

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA BOARD
OF ARCHITECTURE AND REGISTERED INTERIOR
DESIGNERS
CASE NO. 1223

In the matter of:)
Bernd Karl Eisenschmidt) CONSENT ORDER
)

THIS CAUSE, coming before the North Carolina Board of Architecture and Registered Interior Designers at its office at 434 Fayetteville Street Suite 2005, Raleigh, Wake County, North Carolina, with a quorum present. The Board and Respondent agreed to entry of the following Consent Order.

1. Respondent Eisenschmidt 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. The Board received an official complaint against Eisenschmidt and his firm Arch2020 wherein the allegations were found to be of a contractual matter. While this Board has jurisdiction pursuant to North Carolina General Statute §83A-15 to receive and investigate complaints involving dishonest conduct, incompetence and unprofessional conduct, this Board does not have the statutory authority to discipline architects regarding complaints involving contract disagreements or allegations of ordinary negligence.
3. Eisenschmidt has been identified as the owner of the firm Arch2020.
4. Arch2020 does not hold a firm license with this Board to offer architectural services in North Carolina.
5. Eisenschmidt offered and rendered architectural services on projects in North Carolina through the firm Arch2020. Respondent contends that he did not willfully violate North Carolina's Architecture Rules and Laws. Nevertheless, in lieu of further proceedings, Eisenschmidt has agreed to enter into this Consent Order.
6. 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 N.C.A.C. 02. 0214.
7. 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.

\$ 2700⁰⁰

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3. The findings of fact set forth above demonstrate Respondents' lack of knowledge and understanding of 21 N.C.A.C. Chapter 2.
4. The findings of fact set forth above also demonstrate Respondent's violation of North Carolina General Statute 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.

BASED on the foregoing and in lieu of further proceedings under 21 N.C.A.C. Chapter 2, Section .0600, Respondent wishes to resolve this matter by consent and agrees that Board staff and counsel may discuss this Consent Order with the Board *ex parte* whether or not the Board accepts this Consent Order as written.

Whereas Respondent acknowledges that he has read this entire document and understands it;

Whereas Respondent acknowledges that he enters into this Consent Order freely and voluntarily;

Whereas Respondent acknowledges that he has had full and adequate opportunity to confer with legal counsel in connection with this matter, if so desired;

Whereas Respondent understands that this Consent Order must be presented to the Board for approval and that Respondent hereby waives any argument that any Board members considering this Consent Order are disqualified from participating in a hearing of this matter; and

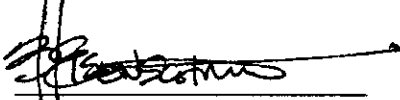
Whereas the Board has determined that the public interest is served by resolving this matter as set forth below.

THEREFORE, with the consent of Respondent, it is ORDERED that:

1. The Board hereby reprimands the license of Respondent Ben Eisenschmidt;
2. Respondent Eisenschmidt agrees to pay a Civil Penalty in the amount of \$2,500.00;
3. Respondent Eisenschmidt agrees to pay administrative costs of \$200.00;
4. Respondent shall within thirty days of this executed order, complete firm licensure for the firm Arch2020.
5. The Board shall retain jurisdiction under Article 3A, Chapter 150B for all administrative hearings held in connection with or pursuant to this Consent Order. If the Board receives evidence that Respondent, has violated any term of this Consent Order or any other law or rule enforced by the Board, the Board shall remove the stay and may impose such disciplinary action as it determines is appropriate and is authorized by law.
6. This Consent Order shall take effect immediately upon its execution by all parties and reflects the entire agreement between Respondents and the Board, there being no agreement of any kind, verbal or otherwise, which varies, alters, or modifies this Consent Order.

7. Both the Board and Respondent participated in the review of this Consent Order. Any ambiguities herein shall not be construed against either party in any future civil or administrative proceeding.
8. Respondent hereby waives any requirement under any law or rule that this Consent Order be served upon him.
9. Upon its execution by the Board and Respondent, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination in, among other places, the Board newsletter or web site, the National Council of Architecture Registration Boards and shall be entered into the Minutes of the Board as an official act.
10. This document constitutes official disciplinary action and may require the Respondent licensee to report action to other licensure authorities or government entities.
11. Respondent agrees that in the event of future disciplinary actions, this Consent Order and the facts underlying it may be admitted in such future investigations and disciplinary matters, including future contested case hearings.

CONSENTED TO:

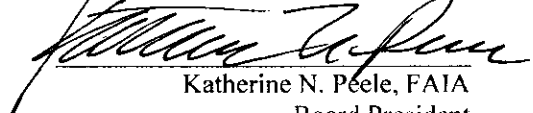


Bernd Karl Eisenschmidt

Date: 14 March 2022

APPROVED BY THE BOARD THIS THE 8th DAY OF April, 2022.

THE NORTH CAROLINA BOARD
OF ARCHITECTURE AND
REGISTERED INTERIOR DESIGNERS



Katherine N. Peele, FAIA
Board President