



North Carolina Licensing Board for General Contractors

INVESTIGATION REPORT

A summary of observations and findings of the Field Investigator assigned to this case

FILE #: 19C-202

RESPONDENT: Schumacher Homes of North Carolina, INC

LICENSE STATUS: Licensed **LICENSE #:** 58362 **CLASSIFICATION:** Building

LIMITATION: Unlimited **RENEWAL STATUS:** Active

COMPLAINT HISTORY: None

COUNTY: Buncombe

INVESTIGATOR: Cody

DATE OF SITE VISIT: N/A

DATE OF REPORT: 29 August 2019

- ATTACHMENTS:**
- 1) Violation Summary Form
 - 2) Copy Of Permit Records
 - 3) Copy Of Engineer Report
 - 4) Copy Of Contractors Response
 - 5) Copy Of NC Secretary Of State Records
 - 6)
 - 7)
 - 8)
 - 9)
 - 10)
 - 11)
 - 12)

SUMMARY:

On 3/28/2019 a formal complaint was filed against Schumacher Homes of North Carolina, Inc, Richard Winford Smothers qualifier, by Board Staff charging them with violations of GS 87-11, Misconduct for failing to obtain proper inspections prior to performing work. This complaint stems from a new single-family residence Schumacher Homes of North Carolina, INC is building for [REDACTED] Ox Creek Road, Weaverville, North Carolina.

On 3/20/2019 I met with Gary McKinney and Kennan Phillips of the Buncombe County Inspections department about this complaint. Gary McKinney told me they have had some issues with Schumacher Homes of North Carolina following proper procedure and obtaining the proper inspections. Gary McKinney said Schumacher Homes of North Carolina failed to get footings and a poured foundation inspected prior to pouring. Kennan Phillips told me when he went out to the job to inspect a temporary power service, he noticed the footings were poured and the foundation wall was poured. Kennan Phillips told me no inspection had taken place. Kennan Phillips explained a special inspection fee was paid on 2/25/2019 and a special inspection for footings was requested for 11 am on 2/26/2019. Kennan Phillips said he was the inspector who was supposed to do this special inspection, but he received

a call from Schumacher Homes of North Carolina at 10:30 cancelling the inspection. Kennan Phillips said nothing was ever called back in and according to an engineer's report (Attachment 3) the footings were poured on 2/26/2019.

On 5/16/2019 I spoke with Richard Smothers, qualifier for Schumacher Homes of North Carolina. Richard Smothers told me he understands why the complaint was filed but feels like they were unfairly treated. Richard Smothers told me he was providing a response to this complaint also (Attachment 4.) Mr. Smothers told me the inspector who came out on the footing inspection and turned it down was being very difficult. Mr. Smothers said they attempted to work things out, but he would not. Richard Smothers said GTA Engineering was hired to conduct a site inspection for this footing and make sure it was to code. Richard Smothers said he provided this document along with a certification and letter for the foundation wall that was poured to the Buncombe County Inspections office. Mr. Smothers told me he thought the new general statute allowed for engineers to inspect components, specifically foundation components and certify them. Mr. Smothers said his job foreman and his poured wall company felt things would be more efficient if they used the engineer. Mr. Smothers told me they called and ask the Buncombe County Inspections department if they would accept a third-party certification and was told this would be acceptable. Richard Smothers said this is the reason they did not call the inspection back in. Mr. Smothers felt at that point having the engineer certify the footings and foundation was all they needed. On 8/28/2019 I met with Richard Smothers regarding issues Schumacher Homes of North Carolina, INC was having. Mr. Smothers indicated he was having trouble with some of his new superintendents and losing a few of his best workers has not helped. Mr. Smothers told me he understands the serious nature of this issue and wanted to make sure that they do things correctly. Richard Smothers told me he was going to address these issues and make sure they correct any communication issues with the local inspections department. Schumacher Homes of North Carolina, INC is a registered corporation with the North Carolina Secretary of State's office (Attachment 5.)

In conclusion, Schumacher Homes of North Carolina did not obtain proper inspections prior to performed the work. Schumacher Homes of North Carolina poured footings and a foundation wall without it being approved by the inspection department. Schumacher Homes of North Carolina did provide engineering for this work. At issue for the Disciplinary Review Committee is to determine whether or not the evidence submitted is adequate to establish wrongdoing by the licensee.

Violation Summary

File #: 19C-202

Investigator: Cody

Respondent: Schumacher Homes of North Carolina, INC

Standard Violated: GS 87-11, Misconduct, Section 107.3 Approval Required of the North Carolina Administration & Enforcement Requirements Code 2018 edition.

Location of Violation: ☒ Ox Creek Road, Weaverville, NC

Date of Violation: 2/26/2019 Date of Cancelled inspections request

Description of Violation:

Schumacher Homes of North Carolina did not obtain proper inspections prior to performed the work.

Schumacher Homes of North Carolina poured footings and a foundation wall without it being approved by the inspection department.

Schumacher Homes of North Carolina did provide engineering for this work.



North Carolina
Licensing Board for General Contractors

NOTICE OF BOARD DECISION

2020 OCT 28 A 11: 11
N.C. LICENSING BOARD

In the matter of:

Schumacher Homes of North Carolina, Inc.,
Respondent-Licensee,

)
)
) License No. 58362
)
)

Richard Winford Smothers,
Qualifier(s),

)
) File No(s). 20C272
)
)

TAKE NOTICE that on the 21st day of October, 2020, at its regularly-scheduled meeting or a special meeting the North Carolina Licensing Board for General Contractors (Board) met and considered the complaint(s) filed with the Board on the 4th day of May, 2020, regarding the above-named licensee or unlicensed contractor. By this Notice, after giving due consideration to the complaint(s) and the preliminary evidence submitted to and/or gathered by the Board during its investigation of the complaint(s), Respondent and Complainant(s) are hereby notified of the decision of the Board.

The Board took the following action with respect to the complaint(s) filed in this matter:

- Found probable cause to conduct a disciplinary hearing to determine whether Respondent(s) violated N.C.G.S. §87-11(a). The Board will send Respondent(s) a Notice of Hearing in accordance with the provisions of N.C.G.S. §§150B and 87-11, and 21 NCAC 12.0800 *et seq.*

Cc: Ryan Cody, Field Investigator
Christopher M. Hinnant, Attorney for Respondent(s)
Complainant(s)

