

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA BOARD
OF ARCHITECTURE AND REGISTERED
INTERIOR DESIGNERS

CASE NO. 1280

In the matter of:)
Dana Mark Simpson)
Kesler Simpson Architects, PLLC) CONSENT ORDER
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 Simpson was licensed on September 21, 2012 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 firm Kesler Simpson Architects, PLLC was licensed as a firm on May 28, 2021, 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.).
3. The Board of Architecture and Registered Interior Designers is in receipt of a complaint referred by the Board of Examiners for Engineers and Surveyors alleging that Respondent Simpson has offered and rendered professional engineering services on a project in the State of North Carolina. Neither Respondent Simpson nor Respondent firm hold a license to practice Professional Engineering in the State of North Carolina.
4. In addition to not being licensed to practice Professional Engineering in the State of North Carolina, the Board of Examiners for Engineers and Surveyors has provided evidence supporting the fact that Respondent Simpson provided substandard and deficient engineering work that endangered the health, safety and welfare of the public on the project U.S. Post Office Structure in Lewisville, North Carolina.
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.

CONCLUSIONS OF LAW

1. Respondents are subject to jurisdiction before the Board.

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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 Chapter 89C and Chapter 83A of the General Statutes of North Carolina.
4. The findings of fact set forth above also demonstrate Respondents' violations of Chapter 83A and Chapter 89C of the General Statutes of North Carolina. Specifically, NCGS 83A-15 (2)(a).
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 NCGS 83A-14 and 83A-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 against any registrant who is found guilty of a violation of Board rules and laws.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC 02, 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 Simpson acknowledges that he has read this entire document and understand it;

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

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

Whereas Respondents understand 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 Respondents, it is ORDERED that:

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1. Respondent agrees to a voluntary and permanent revocation of his license to practice architecture in the State of North Carolina.
2. Respondent Simpson will no longer offer and render professional engineering services in the State of North Carolina.
3. Respondent may, no sooner than five years after the date of this Order, apply for reinstatement of his license as set forth in 21 NCAC 02 .0213 (c) so long as Respondent does not incur any further disciplinary action in any jurisdiction.
4. 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.
5. 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.
6. 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.
7. Respondent hereby waives any requirement under any law or rule that this Consent Order be served upon him.
8. 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.
9. This document constitutes official disciplinary action and may require the Respondent licensee to report action to other licensure authorities, NCARB or government entities.
10. 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.

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CONSENTED TO:



Dana Mark Simpson
Kesler Simpson Architects, PLLC

Date: 5th March 2024

APPROVED BY THE BOARD THIS THE 2nd DAY OF April, 2024.

THE NORTH CAROLINA BOARD
OF ARCHITECTURE &
REGISTERED INTERIOR DESIGNERS


Catherine C. Morrison, Board President