

# NICHOLS, CHOI & LEE, PLLC

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ATTORNEYS AT LAW

November 30, 2018

Nonprofit  
Employment  
Administrative  
Occupational Licensing

**Via email only**

Jt. Legislative Administrative Procedure Oversight Committee  
Rep. Jonathan Jordan, Co-Chair - *Jonathan.Jordan@ncleg.net*  
Sen. Andy Wells, Co-Chair - *Andy.Wells@ncleg.net*

Jt. Legislative Oversight Committee on Justice and Public Safety  
Rep. James L. Boles, Jr., Co-Chair - *Jamie.Boles@ncleg.net*  
Rep. Ted Davis, Jr., Co-Chair - *Ted.Davis@ncleg.net*  
Sen. Shirley B. Randleman, Co-Chair - *Shirley.Randleman@ncleg.net*

Re: Report pursuant to S.L. 2018-69  
NC Board of Architecture

Dear Committee Co-Chairs:

Pursuant to Session Law 2018-69 titled "An Act to Assist the Criminal Law Recodification Working Group," the NC Board of Architecture ("Board") is providing you with information regarding all crimes defined by the Board. The Board's practice act can be found in Chapter 86A of the North Carolina General Statutes, specifically §§83A-1 through 83A-17.

The only reference to criminal conduct in the Board's practice act is found at N.C.G.S. §83A-16 as follows:

**§ 83A-16. Violations of Chapter; penalties.**

(a) Any individual or corporation not registered under this Chapter, who shall wrongfully use the title "Architect" or represent himself or herself to the public as an architect, or practice architecture as herein defined, or seek to avoid the provisions of this Chapter by the use of any other designation than "Architect": (i) shall be guilty of a Class 2 misdemeanor; and (ii) be subject to a civil penalty not to exceed five hundred dollars (\$500.00) per day of such violation. Each day of such unlawful practice shall constitute a distinct and separate violation. The clear proceeds of any civil penalty collected hereunder shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Actions and prosecutions under this section shall be commenced in the county in which the defendant resides, or has his principal place of business, or in the case of an out-of-state corporation, is conducting business.

(c) Actions to recover civil penalties shall be initiated by the Attorney General. (1915, c. 270, s. 4; C.S., s. 4996; 1941, c. 369, ss. 1, 2; 1951, c. 1130, s. 3; 1957, c. 794, s. 11; 1965, c. 1100; 1969, c. 718, s. 21; 1973, c. 1414, s. 1; 1979, c. 871, s. 1; 1993, c. 539, s. 595; 1994, Ex. Sess., c. 24, s. 14(c); 1998-215, s. 129.)

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The full text of Chapter 83A can be found at the following link:

<https://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=83a>

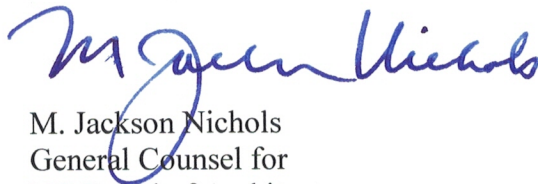
The full text of the Board's rules can be found at the following link:

<http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2002%20-%20architecture/21%20ncac%2002%20.0201.pdf>

If you require further information from the Board, please don't hesitate to contact me at 919-733-9544 or [cathe@ncbarch.org](mailto:cathe@ncbarch.org).

Sincerely yours,

NICHOLS, CHOI & LEE, PLLC

A handwritten signature in blue ink, appearing to read "M. Jackson Nichols".

M. Jackson Nichols  
General Counsel for  
NC Board of Architecture

MJN/bmr