

STATE OF NORTH CAROLINA
COUNTY OF WAKE
WAKE COUNTY, N.C. S.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
06-CVS-9882

THE NORTH CAROLINA BOARD
OF ARCHITECTURE,

Plaintiff,

vs.

CHRISTOPHER PHELPS and
CHRISTOPHER PHELPS &
ASSOCIATES, LLC,

Defendants.

ORDER

This matter is before the Court for consideration of Defendants' motion for summary judgment.

Defendants' motion to strike certain evidence is denied. Objection to such evidence is overruled.

The undisputed facts of this case show that Defendants are not licensed to practice architecture. They are prohibited by statute and by court order from practicing architecture and from using the title "architect" or the word "architecture" to describe the residential design business in which they are engaged. This prohibition arises from the provisions of Chapter 83A of the General Statutes of North Carolina and by a consent judgment entered in this court on April 19, 1999 (99-CVS-1750).

The Court finds that there is no dispute as to any material fact and that Defendants are entitled to judgment as a matter of law regarding the claims set forth in this complaint and hereby dismisses the complaint with prejudice.

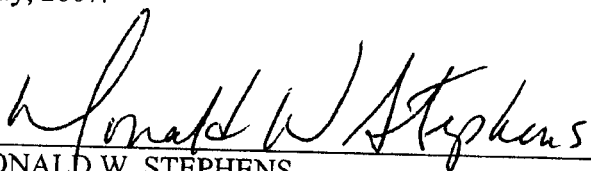
The parties shall bear their own costs.

Although Defendants are engaged in the design of residential dwellings, substantial evidence of record suggests that the public is confused about the nature of the services which the Defendants provide. The evidence of record is insufficient to support a claim that Defendants have themselves intentionally misled the public regarding the nature and limitations of the services they provide. However, Defendants have taken very few affirmative steps to prevent confusion or to correct the mistaken belief that they are architects.

The Defendants are cautioned by the Court that they may not assert or declare orally or in writing that they are engaged in "the practice of architecture as defined by North Carolina law" or refer to their designs or creations as "architectural work" or use the term "architectural" to describe their work, except as necessary to protect their legal rights in court filings or unless specifically authorized by this court.

Defendants are not permitted to suggest, declare or use words that would create the impression that they are engaged in architectural work.

So ordered this, the 14 day of May, 2007.


DONALD W. STEPHENS
SENIOR RESIDENT SUPERIOR COURT JUDGE

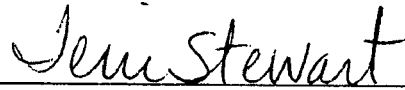
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was served on the parties listed below by mailing and/or hand-delivering a copy thereof to each of said parties, addressed, postage prepaid, as follows:

M. Jackson Nichols
Allen and Pinnix, PA
PO Drawer 1270
Raleigh, NC 27602

John R. Buric
James, McElroy & Diehl, PA
600 S. College St., Ste. 3000
Charlotte, NC 28202

This, the 15th day of May, 2007.



Terri Stewart
Judicial Assistant
Wake County Superior Court Judges' Office