Court of Appeals Reaches Favorable Decision for Firm Client

Related Attorneys

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By Grant Simpkins on November 21, 2024

The NC Court of Appeals reached a decision in favor of the North Carolina Board of Architecture and Registered Interior Designers, represented by our attorneys, Grant Simpkins and M. Jackson Nichols.

The case centered on Robert Ward Ferris's petition for judicial review of a Board decision finding him in violation of architectural practice statutes. The key issue was the sufficiency of service of the petition for judicial review under N.C. Gen. Stat. § 150B-46.

Grant and Jack successfully argued that Ferris failed to properly serve the Board within the statutory ten-day period. Specifically, Ferris:

- Initially served the Board's representatives via email, which is not authorized by statute
- Attempted to serve the Board's counsel by certified mail, which the court deemed insufficient
- Failed to timely serve the Board or its registered agent as required by law

The Court of Appeals affirmed the Wake County Superior Court's dismissal of Ferris's petition. The court emphasized that service requirements under § 150B-46 are jurisdictional, meaning any failure to strictly comply can result in case dismissal.

Despite Ferris's argument for good cause and request for an extension of time, the court found no abuse of discretion in the original dismissal. The decision reinforces the critical nature of precise procedural compliance in administrative appeals.

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