



HEDRICK GARDNER
KINCHELOE GAROFALO

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January 12, 2024

Sent Via Email and Certified Mail

Zachary Wheeler t/a Zachary Luke Designs
3117 Oakwood Dr.
Charlotte, NC 28269

Reply To:

M. Jackson Nichols
Attorney
4131 Parklake Avenue, Suite 300
Raleigh, NC 27612
Direct: 919-341-2646
Fax: 919-832-9425
Email: jnichols@hedrickgardner.com

**Re: Zachary Wheeler t/a Zachary Luke Designs Cease and Desist
Board Complaint No.: 1272**

Dear Mr. Wheeler:

This law firm represents the North Carolina Board of Architecture and Registered Interior Designers (“the Board”). On November 22, 2023, the Board received a complaint alleging you were using the designation of “Architect.” Pursuant to North Carolina General Statute § 83A-1 an Architect is a person who is duly licensed to practice architecture in the State of North Carolina. The Board has no record of you being licensed in this State or any other State to practice architecture.

The use of the title “Architect” without being duly licensed in this State is prohibited pursuant to § 83A-12:

§ 83A-12. Prohibited practice. The purpose of the Chapter is to safeguard life, health and property. It shall be unlawful for any individual, firm or corporation to practice or offer to practice architecture in this State as defined in this Chapter, or to use the title "Architect" or "Registered Interior Designer" or any form thereof, except as provided in Chapter 89A for Landscape Architects, or to display or use any words, letters, figures, titles, sign, card, advertisement, or other device to indicate that such individual or firm practices or offers to practice architecture as herein defined or is an architect or architectural firm qualified to perform architectural work, or is a registered interior designer or a registered interior design firm qualified to perform interior design work, unless such person holds a current individual or corporate certificate of admission to practice architecture or registration to practice interior design under the provisions of this Chapter.

We are aware that you have been in communication with Cathe Evans, Executive Director for the Board, and have agreed to remove all references on your website, social media accounts, or anywhere you may advertise using the designation of “Architect” or “Interior Architect,” including hashtags or marketing materials, etc.

This letter is a Cease and Desist letter on behalf of the Board. We request that all use of both these designations be removed on or before January 31, 2024. Failure to do so will result in the Board seeking an injunction as allowed by the North Carolina General Statutes.

§ 83A-17. Power of Board to seek injunction. The Board may appear in its own name and apply to courts having jurisdiction for injunctions to prevent violations of this Chapter or of rules issued pursuant thereto, and such courts are empowered to grant such injunctions regardless of whether criminal prosecution or other action has been or may be instituted as a result of such violation. A single act of unauthorized or illegal practice shall be sufficient, if shown, to invoke the injunctive relief of this section or criminal penalties under G.S. 83A-16.

Should you refuse or fail to be compliant with the Board's request prior to the deadline stated above or continue using the designation of "Architect" in any form in the future, the Board will file a Complaint for Injunctive Relief and request that a Superior Court Judge permanently enjoin you from further use of the title or use of the designations of "Architect" or "Interior Architect."

Independent of the Board's authority to file for injunctive relief, you have the authority to file an action in Superior Court and challenge the Board's issuance of a Cease and Desist letter.

Should you have any questions, please do not hesitate to contact me at (919) 341-2646 or by email at jnichols@hedrickgardner.com.

Sincerely,

A handwritten signature in black ink that reads "M. Jackson Nichols". The signature is written in a cursive style with a large, stylized initial "M".

M. Jackson Nichols