

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA BOARD
OF ARCHITECTURE &
REGISTERED INTERIOR DESIGNERS

CASE NO. 1238

In the matter of:)
Walter D. Fritts)
Fifth Dimension Architecture & Interiors,) CONSENT ORDER
LLC d/b/a Fifth Dimension Architecture)
& Interiors, PLLC)
Respondents)

THIS CAUSE, coming before the North Carolina Board at its offices 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 Fritts is licensed as an architect by this Board and is subject to Chapter 83A of the General Statutes of North Carolina (NCGS 83A) and Title 21, Chapter 2 of the North Carolina Administrative Code (21 NCAC 02.)
2. Respondent Fritts is the owner and member/manager of Fifth Dimension Architecture & Interiors, LLC.
3. Respondent Fritts signed and sealed documents for use in this State with a seal that is not in compliance with Board rule specifications. The seal contained a random number that is neither a firm nor individual license number belonging to Fritts. The title block indicates that the firm through which his services were offered is Fifth Dimension Architecture & Interiors, LLC.
4. Fifth Dimension Architecture & Interiors, LLC is not licensed as an architecture firm in North Carolina.
5. Respondent, in August 2017, applied for a Foreign Corporation Certification to the Secretary of State. The Certification clearly states, "This is not a firm license to practice architecture." Respondent was given written instructions as to the necessary steps that would lead to firm licensure. Subsequently, the firm filed for and received a Certificate of Authority to do business in this State from the North Carolina Secretary of State. The final step prior to firm licensure is for the applicant to forward the filed articles of organization to the Board office for review and approval of firm licensure. Respondent failed to complete the process

9/6/22
\$4000

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to obtain a firm license prior to offering and rendering services through Fifth Dimension Architecture & Interiors, LLC d/b/a Fifth Dimension Architecture & Interiors, PLLC

8. Respondent contends that neither he nor any employee in the firm intentionally violated North Carolina's Architecture Rules and Laws. Nevertheless, in lieu of further proceedings, Respondents have agreed to enter into this Consent Order.
9. 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. Respondents action in practicing architecture through a firm not properly licensed with this Board is a violation of NCGS 83A-8, 83A-12 and 21 NCAC 02. 0215.
3. Respondent's action in placing an improper seal on documents for use in this State is a violation of 21 NCAC 02 .0206.
4. The Board is authorized to resolve this matter by Consent Order.
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, if desired, regarding this matter.

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

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

This Order is the final disposition of this matter and no hearing before the Board will be granted or held on this matter. 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.

1. No modification or waiver of any provision of this Consent Order shall be effective unless it is in writing, adopted and approved by the Board, and signed by the parties affected.
2. 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.
3. Respondent hereby waives any requirement under any law or rule that this Consent Order be served upon him.
4. 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 and web site, and shall be entered into the Minutes of the Board as an official act.
5. This document constitutes official disciplinary action and may require the Respondent licensee to report action to other licensure authorities or government entities.
6. This document is public record. This disciplinary action shall be reported and posted with the National Council of Architecture Registration Boards, shall be reported in the Board newsletter, web site and shall be entered into the Minutes of the Board as an official act.

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

1. Respondent Fritts agrees to pay a Civil Penalty in the amount of \$2,500.00.
2. Respondent Fritts agrees to pay administrative costs of \$300.00.

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3. Respondent Fritts must immediately notify all owners of his North Carolina projects that his firm was not licensed to practice architecture in North Carolina. He must copy the Board on this correspondence.
4. Respondent shall submit with this Order an application for firm licensure and within sixty (60) days from the date this Order is approved by the Board, complete the process to properly license Fifth Dimension Architecture & Interiors, LLC.
5. Respondent Fritts agrees to pay back firm renewal fees and late penalty fees in the amount of \$1,200.00.
6. 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.

CONSENTED TO



Walter D. Fritts, Owner
Fifth Dimension Architecture
& Interiors, LLC.

Date: 8/26/22

APPROVED BY THE BOARD THIS THE 9th DAY OF September, 2022

THE NORTH CAROLINA BOARD
OF ARCHITECTURE &
REGISTERED INTERIOR DESIGNERS

By: 

Cathy Morrison,
President

5 FIFTH DIMENSION

August 28, 2022

Mr. Shane Walker
Director of Construction Operations
Crest Residential
500 Office Park Drive
Suite 215
Birmingham, Alabama 35223

Shane,

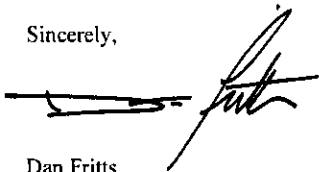
I need to make you aware of a situation that was brought to my attention by the North Carolina Board of Architecture & Registered Interior Designers. I have been licensed as an architect in North Carolina for several years, however we just learned that due to an error in filing the firm, Fifth Dimension Architecture and Interiors, LLC was not properly licensed to practice architecture in North Carolina. I am working with the NC Board of Architecture & Interior Designers immediately to correct this situation. However, you need to be aware that this has happened on the following projects:

<u>Architect</u>	<u>Project Number</u>	<u>Project Name</u>	<u>Location</u>
	18101	The Holston	Weaverville, North Carolina
	21019	Westport Lofts	Belville, North Carolina

Westport Lofts is currently seeking to be permitted, and we are working to correct the situation with the licensing immediately so there are no delays with the project schedule.

If you have any additional questions, please contact me and we can discuss. I appreciate your understanding in this matter and apologize for this error.

Sincerely,



Dan Fritts
AIA, NCARB, RID, LEED AP,
President
Fifth Dimension Architecture & Interiors, LLC

Cc: North Carolina Board of Architecture & Registered Interior Designers
Dave Branch - Director of Firm Operations
Dave Tarr-Austin Studio Director