

## President's Message

During the April 2005 meeting of the Board of Architecture, representatives from the State Construction Office were in attendance. The initial reason for their attendance was to discuss the use of professional seals. However, as the dialogue progressed, the conversation expanded to discuss the role of architects as design team leaders.

With projects becoming more complex, the State Construction Office has witnessed an increase in the architects' use of specialized but unlicensed consultants on public projects. Some consultants produce documents that are incorporated into the construction documents, but unless their work has been produced under the architect's "direct supervision" the architect may not be required to seal the consultants' sheets. Regardless, when one considers the work of food service, theater, and lighting consultants, there may be



little doubt that the public's health, safety and welfare are impacted, yet no one is sealing these documents.

Even though the statutes and rules governing the practice of architecture appear to prohibit architects affixing their seals to such consultants' documents, the architect has the responsibility for coordinating its consultant's work into the project for compliance with building codes. The concern of State Construction is that they are seeing an increase in documents being submitted for their review where design professionals may be failing to coordinate their consultants' work.

The demands of schedules, budgets, owners' expectations and project complexity, have increased the pressures of practice, but the role of the architect as the design team leader still requires the protection of the public's health, safety and welfare. As architects we must develop better methods for coordinating the design team, to make for a better built environment for the public. However, requiring licensees to accept more project responsibility might be only half of the answer to this problem. The statutes and rules governing public construction are becoming cluttered with exceptions, exemptions and limitations that can encroach upon the "primary obligation and responsibility" of the architect to conduct "all aspects of his or her practice in such a manner as to 'safeguard life, health and property'".

*Kevin G. Montgomery  
President, NC Board of  
Architecture*

### Inside Columns

"We Are All Mentors"

By Dan Knight

Enforcement Report

### Up-Coming Board Meeting

All Board meetings are open to the public. Contact Julie Piatek (juliap@ncbarch.org) for further information.

July 13, 2005 Raleigh—Annual Meeting

# from the executive director's desk

You may very well be reading the last "paper" issue of Columns. The Board has discussed the possibility of publishing the newsletter solely electronically. If that becomes a reality Columns will be posted on the Board web site for easy access. In order to facilitate a prompt review of the newsletter we would mail a post card to those of you who prefer to receive Board correspondence via U.S. Mail when the newsletter is published so you can be alerted to check it out on the Board's web site at [www.ncbarch.org](http://www.ncbarch.org). The notion of

"electronic" newsletters seems to be the wave of the "now". Several other states already have made this shift and others plan to do so by the end of the year. If you do not have easy access to the internet, we would be more than happy to send you a printed copy of the newsletter. We don't want to leave anyone behind while moving toward the future.

I'd like to know your thoughts on this. Do you like the idea of electronic newsletters? We would appreciate your input on this concept. Email your comments to

[cathe@ncbarch.org](mailto:cathe@ncbarch.org).

As you may already know, the Board gives you the choice of receiving your correspondence via electronic mail or via U.S. Mail. If you would prefer all Board correspondence to be sent to you electronically you may change your preference from U.S. Mail to e-mail in the 'registrants' only section of the Board web site. Please remember that if your email changes you would have to update your records with the Board, just as you would your physical address. *Cathe M. Evans, Executive Director*

## ncarb news

### Web-based Emerging Professional's Companion Now Available

Washington, DC—The American Institute of Architects (AIA), together with The National Council of Architectural Registration Boards (NCARB), announces the release of the Emerging Professional's Companion (EPC). This new online training resource is designed to expose students, architectural interns, young architects, and more seasoned professionals to current practice models through an array of educational activities. The EPC was developed in response to an ongoing need in the profession to support emerging professionals on their path from education to licensure. This resource is a complete revision of the AIA Supplementary Education Handbook and can be used by interns to receive up to 225 training units in the Intern Development Program (IDP), which is mandatory for licensure in most states. In addition, the EPC addresses the varied paths that an intern or licensed architect may consider during his or her career. While the primary users of the EPC are architectural interns, the resource provides material and exercises for use by mentors in architecture firms and by professors at schools

of architecture. Each of the 16 chapters begins with a narrative, an introduction to the latest information on that topic. The user can then choose from a series of exercises and case-based scenarios to apply their knowledge in areas such as health, safety, and welfare; design and construction liability; and ethical dilemmas.

The EPC is currently available to all stakeholders. It is free to AIA Associate members and NCARB IDP Council Record holders through the [AIA bookstore](http://www.AIAbookstore.com) or by visiting [www.EPCCompanion.org](http://www.EPCCompanion.org). For more information about the Emerging Professional's Companion, please contact [Cara Battaglini](mailto:Cara.Battaglini@aia.org) in the AIA's media relations office or [Robert Rosenfeld](mailto:Robert.Rosenfeld@ncarb.org), NCARB's director, council records (202/783-6500).

### Attention Veterans

The Architect Registration Examination (ARE) has been approved for the Department of Veterans Affairs education benefit. If you are a veteran and you are taking (or wish to take) the ARE you may qualify for the examination to be paid in whole or in part.

For further information contact the Department of Veterans Affairs at 1-888-GIBILL-1 (1-888-442-4551)

### Southern Region of NCARB

The new officers for the 2005-2006 FY were announced. They will take office at the close of the NCARB Annual Meeting and Conference in June.  
Chair – Blake Dunn (AR)  
Vice-Chair – Kevin Montgomery (NC)  
Secretary – Stephen Schreiber (FL)  
Treasurer – Gordon Landreth (TX)

### \$10 Increase for ARE Divisions

After eight years of delivering the computer-based ARE, NCARB will implement a \$10-per-division fee increase effective July 1, 2005. This represents the first increase in the overall cost of the computerized ARE to candidates since its introduction in 1997. The increase will help defray future exam development expenses and reduces the subsidy currently underwritten by NCARB Certificate Holders.

- The fee for each ARE division will increase by \$10 beginning July 1, 2005.
  - Fees collected BEFORE July 1, 2005 are NOT affected.
  - Multiple Choice Divisions will be \$102.
  - Graphic Divisions will be \$153
- Call NCARB if you have any questions. 202-783-6500

# are news

## ARE Passing Report for the 1st quarter of 2005.

The pass rates, by division, for all candidates who took the ARE are listed below. Data are the most recent available from Thompson Prometric, NCARB's testing consultant. The first number represents the number of candidates who took the exam, the second represents the number who passed and the final number is the passing rate.

Division	North Carolina			Southern Region			All Jurisdictions		
	#	#Pass	%Pass	#	#Pass	%Pass	#	#Pass	%Pass
Pre-Design	16	15	94	224	173	77	1201	940	78
General Structures	41	33	80	238	168	71	1038	762	73
Lateral Forces	30	24	80	173	135	78	900	698	78
Mech-Elec Systems	24	20	83	226	147	65	1079	763	71
Building Design/M&M	21	19	90	226	189	84	1211	972	80
Construction Documents	20	19	95	217	175	81	1172	931	79
Site Planning	19	17	89	222	159	72	1147	846	74
Building Planning	17	11	65	216	136	63	1195	761	64
Building Technology	16	12	75	214	144	67	1147	758	66

## WE ARE ALL MENTORS By G. Dan Knight Vice-President Board Member

The history of our profession is the history of mentorship. The relationship of the master builder and the apprentice was key to the passing on of knowledge and ability to design and construct buildings. From ancient Persia through old and new Europe to America and beyond the design process has been propelled by this mentor/mentee dynamic relationship. One needs only to think of the renaissance apprenticeships; the beaux-arts studios; the Bauhaus school; the Taliesin experience; the studio culture and today's corporate office to find a relationship that goes beyond boss, team captain and supervisor, It is mentor and mentee.

The intern (mentee) and mentor find a path of communication that transcends the office technology,

the production schedule, and the required training units. There is a relationship built on a foundation of trust, knowledge and experience. Trust is the necessary mortar that cements the mentor and the intern. Typically the intern seeks a mentor and a level of trust is built block by block. Like all good relationships trust is a two way street. To be meaningful the mentor must trust the mentee just as she or he becomes trusted. Respect, confidentiality and honesty are essential ingredients of the trust. Knowledge is never again to be a top down process. Today's technology has produced graduates with a near overload of knowledge. Continuing education, life-long learning and practice have provided a body of knowledge for the practitioner. In the mentorship process technology, concepts and ideas become shared knowledge. Experience is bought with time and effort. This is a value that the mentor can bring and share. An effective mentor will share, direct, question, judge,

evaluate, guide—based on the mentor's experience. A wise intern will seek a mentor whose life and practice is rich in experience.

The American Institute of Architects now provides an on-line guide, "Mentorship: A Journey in Collaborative Learning". It is a useful guide for young hearts and old heads. I recommend it to all. If you are not in a formal mentorship role you should be aware that your conduct as a professional makes a statement to those around you and may open an opportunity for formal mentorship. From the moment we accept our license we become mentors in the long tradition of architecture. We are all mentors.



# of relevance . . . .

## North Carolina Board of Architecture License Statistics As of May 16, 2005

Currently licensed architects - 4990

*Breakdown:*

NC - 2064

Out-of-State - 2926

Emeritus Status - 38

Individuals on this status may use the title Architect Emeritus but may not offer or render architectural services.

ARE Candidates - 293

This number reflects the number of individuals who are qualified to take the ARE for NC. They may not necessarily be currently signed up to take an exam.

Currently licensed firms - 1007

*Breakdown:*

NC - 509

Out-of-State - 498

### **PLEASE CUT OUT AND POST THE FOLLOWING INFORMATION IN A PROMINENT PLACE IN YOUR OFFICE.**

*Attention all administrative staff: The North Carolina Board of Architecture phased out wallet cards during the 1999-2000 renewal year. To obtain the new wallet card equivalent follow these steps:*

*-Go to [www.ncbarch.org](http://www.ncbarch.org)*

*-Click on "directory". (Third menu choice on to the left of the screen.)*

*-Click on "licensee".*

*-Enter your license number (or last name.)*

*At this point your record will appear on the screen.*

*-Click on "create a certificate"*

The ensuing printable document is the new 'wallet-card' equivalent. It is a 'certification' of your license registration and is considered proof of current licensure.

### **Regarding Deceased License Holders**

The Board would like to extend its respects to those who have lost loved ones. If you are aware of a licensee who is deceased please contact Julie Piatek in the Board office at 919-733-9544 or [juliap@ncbarch.org](mailto:juliap@ncbarch.org). The Board would like to update its records so as not to burden family or firms with inappropriate renewal notices or other communications.

## Congratulations to New Licensees by Exam!

The following individuals have successfully completed the Architectural Registration Exam and were licensed between September 21, 2004 and May 12, 2005.

David Ross Alder , Jennifer Attride, Brian Abram Baker, Laura W. Barker, Robert Keith Barnhouse, Andrew Jerome Button, II, Teri Spain Canada, Marcus Jay Copolillo, Lynn E. Dunn, Audrey Courtney Fleming, Stacey Christine Franz, Katheryn Blake Fricke, Mary Ellen George, Whitney Wood Grumhaus, Stephen E. Hall, Tomas Jimenez-Eliaeson, James LaVern Kirby, Jr., Leslie Linsmier, Laura Lynn Miller, Joelle Deborah Mirco, Christopher William Morales, Sanjeev Jayanti Patel, Shannon Ronn Rushing, David Virgil Sears, Jr., Paul William Sirek, Tracey Bock Stebbing, Dana Laine Strickland, Michael David Sutton, Steven Dale Sweat, Robert William Thomas, Curtis Ryan Thrush, Jeffrey Tiddy, Grace Helene Wallace, Angela Pridgen Wooten

*Please join the Board of Architecture in congratulating these individuals. A luncheon will be held in their honor in October 2005. Details of the luncheon will be furnished at a later date.*

### **Block of Experimental ARE Questions to Debut in July 2005**

The National Council of Architecture Registration Boards is currently exploring new methodologies in the development of the ARE. The success of our new initiative depends on the cooperation of exam candidates. Beginning in July 2005, a block of 25 experimental questions, known as a "testlet", will be delivered to all candidates at the conclusion of the Mechanical & Electrical Systems Division. Candidates will have one additional hour to complete these 25 questions. The block of questions will contain a mixture of traditional four option multiple-choice questions and experimental questions, such as "fill-in-the-blank" and "check-all-that-apply." Contact NCARB for examples of the questions. *It is important to understand that a candidate's performance on these experimental questions WILL NOT affect their score on the ME Systems Division.* In recognition of their participation, NCARB will issue a check for \$100 to those candidates who successfully complete the experimental divisions. Checks will be distributed after completion of the study during the first quarter of 2006. Contact NCARB at 202-783-6500 for more information.

# enforcement report

Following is a report of the cases that were closed during the period September 16, 2004 to April 13, 2005. The Board is not bound by precedence in matters of disciplinary action. It is the prerogative of the Board to be conservative in their review of cases and to enforce the rules and laws with more sanctions and civil penalties as allowed by law. This Enforcement Report also includes listing of delinquent firm licenses.

## Closed Without Prejudice

The Board closed four cases without prejudice.

## Dismissed as Unfounded

The Board dismissed four as unfounded as there was no evidence of rule or law violations.

## Letters of Warning

The following individual received Letters of Warning for the unauthorized use of the title architect or any form thereof without being duly licensed:

Case 583 Martha Faw - Greensboro, NC

Case 575 William G. Barber - Cashiers, NC

Case 574 Dale D. Maxwell - New Bern, NC

Case 594 Tim Gratton - Sapphire, NC

Case 596 John Schiedegger - Davidson, NC

## Letters of Caution

The Board closed seven cases with letters of caution.

## Referrals

The Board of Architecture referred two professional engineers to the NC Board of Examiners for Engineers and Surveyors for investigation of possible violations.

## Cease and Desist Orders

Orders to Cease and Desist the non-licensed practice of architecture were issued to the following individuals:

Case 483 Robert G. Knowles, Arks, Inc.

Case 503 Don Chesner

Case 584 Pamela Poole

## Continuing Education Disciplinary Action

One individual was disciplined for failure to comply with the Continuing Education (CE) requirements as set forth in 21 NCAC 02.0900. On a license renewal the individual indicated compliance with rules governing CE, however, an audit of his records showed that the CE was not obtained.

## Continuing Education Suspensions

The following individuals indicated delinquent CE hours for the year 2003 on their renewal form for 2004-2005. The license was placed on probation for failure to comply with CE requirements for the 2003 calendar year and they were given until December 31, 2005 to obtain the delinquent CE. When they were unable to demonstrate compliance the license by that date their was suspended.

As of January 19, 2005 following individuals are no longer licensed to practice architecture in the state of North Carolina:

Kirk Evan Denyes-Westerville, OH

Robert Allen Gilbert-Hertford, NC

Michael Robert Howard-New Orleans, LA

## Consent Orders

### **Respondent Lee Nichols Clark Patterson, P.C.**

1. Respondent Firm Lee Nichols Clark Patterson, P.C. is registered with this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. 2. Respondent Firm prepared submitted to the Charlotte-Mecklenburg School System (CMSS) a document in response to a "Request for Qualifications for Professional Services CMS 2003 CIP Program" ("CMS-RFQ"). The document identifies Darryl Watts, AIA as "Principal in Charge/Project Manager/Project Architect" for certain projects constructed in North Carolina. 3. Watts has never been licensed to practice architecture in the state of North Carolina. Watts is licensed in South Carolina but does not currently have the qualifications necessary for a reciprocal license in North Carolina. Watts could not have been the "Project Architect" for prior North Carolina projects. 4. Further, in the document submitted to the CMSS, Respondent Firm claimed that Watts had "graduate education" from Harvard University and a Bachelor of Technology from Appalachian State University when, in fact, he did not have a four year degree from any college, attended Appalachian State University for only one semester, and did not attend Harvard Graduate School of Architecture. 5. Respondent Firm also failed to accurately represent the scope of Watts' responsibility for work for which he claimed credit while employed by another firm. 6. Respondent Firm contends that its North Carolina licensees were unaware of Watts' misrepresentations. Nevertheless, Respondent Firm failed to take adequate actions to ascertain the accuracy of the information provided to CMSS. 7. Respondent Firm's failure to ensure that firm employees as well as non-licensed firm principals abided by Board rules and laws is a violation of N.C.G.S. 83A-15(a)(3)d and 21 NCAC 2.0202 and 2.0209 (4), (8)(a). 8. Respondent Firm wishes to resolve this matter by Consent and agree that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 2, Section .0600, the Board and Respondent agree to the following:

Respondent Firm shall pay a civil penalty in the amount of \$1,000.00.

# enforcement report

## **John H. Tabor, Respondent**

Respondent was previously licensed as an architect by this Board. Respondent failed to renew his license by July 1, 2003 for the 2003-2004 license year. Despite not having been licensed to offer or provide architectural services since July 1, 2003, Respondent has nevertheless continued to offer and render services using the title "architect" to the present date. Respondent participated in continuing education during such time as he was rendering services. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

### **CONCLUSIONS OF LAW**

The Board has jurisdiction over this matter and over Respondent and Respondent is therefore subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. The conduct described in Paragraphs 2-3 constitutes violations of NCGS. 83A-11, 83A-12, 83A-15 (a)(3)(a) and 21 NCAC 02.0213. BASED on the foregoing and in lieu of further proceedings under 21 NCAC 02.0600, the Board and Respondent stipulate and agree to the following: Respondent shall come into compliance with all architectural laws and rules governing reinstatement of his license. Respondent shall pay renewal fees and late fees for 2003-2004 totaling \$150.00. Respondent's license will be reinstated as of the date of this order. Respondent shall pay a civil penalty in the amount of \$500.00.

## **Gregory A. Bailey, Respondent**

Respondent was previously licensed as an architect by this Board. Respondent failed to renew his license by July 1, 2000 for the 2000-2001 license year. Renewal notice for the 2000-2001 license year was sent to the address last known to the Board. Respondent failed to notify the Board of a change of address. Despite not having been licensed to offer or provide architectural services since July 1, 2000, Respondent has nevertheless continued to offer and render services using the title "architect" to the present date. Respondent has indicated that he participated in continuing education during such time as he was rendering services. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

### **CONCLUSIONS OF LAW**

The Board has jurisdiction over this matter and over Respondent and is therefore subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code.

The conduct described in Paragraphs 2-4 constitutes violations of N.C.G.S. 83A-11, 83A-12, 83A-15 (a)(3)(a) and 21 NCAC 02.0201 and 02.0213. BASED on the foregoing and in lieu of further proceedings under 21 NCAC 02.0600, the Board and Respondent stipulate and agree to the following: Respondent shall come into compliance with all architectural laws and rules governing reinstatement of his license, including proof of meeting continuing education and reinstatement fee of \$250.00. Respondent shall pay renewal fees and late fees for 2000-2001, 2001-2002, 2003-2004 totaling \$450.00. Respondent's license will be reinstated as of the date of this order. Respondent shall pay civil penalties totaling in the amount of \$1500.00.

## **Raymond L. Enfield, Respondent**

Respondent is licensed as an architect by this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. Respondent provided design plans for the Brunswick Community Hospital MRI Supply Building. The plans included mechanical, plumbing and electrical engineering drawings which were sealed by Respondent. The North Carolina Department of Health and Human Services Division of Facility Services personnel identified deficiencies said documents. Respondent does not hold a license to practice engineering from the North Carolina Board of Examiners for Engineers and Surveyors. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and legal counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

### **CONCLUSIONS OF LAW**

The Board has jurisdiction over this matter and over Respondent and they are therefore subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. The conduct described in Paragraphs two and three above constitutes violations of NCGS 83A-15(a)(1)a and 21 NCAC 2 .0210.(b). BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 2, Section .0600, the Board and respondent agree to the following: Respondent is reprimanded. Respondent shall pay a Civil Penalty in the amount of \$500.00. Respondent shall not seal engineering plans for any future projects for which he is engaged to provide architectural services until such time as he receives an appropriate license from the North Carolina Board of Examiners for Engineers and Surveyors.

# enforcement report

## **Joel P. Van Dyke for Van Dyke Design Group, Inc., Respondent**

Respondent Van Dyke is licensed as an architect by this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. Respondent offered services through the firm Van Dyke Design Group, Inc. Van Dyke Design Group, Inc is not registered with this Board to offer architectural services in North Carolina.

Respondent's action in practicing architecture through a firm not properly registered with this Board is a violation of G.S. 83A-12 and 21 NCAC 02.0218. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 2, Section .0600, the Board and respondent agree to the following: Respondent shall, within sixty (60) days from the date this Order is approved by the Board, complete the process to properly register Van Dyke Design Group, Inc. Respondent shall pay a civil penalty in the amount of \$250.00 for practicing architecture through a firm not registered to do so in North Carolina.

## **James R. Lencioni for Aria Group Architects, Inc., Respondent**

Respondent Lencioni is licensed as an architect by this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. Respondent offered services through the firm Aria Group Architects, Inc. on the following projects: two McCormick & Schmick's Seafood Restaurants and one California Pizza Kitchen. Aria Group Architects, Inc is not registered with this Board to offer architectural services in North Carolina. Respondent's action in practicing architecture through a firm not properly registered with this Board is a violation of G.S. 83A-12 and 21 NCAC 02.0218. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 2, Section .0600, the Board and respondent agree to the following: Respondent shall, within sixty (60) days from the date this Order is approved by the Board,

complete the process to properly register Aria Group Architects, Inc. Respondent shall pay a civil penalty in the amount of \$750.00 for practicing architecture through a firm not registered to do so in North Carolina on three projects.

## **DeMattia Associates North Carolina, Inc., Respondent**

Principle W. Keith Owen is licensed as an architect by this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. DeMattia Associates North Carolina, Inc. has offered architectural services on a project in the State of North Carolina. DeMattia Associates North Carolina, Inc is not registered with this Board to offer architectural services in North Carolina. A copy of the Certificate of Authority for DeMattia Associates North Carolina, Inc. as issued by the North Carolina Secretary of State has been provided to the Board. Practicing architecture through a firm not properly registered with this Board is a violation of G.S. 83A-12 and 21 NCAC 02.0218. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 2, Section .0600, the Board and respondent agree to the following: Respondent shall pay a civil penalty in the amount of \$250.00 for practicing architecture through a firm not registered to do so in North Carolina. This matter will not be reported to the NCARB Disciplinary Data Base. Firm license will be approved and issued upon approval of this Consent Order.

## **Interplan LLC d/b/a Interplan, PLLC, Respondent**

Principle David Boyce is licensed as an architect by this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. Interplan LLC d/b/a Interplan, PLLC has offered architectural services on seven projects in the State of North Carolina. Interplan LLC d/b/a Interplan, PLLC is not registered with this Board to offer architectural services in North Carolina. A copy of the Certificate of Authority for Interplan LLC d/b/a Interplan, PLLC as issued by the North Carolina Secretary of State has been provided to the Board. Practicing architecture through a firm not properly registered with this Board is a violation of

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G.S. 83A-12 and 21 NCAC 02.0218.

Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 2, Section .0600, the Board and respondent agree to the following: Respondent shall pay a civil penalty in the amount of \$1750.00 for practicing architecture through a firm not registered to do so in North Carolina. This matter will not be reported to the NCARB Disciplinary Data Base. Firm license will be approved and issued upon approval of this Consent Order.

## **James B. Stewart and Dana Conners for Stewart & Conners Architects, PLLC, Respondent**

Respondents Stewart and Conners are licensed as architects by this Board and are subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. Respondents offered and rendered services through the firm Stewart & Conners Architects, PLLC. Stewart & Conners Architects, PLLC is not registered with this Board to offer architectural services in North Carolina. Respondent's action in practicing architecture through a firm not properly registered with this Board is a violation of G.S. 83A-12 and 21 NCAC 02.0218. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 2, Section .0600, the Board and respondent agree to the following: Respondent shall, within sixty (60) days from the date this Order is approved by the Board, complete the process to properly register Stewart & Conners Architects, PLLC. Respondent shall pay a civil penalty in the amount of \$250.00 for practicing architecture through a firm not registered to do so in North Carolina.

## **Duany Plater-Zyberk & Company, Respondent**

Respondent Duany Plater-Zyberk Company, (hereinafter "DPZ"), is not currently registered as an architectural firm by this Board. DPZ is registered as an architectural firm in at least one other state. Since at least 1995 DPZ has had an office at 13823 Cinnabar Place, Huntersville, North Carolina. 100% of the ownership of DPZ is held by persons licensed

in another jurisdiction as architects. The Huntersville, NC office of DPZ is staffed by Tom Low, who is currently licensed as a North Carolina architect. Despite not being registered as an architectural firm by the Board, DPZ has offered and rendered architectural services in North Carolina. Despite not being registered as an architectural firm by the Board, DPZ has held itself out as legally qualified to perform architectural services in publications, including, but not limited to, the Bellsouth yellow pages, Metro Magazine and DPZ's website. On January 16, 2004 the Board wrote to Tom Low, approving his application to reinstate his individual license, but reminding him that "Duany, Plater-Zyberk & Company, Inc. (DPZ & Co. Inc.) does not have a license to practice architecture in North Carolina, nor does it have a Certificate of Authority from the North Carolina Secretary of State to transact business in this state. The January 16, 2004 correspondence further cautioned Respondent "the case against DPZ, Inc. remains open until such time as the firm comes into compliance with Board rules and law governing the practice of architecture in this state." On March 4, 2004, DPZ applied for and on or about June 2004 erroneously obtained a Certificate of Authority from the North Carolina Secretary to transact business pursuant to Chapter 55 of the North Carolina General Statutes, rather than as a professional corporation pursuant to Chapter 55B. On September 28, 2004, the North Carolina Secretary of State revoked the Respondent's Certificate of Authority because Respondent was exceeding the authority conferred upon it by transacting business as a professional corporation without registering with the North Carolina Board of Architecture. Despite not having been registered to offer or render architectural services, Respondent DPZ has nevertheless offered and rendered services using the title "architect" or "architectural firm" from some date prior to 2003 to the present date. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

## **CONCLUSIONS OF LAW**

The Board has jurisdiction over this matter and over Respondent and Respondent is therefore subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. The conduct described in paragraphs 1-11 above constitutes violations of N.C.G.S. §§83A-11, 83A-12, 83A-15 (a)(3)(a) and 21 NCAC 02.0201 and 02.0213. Based on the foregoing and in lieu of further

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proceedings under 21 NCAC 02.0600, the Board and Respondent stipulate and agree to the following: Respondent shall come into compliance with all architectural laws and rules governing firm licensure in this state. Respondent shall pay renewal fees and late fees for the previous eight years it has practiced without being registered with the Board, totaling \$1600. Respondent shall pay civil penalties in the amount of \$4250.

As of May 16, 2005 the firm has not fully complied with said Consent Order. Specifically, the firm has yet to obtain licensure in the State of North Carolina and is still in violation of Board Rules and Laws.

## **Susman Tisdale Gayle Architects, Inc., Respondent**

Respondent firm Susman Tisdale Gayle Architects Inc. (STG) is registered as an architecture firm in Texas, but was not registered as an architecture firm in this state at times relevant to this matter. STG has submitted an Application for a Certificate of Registration to Practice Architecture in the State of North Carolina. Dell, Inc. is a regular client of STG in Texas and other places across the country. In January 2005, STG offered to render architectural services and prepared and submitted a response to a Request for Qualifications (RFQ) for a proposed Dell facility in Winston-Salem, North Carolina despite the fact that STG was not registered in this State. On January 20, 2005, STG was informed that it had been selected by Dell as a "Bid finalist" for the project. No drawings have been issued, stamped or sealed by STG to date. STG represents that STG has not otherwise directly or indirectly engaged in the practice of architecture in North Carolina. On January 20, 2005, STG submitted its Application to the Board for a Foreign Corporation for a Certificate of Registration to Practice Architecture. STG submits that, since learning that its actions to date have required it to be licensed under the North Carolina architectural laws as a foreign corporation in North Carolina, it has worked diligently to comply with the applicable architectural licensure requirements. STG submits that it did not seal architectural drawings on matters involving Dell and did not intentionally violate any architecture laws but wishes to resolve this matter by Consent and agree that the Board staff and legal counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

### **CONCLUSIONS OF LAW**

The Board has jurisdiction over this matter and over STG and it is therefore subject to Chapter 83A of the

General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. STG's failure to register to practice architecture prior to offering to render architectural services in North Carolina constitutes violations of N.C.G.S. §83A-1(7), § 83A-12, and 55B-10. BASED on the foregoing and in lieu of further proceedings under 21 NCAC 2 .0600 or otherwise, the Board and Respondent stipulate and agree to the following compromise in lieu of any other or further proceedings that: Respondent shall pay a civil penalty of \$250.00. STG's pending application for a North Carolina certificate of registration shall not be prejudiced by this Consent Order.

## **James L. Robinson**

Respondent is licensed as an architect by this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. Respondent provided design plans for "Proposed China Buffet" in Carrboro, NC. The plans included mechanical, plumbing and electrical engineering drawings which were sealed by Respondent. The North Carolina Board of Examiners for Engineers and Surveyors (NCBEES) identified deficiencies said documents. Deficiencies included, but are not limited to, mechanical plans with no load calculations, no duct work layout, and no code information. Electrical plans did not include equipment location details, no equipment connection details and no code calculations for service size. Sprinkler plan is incomplete, non piping and no calculations were shown. Respondent does not hold a license to practice engineering from the North Carolina Board of Examiners for Engineers and Surveyors. Respondent was notified of this case on November 19, 2004 and response was requested by December 14, 2004. Response was not received by that date so a follow up letter was sent via Federal Express for delivery on January 12, 2005. Response was requested by February 1, 2005. Respondent did not respond as requested. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and legal counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

### **CONCLUSIONS OF LAW**

The Board has jurisdiction over this matter and over Respondent and they are therefore subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina  
Continued on the next page.

# enforcement report

Administrative Code. The conduct described in Paragraphs two, three and four above constitutes violations of NCGS 83A-15(a)(1)a and 21 NCAC 2 .0210.(b). The conduct described in Paragraph 5 above constitutes violations of 21 NCAC 02.0209 (11).

BASED on the foregoing and in lieu of further proceedings under 21 N.C.A.C. Chapter 2, Section .0600, the Board and respondent agree to the following:

Respondent is reprimanded. Respondent shall pay a Civil Penalty in the amount of \$500.00

Respondent shall not seal engineering plans for any future projects for which he is engaged to provide architectural services until such time as he receives an appropriate license from the North Carolina Board of Examiners for Engineers and Surveyors.

## **AG Architecture, Inc., Respondent**

Respondent is registered as an architecture firm by this Board and is subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code.

Respondent provided design plans for the Cypress Glenn Retirement Community Addition and Renovation in Greenville, NC. The plans included mechanical, plumbing and electrical engineering drawings which were sealed by Respondent. Said plans were prepared by professional engineers who were employed by Respondent's Engineering Division. Respondent represents that prior to engaging in the above described conduct, it consulted the website for the National Council of Architect Registration Boards (NCARB) and formed the erroneous but good faith belief that such plans were "incidental" engineering which an architect firm could prepare and seal under North Carolina law. At the time design plans were sealed, neither Respondent nor Respondent's Engineering Division held a license to practice engineering from the North Carolina Board of Examiners for Engineers and Surveyors. Respondent represents that when the problem with the lack of engineering licensure was brought to Respondent's attention, the Respondent's Engineering Division promptly took steps to comply with the requirements for licensing with the North Carolina Board of Examiners for Engineers and Surveyors. Respondent wishes to resolve this matter by Consent and agrees that the Board staff and legal counsel may discuss this Order with the Board ex parte whether or not the Board accepts this Order as written.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

The Board has jurisdiction over this matter and over Respondent and it is therefore subject to Chapter 83A of the General Statutes of North Carolina and Title 21, Chapter 2 of the North Carolina Administrative Code. The conduct described above constitutes violations of NCGS 83A-15(a)(1)a and 21 NCAC 2 .0210.(b).

BASED on the foregoing and in lieu of further proceedings under 21 N.C.A.C. Chapter 2, Section .0600, the Board and Respondent agree to the following Order:

Respondent shall pay a Civil Penalty in the amount of \$4000.00. Respondent shall not seal engineering plans for any future projects for which it is engaged to provide architectural services unless Respondent remains properly registered with and otherwise authorized by the North Carolina Board of Examiners for Engineers and Surveyors to do so.

## **Consent Judgment – Church Development Services, Inc. (CDS)**

Findings of Fact indicated that CDS violated provisions of NCGS 83A. CDS has been permanently enjoined as follows:

CDS shall not engage in the practice of architecture as defined in NCGS 83A. The Superior Court of Wake County, NC shall retain jurisdiction for and limited to the purpose of enforcing this Consent Judgment and CDS shall submit to the jurisdiction of the Court if the Consent Judgment is violated. A violation of the Judgment shall be deemed contempt of court and shall be punishable by both civil and criminal contempt powers of the Court.

A copy of the complete Consent Judgment may be obtained by contacting the Board office.



# enforcement report

## Expired Firm Licenses

The following firm licenses expired on December 31, 2004, the firm is no longer licensed to offer services in this state. Please note that this list includes firms that have officially dissolved and are no longer doing business in this state. This list is current as of May 17, 2005.

Adams Craft Herz Walker, Inc.  
Adams Hennon Architecture, A Professional Association  
Anne Fahim Architectural Services, P.C.  
Arch/Tech Incorporated  
Architecture, Incorporated d/b/a Schuermann, Hagan Arch, Inc.  
Barry A. Rakes-Architect, PLLC  
Bruce L. Watson Architect, PA  
Chelsea Place Design, Inc.  
Context Design Group, LLC d/b/a Context Design Group, PLLC  
CORGAN ASSOCIATES, INC.  
Cox, Kliewer & Company, P.C.  
CSJM Architects, Incorporated  
Dalglish, Eichman, Gilpin and Paxton, P.C.  
Design Collaborative, Inc. d/b/a DCI, Inc.  
DPF ARCHITECTS, P.C.  
Elizabeth S. Joyner Architect, PA  
George Graves Architect, P.C.  
HLM Design Architecture Engineering and Planning, P.C.  
Howell Rusk Dodson-Architects, P.C.  
HP Architects, PC  
Jenkins Hancock & Sides Architecture Interiors, Inc.  
Kaatz, Binkley, Jones & Morris Architects, Inc.  
KEPHART ASSOCIATES, INC.  
Lada Architecture, PLLC  
Leslie Divoll, Inc. Architecture and Design  
LGE (Old Co.), Inc.  
MCA Architecture, Inc.  
McCoppin Architecture, PA  
Miller Associates, P.A.  
MILLS, OLIVER & WEBB, INC.  
Noelker and Hull Assoc., Inc.  
OPN, Inc.  
PFI Design, P.C.  
Pond & Associates, Inc.  
Ponikvar & Associates, Inc.  
POWERS & MERRITT, INC.  
RTKL Associates, Inc.  
Sherman Pardue & Co. Architects  
Spectrum Design, P.C. d/b/a Spectrum Designers, P.C.  
St. Onge, Ruff and Associates, Inc.  
Stanfield Studio Architects, P.A.  
Studios 2711 Architecture, PLLC

The MacEwen Group, Incorporated  
The Winthrop Group, Inc.  
Thomas Byrum ARCHITECT, PLLC  
Trilogy Design, PLLC  
Vitetta Group Incorporated  
W. F. CANN COMPANY, P.C.  
Wade Barber Architect, Inc.  
Waller, Todd and Sadler Architects, Inc.  
Wolfe Groupe, Inc.  
This list is current as of May 16, 2005.

*For more information or questions about the Enforcement Report contact Cathe Evans at [cathe@ncbarch.org](mailto:cathe@ncbarch.org)*

## MISCELLANEOUS INFORMATION

Renewal forms for the 2005-2006 license year were mailed on May 14, 2005. You should have received your notice already. If you have not received your 2005-2006 renewal notice you may download one from the forms section of the Board web site [www.ncbarch.org](http://www.ncbarch.org).

Please remember that on-line renewal is available and is a fast and efficient method of renewal. Go to the registrants' only section of [www.ncbarch.org](http://www.ncbarch.org), you will need your PIN and license number. If you have misplaced your PIN please email the Board office [ncba@ncbarch.org](mailto:ncba@ncbarch.org). Please include in your request your full name and license number.





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President

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Vice President

**Charles H. Boney Jr, AIA**  
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**21 NCAC 02 .0201 BOARD LISTING OF  
INDIVIDUAL AND FIRM NAMES**

Every individual licensee, partnership, firm or corporation has the continuing responsibility of keeping the Board currently advised of his or its proper and current mailing address and the name or names under which he or it is practicing. Each licensee or firm shall immediately notify the Board in writing of any and all changes of association or address.

**Notification of Change of Address  
For Individual Licensee**

**Please PRINT All Information Clearly**

Please send correspondence to my:  
HOME or FIRM (Please Circle One Only)

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
First Name Middle Name

\_\_\_\_\_  
NC Individual License Number

\_\_\_\_\_  
Name of Firm

**Address for Correspondence:**

\_\_\_\_\_  
Street or P.O. Box

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Daytime Phone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date