

**MINUTES FOR BOARD MEETING OF THE NEVADA STATE BOARD OF
ARCHITECTURE, INTERIOR DESIGN AND RESIDENTIAL DESIGN**

August 22, 2012

Silver Legacy Resort-Casino, Grande Exposition Hall A, 407 No. Virginia St., Reno, NV 89505

Wednesday, August 22, 2012

Chairman Greg Erny called the meeting to order at 9:10 a.m.

Roll Call: Greg Erny, Chairman; John Klai, Secretary/Treasurer; Kimberly Ciesynski, George Garlock, Jim Mickey, JoAnn Oppenheimer, and Larry Tindall. William Snyder and Sean Tanner were absent.

Also in attendance: Gina Spaulding, Executive Director; Louis Ling, Legal Counsel; Betty Ruark, Chief Investigator; Laura Bach, Monica Harrison, and Tammy Bond, staff.

AGENDA ITEM 1 Public Comment

There was no public comment.

AGENDA ITEM 2 Approval of Consent Agenda

Consent agenda included the following:

- A. Approval of Agenda
- B. Approval of Minutes: June 13, 2012
- C. Secretary/Treasurer Report
 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
 2. Wells Fargo Bank Statements and June 2012 quarterly report
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
 1. art-is-zen
 2. [N]Site Studios, LLC
 3. Reprise Design LLC
 4. SCHAPIRA ARCHITECTURE LLC
 5. Design Las Vegas by Kimsey, Cambeiro, Simpson and Coulter, LLC
 6. JH ARC+DESIGN, INC.
- F. Firm Registration Approval Requests
 1. Cuningham Group Architecture, Inc.
 2. FFA Architecture and Interiors, Inc.
 3. Innovativo Design LLC
 4. Reflex Design Group, LLC
 5. Yates-Silverman, Inc.
 6. Allied Design Architectural and Engineering Group, P.C.
 7. GWG Architecture & Planning, LLC

Architects – Registration by Reciprocity

6832	John P. Price	6840	James Moorkamp	6847	Jeffrey C. Kadlowec
6833	Dennis Iskra	6841	Byron L. Smith	6848	Timothy E. Hannon
6834	Carpelo Jeoboam	6842	Troy A. Ainsworth	6850	Joseph F. Smith
6835	Gary M. Livermore	6843	Elizabeth L. Cooper	6851	Robert C. Rice
6836	Michael L. Miller	6844	Jorge G. Schapira	6852	Brian K. Fink
6837	Reza A. Hadaegh	6845	Diane R.K. Osan	6853	Gregory L. Allen
6838	Brian K. Johnson	6846	Steven B. Christiansen	6854	Deborah A. Everson
6839	Michael J. Porter			6855	Mark R. Wilson

Board members requested agenda items 2F-1 through 2F-3 and 2F-6 be pulled from the consent agenda.

Motion: Garlock moved to approve the consent agenda, items 1 through 2E-6, and 2F-4, 2F-5, and 2F-7. Motion seconded by Tindall.

Vote: All in favor. Motion passes.

AGENDA ITEM 2F-1 Firm registration approval request: Cuningham Group Architecture, Inc.

Motion: Garlock moved to approve the firm name request for “Cuningham Group Architecture, Inc.” Motion seconded by Klai.

Vote: All in favor. Motion passes.

AGENDA ITEM 2F-2 Firm registration approval request: FFA Architecture and Interiors, Inc.

Motion: Klai moved to approve the firm name request for FFA Architecture and Interiors, Inc.” Motion seconded by Ciesynski.

Vote: All in favor. Motion passes.

AGENDA ITEM 2F-3 Firm registration approval request: Innovativo Design LLC

Klai said a non-registrant is named on the application as a principal.

Motion: Klai moved to approve the firm name request for “Innovativo Design LLC” pending receipt of a modified application removing the non-registrant as a principal. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 2F-6 Firm registration approval request: Allied Design Architectural and Engineering Group, P.C.

Motion: Klai moved to approve the firm name request for “Allied Design Architectural and Engineering Group, P.C.” Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 3

Deliberations/Action on applications for registration: Architect

Klai swore in the following individuals as architects:

- 1. Todd Copenhaver.....6856
- 2. Jason Jones.....6857
- 3. Paul San Gemino.....6858
- 4. Nathan Goodman.....6859

Motion: Garlock moved to approve the registration of the above referenced individuals as architects.
Motion seconded by Ciesynski.

Vote: All in favor. Motion passes.

Erny told the new registrants that upon registration, it is customary for the board to answer questions, hear feedback and/or comments from them regarding the entire registration and/or exam process.

One new registrant said the entire board staff was so helpful and very responsive through the entire licensing process. Another registrant said that coming from another state where new registrants are not honored with a new registrant ceremony, he finds Nevada’s process to be refreshing. He said it puts a nice bookend to the end of a very long journey. Spaulding said the board and staff feel it is important to recognize registrants for the accomplishment of first-time registration.

Klai asked if they experiences any scheduling problems while taking their ARE exams. One registrant said the Reno Prometric Testing Center was regularly booked solid for three weeks to a month out. He said they recommended exam candidates schedule all testing one month in advance.

Another new registrant told the board he wanted to share his thoughts regarding Nevada’s position on whether or not to begin allowing concurrent testing with the IDP. He is in favor of the board considering allowing students to take the exams concurrent with the IDP versus having to wait until they have completed IDP. Klai said the board has formed a joint ARE/IDP Concurrency Committee that is going to explore whether or not concurrent testing is appropriate for Nevada. Erny asked the registrant if he is currently working in the profession and if he had been doing so prior to starting the testing process. He said he has been working steadily in the architectural profession since 1995. Erny asked if he could have passed the exams without having any of that work experience under his belt. He said there were some sections he could have passed with no work experience, fresh out of college, like the structural portion, for example, because he said it is not used in the architectural field. He said there are some exams he would not have been prepared to pass without work experience, such as the construction documents exam. He said he agrees that candidates need to work to understand some of these things. He said that IDP is where you get the training to pass certain parts but others could be passed coming right out of college. He said the work experience helps but use of the study guides can help a candidate pass every test without having been in the field gaining experience. He said it is not much different than taking a semester of college and immediately taking finals. He clarified for Klai that all of his testing was with the new ARE 4.0.

Another registrant disagreed saying that with each student traveling a different path, he sees the importance of combining the education experience with work experience prior to being allowed to test. He said he came out of college very ambitious, thinking he knew what he needed to know, until working in the architectural field taught him that experience is an important part of the process. He said in his case he was lucky because he was required to complete his IDP before he could graduate. He worked and went to school and was in a position to start testing right away. He attended Boston Architectural College where at that time, students worked and went to school concurrently.

Spaulding told new registrants the board and staff wants them to know that it is important to keep close communication with us if they have any questions. She said board staff will always be responsive and are here as a resource to help them.

AGENDA ITEM 4 **Discussion and review of the draft 2012-13 Self-Evaluation Report for the Nevada State Board of Architecture, Interior Design and Residential Design**

Erny directed the board, staff and legal counsel through a page-by-page discussion and review of the Self-Evaluation Report for the Nevada State Board of Architecture, Interior Design and Residential Design.

Areas covered in the board's self-evaluation report included:

- Key functions, Powers and Duties
- History and Major Events
- Policymaking Structure
- Funding
- Organization
- Complaint/Investigation/Disciplinary Action Process
- Registration/Licensing
- Continuing Education
- Other

Garlock commended Spaulding, staff, and board counsel for the tremendous progress made in creating this first draft of the evaluation report.

AGENDA ITEM 5 **Review and possible decision regarding strategic plan proposal by M3 Planning**

Spaulding said this item is a continuation of the discussion regarding updating of the board's strategic plan that was last revised ten years ago. She said with the board's existing strategic plan being a good, solid one with most objectives having been met, for the most part, the current plan just needs to be refreshed.

Spaulding presented to the board for discussion, the following three options proposed by M3Planning, a Reno-based strategy development firm:

- Review of current strategic plan
- Half-day facilitated board strategy plan and update
- Full-day facilitated board strategy plan and update

Erny said that an updated strategic plan will provide a roadmap for future board members to follow. The board discussed the differences between the three options offered by M3Planning. Board members discussed the possibility of having M3Planning assess our current strategic plan first. Spaulding said that with all the institutional memory among our current board members having them assess our current strategic plan may be all that is necessary to make revisions.

Motion: Klai moved to have M3Planning review our current strategic plan and advise the board. From there the board will decide if the suggestions made by M3Planning warrant moving forward with the half-day or the full-day facilitated board strategy plan and update. Motion seconded by Oppenheimer.
Vote: All in favor. Motion passes.

AGENDA ITEM 6A ARE/IDP Concurrency Committee

Erny said the first ARE/IDP concurrency committee meeting is scheduled for September 5, 2012.

AGENDA ITEM 6B Joint Board/AIA Continuing Education Committee

Spaulding told the board that she and Randy Lavigne, AIA Executive Director had met recently to discuss the NSBAIDRD working jointly with the AIA to offer free biannual continuing education seminars to all Nevada registrants in both Southern and Northern Nevada. The seminars will cover topics relevant to all three professions. NSBAIDRD will fund the seminar presenters and is proposing that AIA funds the lunch provided for attendees.

Spaulding asked for feedback regarding scheduling of the seminars and proposed presenters. Klai suggested we contact ARUP and Rolf Jensen Associates as potential presenters. Board members agreed that half day sessions in each region would be the most beneficial.

Board members agreed that offering free annual continuing education seminars both in Southern and Northern Nevada is a way for the board to give back to the profession by educating registrants to potentially prevent future violations and provide them with a mechanism to get continuing education credits at no cost to them.

Motion: Garlock moved to set a budget of \$3000 for Southern Nevada and \$3000 for Northern Nevada to fund annual half day continuing education seminars. Motion seconded by Klai.
Vote: All in favor. Motion passes.

AGENDA ITEM 6C RD Education Committee

Spaulding said that at the last board meeting a residential design education committee was formed. Committee members are Tindall, Chair; Erny, to represent Northern Nevada; and Garlock, to represent Southern Nevada. The first meeting is scheduled for September 26, 2012.

AGENDA ITEM 6D RID Binder Application Committee

Spaulding said this committee's purpose is to compare the current RID application to the current CIDA standards to see what revisions need to be made to the application. Another objective for the committee will be to consider modifying the application to fit those potential future applicants educated as architects for licensure as registered interior designers applying through the binder process.

Erny reaffirmed the membership of the RID binder application committee; committee members are Ciesynski, Tanner, Klai, and Spaulding. Ciesynski will chair the committee.

AGENDA ITEM 6E **Blue Book Committee (Nevada Construction Industry Relations Committee-NCIRC)**

Erny formed the Blue Book Committee. Committee members are Snyder, Tanner, Tindall, and Spaulding. Spaulding will set the first meeting before the end of the calendar year.

AGENDA ITEM 7 **Board Counsel Report**

Ling said there is nothing new to report.

AGENDA ITEM 8A-1 **Case No. 09-072N In the matter of Robert Shachtman and Robert Shachtman Architecture**

Motion: Klai moved to approve the settlement agreement. Motion seconded by Tindall.

The Respondent is alleged to have violated NRS 623.360.1 (a) (b) and (c) by holding himself out as being qualified to practice architecture and by engaging in the practice of architecture for a residential project located in Nevada without having a certificate of registration issued by this Board.

Staff received information from the Clark County Building Department that a set of architectural plans had been submitted with the Respondent's title block. Further investigation revealed that the Respondent had entered into a contract to provide services that fall under the practice of architecture and residential design.

The Respondent was sent a Notice of Charges concerning this project and a letter of response was received. The Respondent's case was discussed with Chief Investigator Ruark and the decision was made to offer the Respondent an opportunity to settle this issue informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a Guilt Clause and an Administrative Penalty of \$12,500 plus Investigative Costs in the amount of \$1,475.

Staff recommends approval of the settlement agreement.

Vote: Garlock opposed. All others in favor. Motion passes.

AGENDA ITEM 8A-2 **Case No. 12-008N In the matter of Dante Lepore and Dante Designs**

Motion: Garlock moved to approve the settlement agreement. Motion seconded by Klai.

The Respondent is alleged to have violated NRS 623.360.1 (a)(b) by holding himself out as being qualified to practice architecture, registered interior design, and residential design in Nevada, without having been issued a certificate of registration from the Board.

Information was received from an anonymous source which showed the Respondent was offering to provide residential and commercial design services on craigslist.org. The Respondent's advertisement listed the name of his business as "Dante Designs."

A search of the internet for Dante Designs revealed a website and a Facebook page. The website www.dantedesigns.com included multiple photographs showing architectural design services that require

registration in Nevada. The following Las Vegas properties were listed on the Respondent's website: Caesars Palace, Mandarin Hotel and Vince Neil Ink store at the Rio Hotel.

The Respondent was sent a Notice of Charges concerning this project and a letter of response was received. The decision was made to offer the Respondent an opportunity to settle this matter informally rather than face a disciplinary hearing before the Board. A settlement agreement and confession of judgment was negotiated. The settlement incorporates a Guilt Clause, Effect on Licensure Clause and an Administrative Penalty of \$1,500 plus Investigative Costs in the amount of \$1,000.

Staff recommends approval of the settlement agreement and confession of judgement.

Vote: All in favor. Motion passes.

AGENDA ITEM 8A-3 Case No. 12-042R In the matter of Calvin Coatsworth

Motion: Klai moved to approve the settlement agreement. Motion seconded by Garlock.

The Respondent is alleged to have violated NRS 623.145, NRS 623.270.1 (f), Rule of Conduct 1.3 and NAC 623.740.1 by not engaging a consultant to prepare a fire protection report and by using an unapproved firm name in Nevada.

Information was received from the Clark County Building Department that the Respondent reused a fire protection report (FPR) that had been prepared for him by JBA Consulting Engineers for the remodeling of rooms on the main level of the Saks Fifth Avenue store located in the Fashion Show Mall. The investigation revealed that the Respondent submitted the original FPR for another T.I. that was located on the second floor of the Saks Fifth Avenue store. The report was rejected by the building department because the report did not address the new work for the new permit. The Respondent then copied the previously approved FPR, made revisions to the report, sealed/signed the report and resubmitted the FPR as his own work. A review of the FPR by the Clark County Building Department revealed the Respondent did not sufficiently understand the fire protection aspects of the report as the Respondent did not realize that modifications to the automatic sprinklers were required.

Additionally, a review of the plans that were submitted to the Clark County Building Department for the T.I. project revealed the firm name of Carlile Coatsworth Architects Inc. on the title sheet under Project Development Team. This firm name has not been approved for use in Nevada and is in contradiction to more than 10 years of the Respondent's registration renewal form(s) wherein he attests to practicing independently under his own given name in Nevada.

The Respondent was sent a Notice of Charges concerning this project and a letter of response was received. The decision was made to offer the Respondent an opportunity to settle this matter informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a Non-Admission of Guilt, an Administrative Penalty of \$3,500 plus Investigative Costs in the amount of \$1,825.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 8A-4 Case No. 12-043R In the matter of David Udkow

Motion: Klai moved to approve the settlement agreement. Motion seconded by Mickey.

The Respondent is alleged to have violated NRS 623.270.1 (d)(e)(f) by reviewing and sealing architectural drawings that were not prepared under the RESPONDENT'S responsible control and by aiding an unauthorized person to practice architecture in Nevada.

This case was opened during the investigation of an unlicensed architecture firm that was holding itself out as being qualified to practice architecture and registered interior design and engaging in the practice of architecture and registered interior design for the following Nevada projects: Fendi retail store and kiosk in Caesars Forum shops, Salvatore Ferragamo retail store in Caesars Forum shops and Tom Ford store at Crystals City Center.

The investigation of the unlicensed architecture firm revealed that the Respondent was the architect of record for all three projects. The Respondent was asked to explain how and when he became involved in each of the projects and to provide a copy of his proposals and contracts. Further investigation revealed the Respondent was not retained by the client, but by the unlicensed architecture firm to provide code review and submit signed/sealed documents for regulatory approval/permitting.

The Respondent was sent a Notice of Charges concerning this project and a letter of response was received. The decision was made to offer the Respondent an opportunity to settle this matter informally rather than face a disciplinary hearing before the Board. A settlement agreement and confession of judgment was negotiated. The settlement incorporates a Guilt Clause, an Administrative Penalty of \$10,000 plus Investigative Costs in the amount of \$1,650.

Staff recommends approval of the settlement agreement and confession of judgement.

Vote: All in favor. Motion passes.

AGENDA ITEM 8A-5 Case No. 12-056N In the matter of Kelley Hamilton, James Clarkson and Mountain West Senior Housing, LLC dba Bonaventure Senior Housing

Ling said this item was pulled from the agenda.

AGENDA ITEM 8B Discussion and possible decision regarding closure of enforcement cases

Ruark recommended the following case, which was investigated, for closure without disciplinary action:

11-032N

Motion: Klai moved to close the above-referenced case. Motion seconded by Tindall.

Vote: Garlock recused himself. All others in favor. Motion passes.

AGENDA ITEM 8C **Discussion and possible decision whether to take Sheldon Colen, RD #095-P off probation pursuant to the terms of his settlement agreement for Case No. 08-074R**

Spaulding told the board that residential design registrant Colen has met all the conditions of his settlement agreement and is requesting removal from probation.

Motion: Tindall moved to approve Sheldon Colen's request to be removed from probation. Motion seconded by Klai.

Vote: All in favor. Motion passes.

AGENDA ITEM 8D **Enforcement report**

Ruark reported to the board regarding enforcement's Northern Nevada road trip visiting the various building departments and the State Public Works office.

Ruark and Bach made visits to the following:

- Carson City Building Department
- Douglas County Building Department
- State Public Works
- Washoe County Building Department
- City of Reno Building Department
- Sparks Building Department

AGENDA ITEM 9 **Review and discussion regarding prototypical plans**

Spaulding said this issue was a carryover from the last board meeting regarding allowing feasibility studies in Nevada by unlicensed individuals. Spaulding polled other states finding that the majority of the states do not allow feasibility studies to be done without being registered in the state. Board members agreed that based on these results no further action is necessary.

AGENDA ITEM 10 **Review and possible decision regarding the revised registration/renewal form**

Spaulding said the necessary portions of the continuing education tracking log have been incorporated into the registration/renewal form, including an affirmation checkbox stating that the registrant is in compliance with Nevada's CEU requirements. Upon implementation of the new registration/renewal form, only those registrants randomly selected for audit would be required to supply backup documentation establishing compliance with CEU requirements.

Motion: Garlock made a motion to adopt the new registration/renewal form with board member amendments. Motion seconded by Klai.

Vote: All in favor. Motion passes.

AGENDA ITEM 11A **Discussion update regarding NCARB IDP program changes**

Erny said questions the board previously had regarding academic internships were clarified by Harry Falconer of NCARB. No action on this item was necessary.

AGENDA ITEM 11B **FYI: Press release from Mike Armstrong, NCARB CEO regarding Council reorganization**

Spaulding said this item was provided for board members' information.

AGENDA ITEM 11C **FYI: Press release announcing Greg Erny installed on NCARB Board of Directors**

Spaulding said this item was provided for board members' information.

AGENDA ITEM 11D **FYI: Press release regarding top news from the 2012 NCARB Annual Business Meeting**

Spaulding said this item was provided for board members' information.

AGENDA ITEM 11E **FYI: NCARB Fast Facts – June 2012**

Spaulding said this item was provided for board members' information.

AGENDA ITEM 12A **FYI: NCIDQ BOD meeting minutes for April and May 2012 and COD minutes from May 2012 webinar**

Spaulding said this item was provided for board members' information.

AGENDA ITEM 12B **FYI: Press release regarding the Multiple Choice Exam Transition**

Spaulding said this item was provided for board members' information.

AGENDA ITEM 12C **FYI: NCIDQ News**

Spaulding said this item was provided for board members' information.

Spaulding said that Tanner will participate in the delegate conference call on September 13. Spaulding will not be able to sit in due to a Member Board Executive Committee commitment.

AGENDA ITEM 12D **Discussion and possible decision regarding who will attend the 2012 NCIDQ Annual Meeting in Chicago, IL on November 9-11**

Spaulding said Ciesynski and Klai are funded by NCIDQ to attend the 2012 NCIDQ Annual Meeting in Chicago, IL on November 9-11. Tanner will attend as the delegate for Nevada. Spaulding, Erny, and Mickey will also attend.

AGENDA ITEM 13 **Residential Designer Issues**

Tindall said three candidates tested for the last residential design exam.

AGENDA ITEM 14 **Executive Director Report**

Spaulding said the next board meeting will be held on October 24 in Las Vegas. The audit results will be presented at that meeting.

Spaulding said she has some upcoming travel and will be out of the office September 12-16 chairing the Member Board Executive Committee. From October 4-7 she will be attending the Regional Leadership/Governance Committee.

The Legislative Counsel Bureau has accepted our bill draft request and it has been forwarded to the Governor's office.

Spaulding said we have three board members terming out of their appointments at the end of October. Oppenheimer, terming out of her third term, expressed her gratitude to the board and staff for the pleasure of serving on the board for twelve years and announced that she would not be requesting a re-appointment to the board as public member. Mickey is terming out of his five month appointment and would like to be considered for re-appointment. Tanner is terming out of his first term and would like to be re-appointed. Spaulding said we will send letters to the Governor's office in support of those re-appointments.

Spaulding provided an FYI update to board members regarding the SB268-Nevada Position Statement. Spaulding said this will be a bill draft in the next Legislative Session. Erny suggested this item should be placed as an item to be discussed in the NCIRC committee meetings.

AGENDA ITEM 15 **Public Information Report**

Bond said the latest issue of *Focus* was provided in the board e-book.

AGENDA ITEM 16 **Items for future agenda**

- Discussion regarding amending Nevada's CEU requirements to mirror NCARB's model law
- Interior design issues and discussion regarding change in NCIDQ mission statement

AGENDA ITEM 17 **Public comment**

There was no public comment.

Chairman Erny adjourned the meeting at 4:18 p.m.

John Klai, Secretary/Treasurer

Gina Spaulding, Executive Director