



North Carolina
Licensing Board for General Contractors

November 30, 2018

Via email only

Jt. Legislative Administrative Procedure Oversight Committee
Rep. Jonathan Jordan, Co-Chair - *Jonathan.Jordan@ncleg.net*
Sen. Andy Wells, Co-Chair - *Andy.Wells@ncleg.net*

Jt. Legislative Oversight Committee on Justice and Public Safety
Rep. James L. Boles, Jr., Co-Chair - *Jamie.Boles@ncleg.net*
Rep. Ted Davis, Jr., Co-Chair - *Ted.Davis@ncleg.net*
Sen. Shirley B. Randleman, Co-Chair - *Shirley.Randleman@ncleg.net*

Re: Report pursuant to SL 2018-69
N.C. Licensing Board for General Contractors

Dear Committee Co-Chairs:

Pursuant to Session Law 2018-69 titled "An Act to Assist the Criminal Law Recodification Working Group," the N.C. Licensing Board for General Contractors ("Board") is providing you with information regarding all crimes defined by the agency. The Board's practice act can be found in Article 1 of Chapter 87 of the North Carolina General Statutes, specifically §§87-1 through 87-15.4. Please see the information provided below:

N.C.G.S. §87-13 provides that anyone who:

- Is unlicensed and holds themselves out as a general contractor without first being licensed;
- Is unlicensed and attempts to practice general contracting in North Carolina and uses the license of a licensed general contractor;
- Gives false or forged evidence of any kind to the Board, including impersonating a licensed general contractor;
- Uses an expired or revoked license; or
- Is an architect or engineer who recommends to a project owner that they award a contract to someone who is not properly licensed

"shall be deemed guilty of a Class 2 misdemeanor."

N.C.G.S. §87-14 provides that "[a]ny building inspector or other authority who is subject to and violates the terms of this section shall be guilty of a Class 3 misdemeanor and subject only

to a fine of not more than fifty dollars (\$50.00).” The Board is unclear as to what is meant by “this section” as the Board’s practice act is not subdivided into sections. However, assuming “section” is synonymous with N.C.G.S. §87-14, the conduct that is referenced therein addresses the issuance of building and other construction-related permits by any incorporated city, town or county in North Carolina.

N.C.G.S. §§87-13 and 87-14 contain the only references to crimes in the Board’s practice act. The full text of Article 1 of N.C.G.S. §87 can be found at the following link:

https://www.ncleg.net/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_87/Article_1.pdf.

The full text of the Board’s rules interpreting its practice act can be found at the following link:

<http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2012%20-%20general%20contractors/chapter%2012%20rules.pdf>

If you require further information from the Board, please don’t hesitate to contact me at 919.571.4183, ext. 210 or frank.wiesner@ncibgc.org.

Sincerely,

A handwritten signature in black ink that reads "C. Frank Wiesner". The signature is written in a cursive, flowing style.

C. Frank Wiesner
Executive Director