

NORTH CAROLINA
WAKE COUNTY

FILED IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
2014 APR 22 PM 4:54
13 CVS 16179
WAKE COUNTY, C.S.C.

STATE BOARD OF EXAMINERS)
OF PLUMBING, HEATING AND)
FIRE SPRINKLER CONTRACTORS,)

Plaintiff,)

-vs-)

CHARLES HAROLD ROBINSON, RICH)
MOSES, STEVE THIGPEN, and)
APPALACHIAN HOSPITALITY)
MANAGEMENT INC.)

Defendants.)

Permanent Injunction Judgment

THIS CAUSE coming on to be heard and being heard before the undersigned Judge Presiding, upon the Complaint of the Plaintiff filed herein, asking that the Defendants be permanently enjoined from the commission or continuance of a violation of Article 2, Chapter 87, of the General Statutes of North Carolina by engaging in business as a plumbing, heating or fire sprinkler contractor until such time as he is properly licensed to do so pursuant to Article 2, Chapter 87, of the General Statutes of North Carolina; and

It appearing to the Court upon statement of counsel that Plaintiff and Defendants have resolved the issues in this cause, and the Court having reviewed the pleadings and affidavits, makes the following:

FINDINGS OF FACT

1. That the Plaintiff is an agency of the State of North Carolina, created under the authority of Article 2, Chapter 87, of the General Statutes of North Carolina; is charged with the

examination and licensing of persons engaged in business as plumbing, heating and/or fire sprinkler contractors; and is authorized to obtain injunctive relief under G.S. 87-25.1.

2. The individual Defendant Charles Harold Robinson resides in Watauga County, North Carolina.

3. The individual Defendant Steve Thigpen, is a resident of the State of South Carolina, but at the relevant time was doing business in Watauga County, North Carolina.

4. The individual Defendant Rich Moses, is a resident of the State of Tennessee, but at the relevant time was doing business in Watauga County, North Carolina.

5. Appalachian Hospitality Management, Inc. is a Corporation authorized to business in the state of North Carolina and has as its President and authorized representative Damon Mallatere and the Parties have consented to the addition of this entity as a Party in this action.

6. At the relevant time, the individual Defendants were employees of the Corporate Defendant.

7. That the Plaintiff alleges that the Defendants have engaged in business as heating contractors in violation of G.S. 87-21. The Defendants deny this allegation but are willing to enter into this Consent Order.

8. That the Defendants admits that they are not now and never have been the holder of a valid license or certificate of renewal of license issued by the Plaintiff to engage in business as a heating contractor, and that any violation of statute was not intentional.

9. There is substantial evidence to support the conclusion that G.S. 87-21 has been violated even though the Defendants deny this allegation and the Court finds and concludes that such violation has occurred.

10. The Defendants agree to the entry of this Judgment and agrees that the Court, upon the entry of this Judgment, shall have authority to punish any future violation of G.S. 87-21 by the use of the contempt power of the Court, including fine or imprisonment or both for any such future occurrence.

Based upon the foregoing Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. That this matter is properly on for hearing and that this Court has jurisdiction over the parties and subject matter.

NOW, THEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED, ADJUDGED and DECREED:

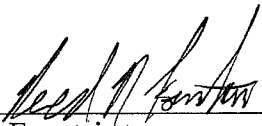
1. That the Defendants be permanently enjoined from the commission or continuance of a violation of Article 2, Chapter 87, of the General Statutes of North Carolina by engaging in business as a plumbing, heating or fire sprinkler contractor and all other activities regulated by the State Board of Examiners of Plumbing, Heating & Fire Sprinkler Contractors at all such times as they are not properly licensed to do so pursuant to Article 2, Chapter 87, of the General Statutes of North Carolina.

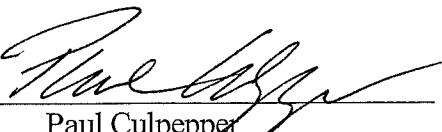
2. That any future violation of this order be punished pursuant to the provisions of law for civil or criminal contempt of court.

This the 17 day of April, 2014.

By Donald Lee Stephens
Judge Presiding

Consented to:

By  Date: 4/15/14
Reed N. Fountain
YOUNG MOORE AND HENDERSON, P.A.
Attorneys for Plaintiff

By  Date: 3/27/14
Paul Culpepper
Young, Morphis Bach & Taylor
Attorneys for Defendants

By Charles H. Robinson Date: FEB 24, 2014
Charles H. Robinson, Defendant

By _____ Date: _____
Steve Thigpen, Defendant

By _____ Date: _____
Rich Moses, Defendant

By _____ Date: _____
Damon Mallatere, as an authorized representative of Appalachian Hospitality
Management, Inc.

3392654/310040-1953

Consented to:

By Reed N. Fountain Date: 4/15/14
Reed N. Fountain
YOUNG MOORE AND HENDERSON, P.A.
Attorneys for Plaintiff

By _____ Date: _____
Paul Culpepper
Young, Morphis Bach & Taylor
Attorneys for Defendants

By _____ Date: _____
Charles H. Robinson, Defendant

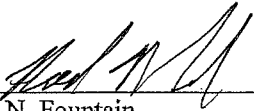
By _____ Date: _____
Steve Thigpen, Defendant

By Richard Moses Date: 3-4-2014
Rich Moses, Defendant

By _____ Date: _____
Damon Mallatere, as an authorized representative of Appalachian Hospitality
Management, Inc.

3392654/310040-1953

Consented to:

By:  Date: 4/15/14
Reed N. Fountain
YOUNG MOORE AND HENDERSON, P.A.
Attorneys for Plaintiff

By: _____ Date: _____
Paul Culpepper
Young, Morphis Bach & Taylor
Attorneys for Defendants


By: _____ Date: _____
Charles H. Robinson, Defendant

By:  Date: 3-23-14
Steve Thigpen, Defendant

By: _____ Date: _____
Rich Moses, Defendant

3392654/310040-1953

Consented to:


By  Date: 4/15/14
Reed N. Fountain
YOUNG MOORE AND HENDERSON, P.A.
Attorneys for Plaintiff

By _____ Date: _____
Paul Culpepper
Young, Morphis Bach & Taylor
Attorneys for Defendants

By _____ Date: _____
Charles H. Robinson, Defendant

By _____ Date: _____
Steve Thigpen, Defendant

By _____ Date: _____
Rich Moses, Defendant

By  Date: 2-24-14
Damon Mallatere, as an authorized representative of Appalachian Hospitality
Management, Inc.

3392654/310040-1953