnect existing electrical outlets in hardscaping	$500.00
*allowance	
Total	$500.00
Deposit	$0.00

Moran Gas

Activity	Amount
Disconnect existing gas line in outdoor kitchen	$500.00
*allowance	
Total	$500.00
Deposit	$0.00

Custom Stone

Activity	Amount
Footer and CMU construction	$38,235.71
layout, excavation, forming, rebar, concrete footers and slabs, block construction, waterproof walls	
475 SF Techo Blu 60 (greyed nickel) patio on gravel base	$12,670.72
872 SF Techo Blu 60 (champlain grey) patio on gravel base	$23,788.65
718 SF Tennessee blue grey borders/caps/coping/tread/spillover	$52,835.74
2 1/4" thick x 14" width pieces set in mortar bed	
Tennessee squared natural stone veneer	$19,439.18
walls, spa, columns, step risers, sunken kitchen area, fire pit	
Drainage	$9,970.37
(4) 9x9 drainboxes, (1) 19 LF trough drain, 85 LF 4" PVC sleeves, (5) downspout drain lines, 56 LF french drain	
(8) Tennessee rough cut slab steps set on gravel	$3,470.89
(20) tons of landscape boulders	$14,881.13
(3) large stepping stones set in mortar bed	$434.56
260 SF concrete driveway slab	$3,819.89
demo existing, haul off debris, rebar grid, broom finish	
Demo 60 LF of existing retaining wall	$2,500.00
*billed up to this amount based on incurred costs	
Install drawer under smoker in retaining wall	$585.00
*drawer provided by homeowner	
Total	~~$182,631.84~~

Reworking numbers

177,183.40
Deposit
70,873.36
July 2023

Steel Oak

Activity	Amount
Powerwashing	$1,000.00
*allowance	
Porta-potty rental	$85.00
*monthly rental cost, duration of project determines final price	
Drop-off/pick-up fee	$45.00
Total	$1,130.00

Items not included: carpentry items, outdoor kitchen, low voltage deck lights, outdoor shower, granite countertops, railing on masonry steps

Total Cost Breakdown

Contractor	Amount
Aquatic Artists	$302,000.00
Seegars Fence Co	$7,488.00
Trees of Carolina	$1,875.00
Outdoor Lighting Perspectives	$15,772.18
Davis Dunlap Electric	$500.00
Moran Gas	$500.00
Luis Torres LLC	$57,668.00
Custom Stone	$182,631.84
Steel Oak Contracting	$1,130.00
Contractor Total Cost	$569,565.02
Steel Oak Consulting	$85,434.75
Grand Total	$654,999.77

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THEODORE LITHGOW
12582 VILLAGE SPRINGS RD
RALEIGH, NC 27614-6816

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June 23, 2023

Pay to the Order of Luis Torres, LLC $ 19,222.09

Nineteen thousand, two hundred twenty two 09/100 DOLLARS

WELLS FARGO Wells Fargo Bank, N.A. North Carolina

For

[redacted]

[redacted]

EXHIBIT

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Invoice

Luis Torres LLC
126 Marshay Meadows Rd
Youngsville, NC 27596

Mobile:
(919)671 7042

Date	Invoice #
7/24/2023	3700

Bill To
Steel Oak NC

P.O. No.	Terms	Project
	Due on receipt	

Item	Description	Est Amt	Prior Amt	Prior %	Qty	Rate	Curr %	Total %	Amount
Material	Silt Fence	650.00			200	3.25	100.00%	100.00%	650.00
Material	Artificial turf and 3 golf cups flags include french drain under the turf	16,000.00			400	40.00	100.00%	100.00%	16,000.00
Services	Demo all hardscape on back yard	5,000.00			1	5,000.00	100.00%	100.00%	5,000.00
Material	Pool soil haul	5,000.00			20	250.00	100.00%	100.00%	5,000.00
Services	Rough grade after pool shell complete	2,500.00			1	2,500.00	100.00%	100.00%	2,500.00
Material	50/50 topsoil for plants	900.00			2	450.00	100.00%	100.00%	900.00
Services	Final grade work	2,500.00			1	2,500.00	100.00%	100.00%	2,500.00
Material	Plants package	18,418.00			1	18,418.00	100.00%	100.00%	18,418.00
Services	Cap irrigation lines on the back yard	500.00			1	500.00	100.00%	100.00%	500.00
Material	drip zones for new plants	1,800.00			2	900.00	100.00%	100.00%	1,800.00
Material	Mulch (sq ft)	3,000.00			1	3,000.00	100.00%	100.00%	3,000.00
Material	Replace sod after construction entrance is removed-Fescue	1,200.00			3	400.00	100.00%	100.00%	1,200.00
Material	re dig swell existing drain and install river fabric and rock	3,000.00			1	1,800.00	60.00%	60.00%	1,800.00
Material	Waterproof foundation and install favric and river rock next to the house				1	1,950.00			1,950.00
Material	Install extra fiver rock around the putting green and the pool equipment. and (2) Azalea				1	875.00			875.00
Material	Install new sod the right side of the hose				1	450.00			450.00
Services	Set boulders next to the Magnolia on the back				1	200.00			200.00

Total	
Payments/Credits	
Balance Due	

EXHIBIT
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Invoice

Luis Torres LLC

126 Marshay Meadows Rd
Youngsville, NC 27596

Date	Invoice #
7/24/2023	3700

Bill To
Steel Oak NC

P.O. No.	Terms	Project
	Due on receipt	

Item	Description	Est Amt	Prior Amt	Prior %	Qty	Rate	Curr %	Total %	Amount
Material	Set one drain box 9 x 9				1	175.00			175.00
Material	Plants, topsoil, mulch and irrigation by the entrance on driveway				1	1,950.00			1,950.00
Material	Install new rip-rap on swale by the putting green 12562 Village Spring Rd				1	1,200.00			~~1,200.00~~ 600

Total	$66,068.00
Payments/Credits	-$19,222.00
Balance Due	$46,846.00

-600

46,246

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THEODORE LITHGOW
12562 VILLAGE SPRINGS RD
RALEIGH, NC 27614-6816

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May 15, 2024
Date

Pay to the Order of Luis Torres LLC $ 46,246 00

Forty-six thousand, two hundred forty-six & 00/100 Dollars

WELLS FARGO Wells Fargo Bank, N.A. North Carolina wellsfargo.com

For

Theodore Lithgow

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[redacted]

[redacted]

ENDORSE HERE

Luis Torres LLC

[redacted]

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