

## Chapter 83A.

### Architects and Registered Interior Designers.

#### § 83A-1. Definitions.

When used in this Chapter, unless the context otherwise requires:

- (1) Architect. – A person who is duly licensed to practice architecture.
- (1a) Architect Emeritus. – A person who has been duly licensed as an architect by the Board and who chooses to relinquish or not to renew a license to practice architecture and who applies to and is approved by the Board after review of record, including any disciplinary action, to be granted the use of the honorific title "Architect Emeritus."
- (1b) Architectural firm. – A professional corporation certified by the Board as meeting the requirements under this Chapter for registration for the practice of architecture.
- (2) Board. – The North Carolina Board of Architecture and Registered Interior Designers.
- (2a) CIDQ. – The Council for Interior Design Qualification.
- (3) Firm certificate. – A certificate of firm registration issued by the Board recognizing the firm named in the certificate as meeting the requirements for the firm practice of architecture or interior design.
- (4) Firm practice of architecture. – "Practice of architecture," as defined in G.S. 83A-1(7) by a firm which is organized or domesticated in this State, and which holds a current "firm certificate" from this Board.
- (4a) Firm practice of interior design. – "Practice of interior design" as defined in subdivision (8) of this section by a registered interior design firm organized or domesticated in this State that holds a current firm certificate from this Board.
- (5) Good moral character. – Character as tends to assure the faithful discharge of the fiduciary duties of an architect or registered interior designer to his or her client. Evidence of lack of such character shall include the willful commission of an offense justifying discipline under this Chapter, the practice of architecture in violation of this Chapter, the practice of interior design in violation of this Chapter, or of the laws of another jurisdiction, or the conviction of a felony.
- (5a) Interior design. – Includes, but is not limited to, the preparation of reflected ceiling plans, space planning, creation or alteration of paths of egress, occupancy calculations, provided no increases in occupancy or number of exits is required, selection of furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. The term "interior design" specifically excludes the following:
  - a. The design of or the responsibility for architectural and engineering work, except as explicitly provided for within this Chapter.
  - b. Altering or affecting the structural system of a building.
  - c. Changing the means of access system.
  - d. Changing the building's live or dead load on the structural system.
  - e. Changes of use to occupancies not already allowed by the current building.
  - f. Changes to life safety plans, including exiting and exit stairs.

- (6) License. – A certificate of registration issued by the Board recognizing the individual or firm named in the certificate as meeting the requirements for registration under this Chapter.
- (6a) Nonstructural element. – An element of a building or structure which does not require structural bracing and is not one or more of the following:
  - a. Load-bearing wall.
  - b. Load-bearing column.
  - c. Beam.
  - d. Truss.
  - e. Lateral force-resisting component.
  - f. Any other load-bearing element of a building or structure which is essential to the structural integrity of the building.
- (7) Practice of architecture. – Performing or offering to perform or holding oneself out as legally qualified to perform professional services in connection with the design, construction, enlargement or alteration of buildings, including consultations, investigations, evaluations, preliminary studies, the preparation of plans, specifications and contract documents, administration of construction contracts and related services or combination of services in connection with the design and construction of buildings, regardless of whether these services are performed in person or as the directing head of an office or organization.
- (8) Practice of interior design. – The preparation of working drawings and documents relative to interior construction, materials, finishes, space planning, furnishings, fixtures, and equipment as defined in subdivision (5a) of this section. Except as provided herein, interior design services do not include services that constitute the practice of architecture as defined in this Chapter or the practice of engineering as defined in G.S. 89C-3.
- (9) Reflected ceiling plan. – A ceiling design plan which is laid out as if it were projected downward and which may include lighting and other elements.
- (10) Registered interior design firm. – A business corporation certified by the Board as meeting the requirements for registration under this Chapter for the practice of interior design.
- (11) Registered interior designer. – A person who is duly registered and who is qualified by education, experience, and examination to engage in the practice of interior design as authorized by the Board. A registered interior designer shall possess the authority to sign and seal interior technical submissions covering the scope of the practice of interior design and shall have the authority to submit construction documents where the registered interior designer is the contract holder and Designer of Record to a State or local government entity for the purpose of obtaining requisite permits for an interior construction project. A registered interior designer may only sign and seal interior technical submissions within the scope of the practice of interior design defined by this Chapter.
- (12) Registration. – A certificate of registration issued by the Board recognizing the individual or firm named in the certificate as meeting the requirements for registration under this Chapter.

- (13) Space planning. – The analysis, programming, or design of spatial requirements, including preliminary space layouts and final planning. (1915, c. 270, s. 9; C.S., s. 4985; 1941, c. 369, s. 3; 1951, c. 1130, s. 1; 1957, c. 794, ss. 1, 2; 1979, c. 871, s. 1; 2021-81, s. 1.)

**§ 83A-2. North Carolina Board of Architecture and Registered Interior Designers; creation; appointment, terms and oath of members; vacancies; officers; bond of treasurer; notice of meetings; quorum.**

(a) Powers; Duties. – The North Carolina Board of Architecture and Registered Interior Designers shall have the power and responsibility to administer the provisions of this Chapter in compliance with the Administrative Procedure Act.

(b) Composition. – The Board shall consist of 10 members appointed by the Governor, as follows:

- (1) Five of the members of the Board shall be licensed architects appointed for five-year terms. The terms shall be staggered so that the term of one architect member expires each year. No architect member shall be eligible to serve more than two consecutive terms.
- (2) Three of the members of the Board shall be registered interior designers appointed for five-year terms. The terms shall be staggered so that the term of one registered interior designer member expires each year. No registered interior designer member shall be eligible to serve more than two consecutive terms.
- (3) Two of the members of the Board shall be persons who are not licensed architects or registered interior designers, and who represent the interest of the public at large. The public members shall have full voting powers and shall serve at the pleasure of the Governor.

(b1) Oath. – Each Board member shall file with the Secretary of State an oath faithfully to perform duties as a member of the Board, and to uphold the Constitution of North Carolina and the Constitution of the United States.

(b2) Vacancies. – If a vacancy occurs during a term, the Governor shall appoint a person to fill the vacancy on the Board for the remainder of the unexpired term.

(c) Officers; Meetings; Quorum. – Officers of the Board shall include a president, vice-president, secretary and treasurer elected at the annual meeting for terms of one year. The treasurer shall give bond in such sum as the Board shall determine, with such security as shall be approved by the Board, said bond to be conditioned for the faithful performance of the duties of his office and for the faithful accounting of all moneys and other property as shall come into his hands. Notice of the annual meeting, and the time and place of the annual meeting shall be given each member by letter at least 10 days prior to such meeting and public notice of annual meetings shall be published at least for two weeks preceding such meetings on the website of the Board. A majority of the members of the Board shall constitute a quorum. (1915, c. 270, ss. 1, 2; C.S., ss. 4986-4988, 4990; 1957, c. 794, ss. 3, 4, 6; 1979, c. 871, s. 1; 2020-74, s. 29(a); 2021-81, s. 1.)

**§ 83A-3. Expenses of Board members; Board finances.**

(a) Each member of the Board shall be entitled to receive travel and expense reimbursement as authorized by G.S. 93B-5 for similar boards.

(b) All funds received by the Board under the provisions of this Chapter shall be deposited by the treasurer or such other officer or staff employee as the Board may designate in such depository and under such security as the Board may direct. All expenses incurred by the Board shall be paid out of funds derived from examination, licensing, renewal or other fees herein provided and shall be paid by the treasurer upon vouchers drawn by the secretary and approved by the president. The Board shall have the power to determine necessary expenses, and to fix the compensation for board employees and for professional services. The State of North Carolina shall not be liable for the compensation of any Board members or officers. Payment of expenses and salaries pursuant to administration of this Chapter may not exceed available funds of the Board. All Board receipts and disbursements shall be subject to audit and accounting procedures established by the State for similar boards.

(c) The Board shall have the power to acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State. Collateral pledged by the Board for an encumbrance shall be limited to the assets, income, and revenues of the Board. (1915, c. 270, s. 6; C.S., s. 4994; 1957, c. 794, s. 9; 1979, c. 871, s. 1; 2013-410, s. 31.)

**§ 83A-4. Fees.**

(a) All fees and charges by the Board shall be established by Board rule subject to the provisions of the Administrative Procedure Act.

(b) Fees set by the Board shall not exceed the following amounts:

Initial Application for Licensure to Practice Architecture by Exam

Individual	\$100.00
Firm	\$150.00

Annual License to Practice Architecture Renewal

Individual	\$150.00
Firm	\$200.00

Late Renewal Penalty for Individual Architects and Firms

Up-to-30 days	\$100.00
30 days to 1 year	\$100.00

Reciprocal License \$300.00

Reinstatement of Expired License

Architect	\$500.00
Firm	\$500.00

Initial Application for Registration to Practice Interior Design

Individual	\$100.00
Firm	\$150.00

Annual Registration to Practice Interior Design Renewal

Individual	\$150.00
Firm	\$200.00

Late Renewal Penalty for Interior Designers and Interior Design Firms

Up-to-30 days	\$100.00
30 days to 1 year	\$100.00

Reciprocal Registration \$300.00

Reinstatement of Expired Registration

Interior Designer	\$500.00
Interior Design Firm	\$500.00

The above fees are provided in addition to any other fees prescribed by law. Reasonable fees for examination materials, certificates, rosters and other published materials shall be established by the Board, but the Board shall not collect any fees not authorized by this Chapter. (1915, c. 270, ss. 3, 6; 1919, c. 336, ss. 1, 2; C.S., ss. 4992, 4994, 4995; 1951, c. 1130, s. 2; 1957, c. 794, ss. 7, 9, 10; 1971, c. 1231, s. 1; 1979, c. 871, s. 1; 1985, c. 364; 2021-81, s. 1.)

**§ 83A-5. Board records; rosters; seal.**

(a) The Board shall maintain records of board meetings, of applications for individual or firm registration and the action taken thereon, of the results of examinations, of all disciplinary proceedings, and of such other information as deemed necessary by the Board or required by the Administrative Procedure Act or other provisions of the General Statutes.

(b) A complete roster showing the name and last known address of all resident and nonresident architects and architectural firms holding current licenses and interior designers holding current registrations from the Board shall be maintained and published by the Board, and shall include each registrant's authorization or registration number. Copies of the roster shall be filed with the Secretary of State and the Attorney General, and may be made available on the website of the Board.

(c) The Board shall adopt a seal containing the name of the Board for use on its official records and reports. (1915, c. 270, ss. 1, 5; C.S., ss. 4989, 4991; 1957, c. 794, s. 5; 1979, c. 871, s. 1; 2020-74, s. 29(b); 2021-81, s. 1; 2025-25, s. 29(5).)

**§ 83A-6. Board rules; bylaws; standards of professional conduct.**

(a) The Board shall have the power to adopt bylaws, rules, and standards of professional conduct to carry out the purposes of this Chapter, including, but not limited to:

- (1) The adoption of bylaws governing its meetings and proceedings.
- (2) The establishment of qualification requirements for admission to examinations, and for individual or firm licensure and individual or firm registration as provided in G.S. 83A-7 and G.S. 83A-8.
- (3) The establishment of the types and contents of examinations, their conduct, and the minimum scores or other criteria for passing such examinations.
- (4) The adoption of mandatory standards of professional conduct concerning misrepresentations, conflicts of interest, incompetence, disability, violations of law, dishonest conduct, or other unprofessional conduct for those persons or corporations regulated by this Chapter, which standards shall be enforceable under the disciplinary procedures of the Board.

- (5) The establishment or approval of requirements for renewal of licenses and registrations designed to promote the continued professional development and competence of licensees and registered interior designers. Such requirements shall be designed solely to improve the professional knowledge and skills of a licensee or a registered interior designer directly related to the current and emerging bodies of knowledge and skills of the licensee's or registered interior designer's profession.

When necessary to protect the public health, safety, or welfare, the Board shall require such evidence as it deems necessary to establish the continuing competency of architects and interior designers as a condition of renewal of licenses and registrations.

(b) The Board shall not adopt any rule or regulation which prohibits advertising.

(c) The adoption, amendment or revocation of rules, regulations, and standards of professional conduct, and the publication and distribution of the same shall be subject to the provisions of the Administrative Procedure Act.

(d) In reviewing disciplinary actions and continuing education decisions, the Board shall be organized into committees, and by rules, shall list the responsibilities of an architect committee, an interior design committee, and a continuing professional education (CE) committee. The president of the Board shall appoint the chairs and members of each committee. (1979, c. 871, s. 1; 2021-81, s. 1.)

#### **§ 83A-7. Qualifications and examination requirements.**

(a) Licensing by Examination. – Any individual who is at least 18 years of age and of good moral character may make written application for examination by completion of a form prescribed by the Board accompanied by the required application fee. Subject to qualification requirements of this section, the applicant shall be entitled to an examination to determine qualifications for licensure.

- (1) The qualification requirements for licensure by examination as a duly licensed architect shall be all of the following:
  - a. Practical training and experience as specified by rules of the Board.
  - b. The successful completion of a licensure examination in architecture as specified by the rules of the Board.
  - c. The successful completion of an accredited master's or bachelor's degree in architecture as specified by the rules of the Board.
- (2) The Board shall adopt rules to set requirements for professional education, practical training and experience, and examination which must be met by applicants for licensure and which may be based on the published guidelines of nationally recognized councils or agencies for the accreditation, examination, and licensing for the architectural profession.

(b) Licensing by Reciprocity. – Any individual holding a current license for the practice of architecture from another state or territory, and holding a certified record issued by the National Council of Architectural Registration Boards, NCARB, may upon application and within the discretion of the Board be licensed without written examination. The Board may, in its discretion, waive the requirement for National Council of Architectural Registration Boards (NCARB) certified record if the qualifications, examination and licensing requirements of the state in which the applicant is licensed are substantially equivalent to those of this State and the applicant otherwise meets the requirements of this Chapter.

(c) Registration. – Any individual who is at least 18 years of age and of good moral character may apply for registration as a registered interior designer, and shall provide substantial evidence to the Board that the applicant meets one of the following requirements:

(1) The applicant shall provide a verification from the Council for Interior Design Qualification or its successor in interest as proof that he or she passed the NCIDQ examination and the applicant is an NCIDQ Certificate holder in good standing.

(2) The applicant is a licensed architect certified by the Board.

(d) Registration by Reciprocity. – The Board may accept satisfactory evidence of registration, licensure, or certification as an interior designer in another jurisdiction, if the jurisdiction's requirements for registration, licensure, or certification are substantially equivalent to or greater than those required for registration in this State at the date of application. (1915, c. 270, s. 3; 1919, c. 336, s. 1; C.S., s. 4992; 1957, c. 794, s. 7; 1971, c. 1231, s. 1; 1979, c. 871, s. 1; 1983, c. 47; 1989, c. 62; 2020-74, s. 29(c); 2021-81, s. 1.)

### **§ 83A-8. Qualification for firm practice.**

(a) Any architectural firm desiring to practice architecture in this State shall file a firm application on forms provided by the Board, accompanied by the required application fee. To be eligible for a firm certificate to practice architecture, the firm must meet all requirements of the Professional Corporation Act.

(b) Architectural firms from other states may be granted firm certificates to practice architecture in this State upon filing application with the Board and satisfying the Board that they meet the requirements of subsection (a) above. Those firms shall designate the individual or individuals licensed to practice architecture in this State who shall be in responsible control of all architectural work offered or performed by that firm in this State. Those firms shall notify the Board of changes in such designation.

(b1) Any interior design firm desiring to practice interior design in this State shall file a firm application on forms provided by the Board, accompanied by the required application fee. To be eligible for a firm registration, the firm must meet all requirements of the Business Corporation Act.

(b2) Interior design firms from other states may be granted firm registration for practice of interior design in this State upon filing an application with the Board and satisfying the Board that they meet the requirements of subsection (b1) of this section. Those firms shall designate the individual or individuals registered to practice interior design in this State who shall be in responsible control of all interior design work offered or performed by that firm in this State. Those firms shall notify the Board of changes in such designation.

(c) All firms holding firm certificates of licensure to practice architecture or certificates of registration to practice interior design from the Board shall be subject to the applicable rules and regulations adopted by the Board, and to all the disciplinary powers applicable to individual licensees or registered interior designers who are officers or employees of the firm. Firms may perform no acts or things forbidden to officers or employees as licensees or registered interior designers. (1979, c. 871, s. 1; 2021-81, s. 1.)

### **§ 83A-9. Partnership practice.**

This Chapter neither prevents practice of architecture or interior design as defined in this Chapter by a partnership nor requires partnership seals or certificates of practice provided that the

members of the partnership are duly licensed to practice architecture or are registered interior designers for any partnership that wishes to hold itself out as a registered interior design entity, and, provided that the partnership files with the Board and keeps current a list of the partners, their license identifications, and the types of services offered by the partnership. (1979, c. 871, s. 1; 2021-81, s. 1.)

#### **§ 83A-10. Professional seals.**

(a) Architects. – Every licensed architect shall have a seal of a design authorized by the Board, and shall imprint all drawings and sets of specifications prepared for use in this State with an impression of such seal. Licensed architectural firms shall employ firm professional seals, of a design approved by the Board, for use in identifying plans, specifications and other professional documents issued by the firm, but use of such firm seals shall be in addition to and not in substitution for the requirement that the individual seal of the author of such plans and professional documents be affixed.

(b) Interior Designers. – Each registered interior designer shall obtain a seal as prescribed by the Board. A document issued by the registered interior designer and being filed for public record shall bear the signature and seal of the interior designer who prepared or approved the document and the date on which it was sealed. The signature, date, and seal shall be evidence of the authenticity of the document. No registered interior designer shall affix, or permit to be affixed, his or her seal or signature to any plan, specification, drawing, or other document that depicts work that he or she is not competent or certified to perform. (1915, c. 270, s. 7; C.S., s. 4997; 1979, c. 871, s. 1; 2021-81, s. 1.)

#### **§ 83A-11. Expirations and renewals.**

Certificates or registrations must be renewed on or before the first day of July in each year. No less than 30 days prior to the renewal date, a renewal application shall be transmitted to each individual and corporate licensee. The completed application together with the required renewal fee shall be returned to the Board on or before the renewal date. When the Board is satisfied as to the continuing competency of an architect or a registered interior designer, it shall issue a renewal of the certificate or registration. Upon failure to renew within 30 days after the date set for expiration, the license or registration shall be automatically revoked but such license or registration may be renewed at any time within one year following the expiration date upon proof of continuing competency and payment of the renewal fee plus a late renewal fee. After one year from the date of revocation, reinstatement may be made by the Board, or in its discretion, the application may be treated as new subject to reexamination and qualification requirements as in the case of new applications. (1919, c. 336, s. 2; C.S., s. 4995; 1951, c. 1130, s. 2; 1957, c. 794, s. 10; 1979, c. 871, s. 1; 2020-74, s. 29(d); 2021-81, s. 1.)

#### **§ 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. (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; 2021-81, s. 1.)

### **§ 83A-13. Exemptions.**

(a) Nothing in this Chapter shall be construed to prevent the practice of general contracting under the provisions of Article 1 of Chapter 87, or the practice by any person who is qualified under law as a "registered professional engineer" of such architectural work as is incidental to engineering projects or utilities, or the practice of any other profession under the applicable licensure provisions of the General Statutes.

(b) Nothing in this Chapter shall be construed to prevent a duly licensed general contractor, professional engineer, architect, or registered interior designer acting individually or in combination thereof, from participating in a "Design/Build" undertaking including the preparation of plans and/or specifications and entering individual or collective agreements with the owner in order to meet the owner's requirements for pre-determined costs and unified control in the design and construction of a project, and for the method of compensation for the design and construction services rendered; provided, however, that nothing herein shall be construed so as to allow the performance of any such services or any division thereof by one who is not duly licensed to perform such service or services in accordance with applicable licensure provisions of the General Statutes; provided further, that full disclosure is made in writing to the owner as to the duties and responsibilities of each of the participating parties in such agreements; and, provided further, nothing in this Chapter shall prevent the administration by any of the said licensees of construction contracts and related services or combination of services in connection with the construction of buildings.

(c) Nothing in this Chapter shall be construed to require an architectural license for the preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of construction pursuant thereto, where the building, buildings, or project involved is in one of the following categories:

- (1) A family residence, up to eight units attached with grade level exit, which is not a part of or physically connected with any other buildings or residential units;
- (2) A building upon any farm for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the public;
- (3) An institutional or commercial building if it does not have a total value exceeding two hundred thousand dollars (\$200,000);
- (4) An institutional or commercial building if the total building area does not exceed 3,000 square feet in gross floor area;
- (5) Alteration, remodeling, or renovation of an existing building that is exempt under this section, or alteration, remodeling, or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system. This subdivision shall not limit or change any other exemptions to this Chapter or to the practice of engineering under Chapter 89C of the General Statutes;

(6) The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this Chapter.

(c1) Notwithstanding subdivisions (c)(3) and (4) of this section, a commercial building project with a total value of less than two hundred thousand dollars (\$200,000) and a total project area of less than 3,000 square feet shall be exempt from the requirement for a professional architectural seal.

(d) Nothing in this Chapter shall be construed to prevent any individual from making plans or data for buildings for himself.

(e) Plans and specifications prepared by persons or corporations under these exemptions shall bear the signature and address of such person or corporate officer.

(f) This Chapter does not apply to persons holding themselves out as "interior decorators" or offering "interior decorating services," and who provide services that are not subject to regulation under applicable building codes, such as selection or assistance in selecting surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted lighting, or loose furnishings.

(g) This Chapter does not apply to persons engaging in professional services limited to any of the following:

(1) The planning, design, and implementation of residential kitchen and bath spaces.

(2) The planning, design, and implementation of commercial kitchen and bath spaces within the construction area and cost limits as set forth in subdivisions (c)(3) and (4) of this section.

(3) The specification of products for kitchen and bath areas.

(h) This Chapter does not prevent any person from rendering interior design services, provided the person does not use the title of "registered interior designer" unless registered under this Chapter. (1979, c. 871, s. 1; 1997-457, s. 1; 2015-145, s. 10; 2020-74, s. 28; 2021-81, s. 1; 2021-192, s. 1.)

### **§ 83A-13.1. Architect who volunteers during an emergency or disaster; qualified immunity.**

(a) A professional architect who voluntarily, without compensation, provides structural, electrical, mechanical, or other architectural services at the scene of a declared disaster or emergency, declared under federal law or in accordance with the provisions of Article 1A of Chapter 166A of the General Statutes, at the request of a public official, law enforcement official, public safety official, or building inspection official, acting in an official capacity, shall not be liable for any personal injury, wrongful death, property damage, or other loss caused by the professional architect's acts or omissions in the performance of the architectural services.

(b) The immunity provided in subsection (a) of this section applies only to an architectural service:

(1) For any structure, building, piping, or other architectural system, either publicly or privately owned.

(2) That occurs within 45 days after the declaration of the emergency or disaster, unless the 45-day immunity period is extended by an executive order issued by the Governor under the Governor's emergency executive powers.

(c) The immunity provided in subsection (a) of this section does not apply if it is determined that the personal injury, wrongful death, property damage, or other loss was caused by the gross negligence, wanton conduct, or intentional wrongdoing of the professional architect or arose out of the operation of a motor vehicle.

(d) As used in this section:

- (1) "Building inspection official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or disaster is declared.
- (2) "Law enforcement official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or disaster is declared.
- (3) "Public official" means any federal, State, or locally elected official with overall executive responsibility in the jurisdiction in which the emergency or disaster is declared.
- (4) "Public safety official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or disaster is declared. (1995, c. 416, s. 2; 2012-12, s. 2(p).)

#### **§ 83A-14. Disciplinary action and procedure.**

Any person may file with the Board a charge of unprofessional conduct, negligence, incompetence, dishonest practice, or other misconduct or of any violation of this Chapter or of a Board rule adopted and published by the Board. Upon receipt of such charge, or upon its own initiative, the Board may give notice of an administrative hearing under the Administrative Procedure Act, or may dismiss the charge as unfounded or trivial, upon a statement of the reasons therefor which shall be mailed to the architect or registered interior designer and the person who filed the charge by registered or certified mail. (1979, c. 871, s. 1; 2021-81, s. 1.)

#### **§ 83A-15. Denial, suspension or revocation of license.**

(a) The Board shall have the power to suspend or revoke a license or certificate of registration of an architect or a registration of an interior designer, to deny a license or certificate of registration of an architect or a registration of an interior designer, or to reprimand or levy a civil penalty not in excess of five hundred dollars (\$500.00) per violation against any registrant who is found guilty of:

- (1) Dishonest conduct, including but not limited to:
  - a. The commission of any fraud, deceit or misrepresentation in any professional relationship with clients or other persons; or with reference to obtaining or maintaining license, or with reference to qualifications, experience and past or present service.
  - b. Using or permitting an individual professional seal to be used by or for others, or otherwise representing registrant as the author of drawings or specifications other than those prepared personally by or under direct supervision of registrant.
  - c. Using a professional license or registration from the Board that had been suspended or revoked.

- d. Conduct of the registrant resulting in the imposition of other disciplinary action by a regulatory body of another state for any cause other than failure to pay applicable fees.
  - e. Surrendered or did not renew a professional license or registration after the initiation of any investigation or proceeding by such body.
- (2) Incompetence, including but not limited to:
- a. Gross negligence, recklessness, or excessive errors or omissions or building failures in registrant's record of professional practice; or
  - b. Mental or physical disability or addiction to alcohol or drugs so as to endanger health, safety and interest of the public by impairing skill and care in professional services.
  - c. The registrant has been adjudged mentally incapable by a court of competent jurisdiction.
- (3) Unprofessional conduct, including but not limited to:
- a. Practicing or offering to practice architecture or interior design without a current license or registration from this Board.
  - b. Knowingly aiding or abetting others to evade or violate the provisions of this Chapter, or the health and safety laws of this or other states;
  - c. Knowingly undertaking any activity or having any significant financial or other interest, or accepting any compensation or reward except from registrant's clients, any of which would reasonably appear to compromise registrant's professional judgment in serving the best interest of clients or public.
  - d. Willfully violating this Chapter or any rule or standard of conduct published by the Board, or pleading guilty or nolo contendere to a felony or any crime involving moral turpitude.
  - e. Falsely impersonating a practitioner or former practitioner of a like or different name or practicing under an assumed or fictitious name.
  - f. Grossly unprofessional conduct.

(b) Actions to recover civil penalties against any registrant may be commenced by the Board pursuant to Chapter 150B of the General Statutes. In determining the amount of any civil penalty, the Board shall consider the degree and extent of harm caused by the 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. (1915, c. 270, s. 5; 1919, c. 336, s. 3; C.S., s. 4993; 1953, c. 1041, s. 1; 1957, c. 794, s. 8; 1973, c. 1331, s. 3; 1979, c. 871, s. 1; 1989, c. 81; 1998-215, s. 128; 2021-81, s. 1.)

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

(a) Any individual or firm not registered under this Chapter, who shall wrongfully use the title "Architect" or represent himself or herself to the public as an architect, practice architecture as herein defined, present as his or her own the license of another, give false or forged evidence to the Board or any member thereof in obtaining a license, falsely impersonate any other practitioner of like or different name, use or attempt to use a license that has been revoked, 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.

(a1) Any individual or firm not registered under this Chapter, who shall wrongfully use the title "registered interior designer," represent himself or herself to the public as a "registered interior designer," seek to avoid the provisions of this Chapter by the use of any other designation than "registered interior designer," present as his or her own the registration of another, give false or forged evidence to the Board or any member thereof in obtaining a registration, falsely impersonate any other practitioner of like or different name, use or attempt to use a registration that has been revoked, or otherwise violate any of the provisions in this Chapter shall be guilty of a Class 2 misdemeanor and 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.

(a2) Before imposing and assessing a civil penalty, the Board shall consider the following factors:

- (1) The nature, gravity, and persistence of the particular violation.
- (2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.
- (3) Whether the violation was willful and malicious.
- (4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

(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, or any private counsel retained under G.S. 114-2.3.

(d) The Board shall establish a schedule of civil penalties for violations of this Chapter and rules adopted by the Board.

(e) The Board may in a disciplinary proceeding charge costs, including reasonable attorneys' fees, to the licensee or registered interior designer against whom the proceedings were brought. (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; 2021-81, s. 1.)

### **§ 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. (1979, c. 871, s. 1.)