

NORTH CAROLINA
WAKE COUNTY

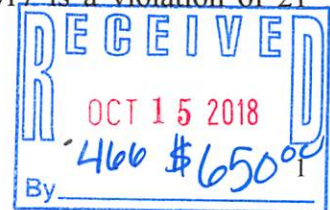
BEFORE THE NORTH CAROLINA BOARD
OF ARCHITECTURE
CASE 1103

In the matter of:)
Kevin Franz)
Respondent)

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at Board Offices in Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41 and 150B-22, the Board and Respondent stipulate the following Findings:

1. 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.
2. Respondent was randomly selected to be audited pursuant to Board Rule 21 NCAC 02.0904(e) for compliance with continuing education requirements for calendar year 2017; and,
3. Respondent certified on the 2018-2019 License Renewal for Individual Registration that he complied with the North Carolina Rules and Laws governing continuing education, and,
4. Respondent certified on the 2018-2019 License Renewal for Individual Registration that he read the North Carolina Architectural Laws and Rules, and,
5. Respondent did not claim an exemption from North Carolina's continuing education requirements and failed to adequately substantiate the verification of compliance with the continuing education requirements for 2017;
6. Respondent has provided proof of twelve hours of continuing education in health, safety and welfare earned during 2018, these hours shall be applied to the 2018 requirement to renew for the 2019-2020 license year;
7. Respondent has failed to submit adequate response to Board inquiries regarding the Continuing Education audit.
8. Respondent's action in failing to obtain twelve hours of Continuing Education in the areas of health, safety and welfare during the calendar year 2017 is a violation of 21 NCAC 02 .0900.



9. Respondent's action in falsely certifying on his 2018-2019 individual renewal from is a violation of 21 NCAC 02 .0208.
10. 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

1. Respondents are subject to jurisdiction before the Board.
2. The Board is authorized to resolve this matter by Consent Order.
3. The findings of fact set forth above demonstrate Respondents' lack of knowledge and understanding of 21 NCAC 02.
4. The findings of fact set forth above also demonstrate Respondents' violations of N.C. Gen. Stat. 83A
5. 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.
6. Pursuant to N.C. Gen. Stat. §§ 83A-14 and -15, the Board has the power to suspend or revoke a license or certificate of registration, to deny a license or certificate of registration, or to reprimand or levy a civil penalty not in excess of five hundred dollars (\$500.00) per violation against any registrant who is found guilty of dishonest conduct, incompetence, or unprofessional conduct.

In lieu of further disciplinary proceedings the Board and Respondent agree to the following Order:

1. Respondent shall earn twelve health, safety and welfare contact hours necessary to fulfill the continuing education contact hours required for the calendar year 2017, Respondent shall submit documentation of proof of compliance in accordance with Rule 21 NCAC 02.0905(a) **with this order**; and,
2. Respondent shall pay a \$500.00 Civil Penalty; and,
3. Respondent shall be on probation until the Respondent renews registration for the license year 2020-2021; and,
4. If Respondent violates any of North Carolina's architecture laws and rules during the period of probation, the North Carolina Board of Architecture may suspend the

Respondent's license for 30 days in addition to any other discipline found by the Board to be appropriate for said violation; and,

5. Respondent will reimburse the Board for all administrative costs associated with this action.

CONSENTED TO THIS THE 21 DAY OF SEPTEMBER 2018.



Kevin Franz
Respondent

APPROVED BY THE BOARD THIS THE 26 DAY OF October, 2018.

NORTH CAROLINA BOARD OF ARCHITECTURE



Steve McClure
Board President