

THE NORTH CAROLINA BOARD OF ARCHITECTURE

IN THE MATTER OF:)
David Thomas)
David Thomas & Associates Design Group, Inc.)
Respondents)
NOTICE OF APPARENT VIOLATION AND DEMAND TO CEASE AND DESIST Case 691

TO THE ABOVE NAMED RESPONDENT, David Thomas, President, David Thomas & Associates Design Group, Inc.

WHEREAS, the North Carolina Board of Architecture is authorized by N.C.G.S. 83A-17 to enforce the provisions of the North Carolina Architecture Act through actions for injunctive relief regarding "a single act of unauthorized or illegal practice"; and,

WHEREAS, pursuant to N.C.G.S. 83A-16, the Board, through the Attorney General, may institute proceedings in an appropriate court seeking civil penalties of \$500.00 per day for each violation for violations of the Architecture Act.

WHEREAS, the Board has received evidence that Respondent has engaged in conduct conveying the impression that Respondent is authorized to offer and provide architectural services without being currently authorized by the Board, as required by law; and,

WHEREAS, Respondent is not currently authorized by the Board to engage in the practice of architecture, as defined in N.C.G.S. 83A-1; and,

WHEREAS, Respondent Thomas on April 20, 1999 acknowledged the rules and laws that govern the practice of architecture in the State of North Carolina.

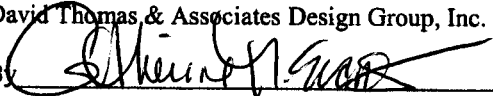
WHEREAS, Respondent Thomas has listed two architects in marketing material for the firm David Thomas & Associates Design Group, Inc., that David Thomas has worked in the design/build business providing architectural services for commercial clients since 1968, is a member of the American Institute of Architects, and in two instances lists that he has provided architectural services as the president and owner of David Thomas & Associates and Custom Home Design Center Inc. both located in Raleigh, NC. In a letter of intent dated January 20, 2006 to Client Vogt, Respondent specifically stated "remodel design for architectural and space planning...". In a Raleigh area CitySearch directory David Thomas and Associates is listed as offering architecture and design services. Combined, the above listed items convey the impression that Respondent is authorized to practice architecture, when, in fact, Respondent is not lawfully authorized to perform any professional architectural service in this State. Such a representation is misleading and contrary to N.C.G.S. 83-A12 and 83A-16.

THEREFORE, Respondent is hereby notified and the Board of Architecture demands that Respondent and said firm immediately cease and desist from engaging in the non-licensed practice of architecture through its marketing material, advertising or other devices, either orally, in writing or electronically, or otherwise unlawfully trading upon the title "architect", until such time, if ever, as Respondent is be properly authorized by the Board to do so in accordance with law.

Continued on Page Two

THIS the 11th day of July, 2007.

Page 2
Cease and Desist
David Thomas
David Thomas & Associates Design Group, Inc.

By 

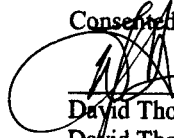
Cathie M. Evans
Executive Director

In lieu of civil proceedings authorized by N.C.G.S. 83A-17, the Board will accept Respondent's consent and agreement to comply with this Demand.

RESPONDENT'S CONSENT

The above-named Respondent has read this NOTICE OF APPARENT VIOLATION AND DEMAND TO CEASE AND DESIST and, in lieu of further proceedings, confirms that Respondent understands the facts stated above and unconditionally CONSENTS to immediately cease and desist from engaging in the non-licensed practice of architecture or otherwise trading upon the title "architect", until such time, if ever, as Respondent is properly authorized by the Board to do so in accordance with law. Respondent acknowledges that the Board may use this document as evidence in any future proceeding regarding Respondent's subsequent failure to comply with this Consent.

Consented to:


David Thomas, President
David Thomas & Associates Design Group, Inc.

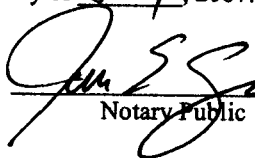
Date: 7/9/07

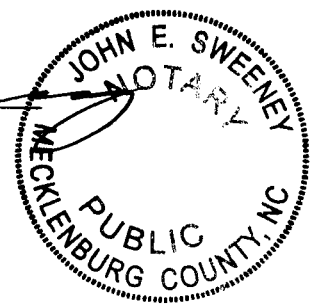
State of North Carolina
County of Wake

I, John E. Sweeney, a Notary Public for said county and state, do hereby certify David Thomas personally appeared before me this day and being by me duly sworn, stated that he/she executed the foregoing instrument.

Witness my hand and official seal, this the 9 day of July, 2007.

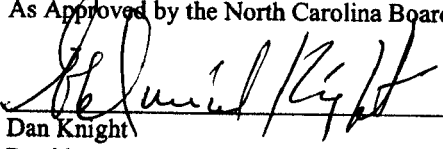
My commission expires 9/28/08


Notary Public



BOARD APPROVAL

As Approved by the North Carolina Board of Architecture:

 7/11/07
Dan Knight Date
President