

**MINUTES FOR BOARD MEETING OF THE NEVADA STATE BOARD OF ARCHITECTURE, INTERIOR DESIGN AND RESIDENTIAL DESIGN
January 18, 2012
Board Conference Room, 2080 E. Flamingo Rd., Suite 120, Las Vegas, NV 89119**

Wednesday, January 18, 2012

Chairman Greg Erny called the meeting to order at 9:40 a.m.

Roll Call: Greg Erny, Chairman; John Klai, acting Secretary/Treasurer; William Snyder, Larry Tindall, Kimberly Ciesynski, George Garlock, and JoAnn Oppenheimer. Larry Henry, Secretary/Treasurer 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

Erny told members of the public that they were witnessing the board's implementation of electronic board books. He stated that the paperless method is a more cost-efficient, environmentally friendly way to present the board meeting information and welcomed any comments or suggestions in regard to the new format. No comments were received from the public.

AGENDA ITEM 2 Approval of Consent Agenda

Consent agenda included the following:

- A. Approval of Agenda
- B. Approval of Minutes: October 18, 2011 and December 8, 2011
- C. Secretary/Treasurer Report
 - 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
 - 2. Wells Fargo, September and December 2011 quarterly report
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
 - 1. Bingham and Bingham, Ltd.
 - 2. Cyntergy Architecture, PLLC
 - 3. DGH Architecture, LLC
 - 4. GML Architects, LLC
 - 5. KORD
 - 6. Organic Architecture, Inc.
 - 7. Solutions By Design US, PLLC
 - 8. HBK Studios
 - 9. Patrick R. Daly, Architect
- F. Firm Registration Approval Requests
 - 1. Blue Heron Interior Design, LLC
 - 2. HAE, P.A.

Architects: Registration by reciprocity

6750	Marc C. Mussachio	6757	Scott C. Costello
6751	Douglas W. Whiteaker	6758	William J. Poss
6752	Michael B. Burke	6759	Kim S Weil
6753	Mark D. Levin	6760	Carissa B. Wendt
6754	Robert W. Sanford	6761	Mark A. Carnicelli
6755	Jeffrey L. Fisher	6762	Kip J. Coleman
6756	Brian W. Rumsey	6763	Joshua R. Vel

Residential Designer: Registration by reciprocity

313-P Kenneth R. Meffan

Board members requested agenda item 2E-5 be pulled from the consent agenda until after the new registrants are sworn-in.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 4A-1 Case No. 08-056N – In the matter of Alicia Williams and Monet Tibbits and Interior Designs Unlimited, Inc.

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

The Respondents are alleged to have violated NRS 623.360.1 (a)(b)(c) by holding themselves out as being qualified to practice registered interior design and by engaging in the practice of registered interior design, for a project located in Nevada without having certificates of registration issued by this Board.

Staff received anonymous information that the Respondents were working on the Golden Nugget remodel. Further investigation revealed that the Respondents had entered into multiple contracts for various venues within the Golden Nugget Hotel/Casino with the client to provide regulated services and provided services that fall under the practice of a registered interior designer.

The Respondents were sent a Notice of Charges concerning this project and a letter of response was received. The Respondents' case was discussed with Chief Investigator Ruark and the decision was made to offer the Respondents an opportunity to settle this issue informally rather than face a disciplinary hearing before the Board.

This case was previously presented at the October 18, 2011 board meeting, including resolution through a settlement agreement and a confession of judgment incorporating a Guilt Clause, an Effect on Licensure Clause and an Administrative Penalty of \$20,000 plus Investigative Costs in the amount of \$3,500. The board rejected the settlement agreement advising staff to renegotiate the monthly payment at no less than \$100 per month with penalty and costs to be paid in full within five years.

Staff recommends approval of the revised settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 4A-2 Case No. 10-022R – In the matter of Winter Delamare

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

The Respondent is alleged to have violated NRS 623.270.1(c), NRS 623.270.1(d), NRS 623.270.1(e), NRS 623.270.1(f) and Rule of Conduct 5.2. by not being in responsible control of architectural documents that were being prepared by others; deviating from the normal standard of professional care generally exercised by other architects practicing architecture; using a firm name that has not been authorized by the Board for

use in Nevada; permitting the use of his name to assist an unlicensed individual/firm to practice architecture in Nevada and aiding and abetting the unlicensed practice of architecture in Nevada.

A complaint was received which alleged the Respondent allowed an unlicensed individual/firm to use his license to practice architecture in the state of Nevada.

The investigation revealed that the Respondent was allowing the unlicensed individual and firm to make presentations to the Lincoln County School District (LCSD) for architectural work, disseminate proposals to LCSD for work, enter into contracts with the Lincoln County School District for work and disseminate invoices for payment to the LCSD and the LCSD was paying the unlicensed individual/firm. The Respondent did not have any supporting documentation to show that he was in responsible control over the individual and firm that was producing the architectural work.

The Respondent was sent a Notice of Charges concerning this project and offered an opportunity to settle the 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 \$10,000 plus Investigative Costs in the amount of \$2,000.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 4A-3 Case No. 12-004N – In the matter of Dennis B. Patten and P.C. Architects, Inc.

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

The Respondent is alleged to have violated NRS 623.360.1(a) and NRS 623.360.1(b) by holding himself and his firm out to the Lincoln County Board of School Trustees as being qualified to practice architecture in the state of Nevada.

A complaint was received which alleged the Respondent was practicing architecture in the state of Nevada and sealing plans by using the stamp of a Nevada registered architect who does not work in the Respondent's office.

The investigation revealed the Respondent and the Nevada registered architect have known each other since 1984 and worked together (on/off) as associates/partners. However, a review of the Lincoln County Board of School Trustees minutes revealed the Respondent making presentations to the school board to obtain work in Nevada; using the title of architect on documentation that was submitted to the school board, and using his firm's name (P.C. Architects, Inc.) and physical address when disseminating proposals, invoices for payment, and entering into contracts with the Lincoln County Board of School Trustees for work that falls under the practice of architecture. The Lincoln County Board of School Trustees was also paying the Respondent/firm for the work instead of the Nevada registered architect.

The Respondent was sent a Notice of Charges concerning this project and was offered an opportunity to settle the 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 \$5,000 plus Investigative Costs in the amount of \$1,800.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 3A Deliberations/Action on applications for registration: Architectural

Klai swore in the following individuals as architects:

1. Daniel J. Chenin 6764
2. Brandon Mitchell.....6765
3. David W. Madsen.....6766

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

Vote: All in favor. Motion passes.

AGENDA ITEM 3B Deliberations/Action on applications for registration: Residential design

Klai swore in the following individual as a residential designer:

1. Kevin H. Ofenloch..... 314-P

Motion: Tindall moved to approve the registration of the above referenced individual as a residential designer. Motion seconded by Oppenheimer.

Vote: All in favor. Motion passes.

AGENDA ITEM 3C Deliberations/Action on applications for registration: Registered interior design

Klai swore in the following individual as a registered interior designer:

1. Angela R. Mayer..... 195-ID

Motion: Tindall moved to approve the registration of the above referenced individual as a registered interior designer. Motion seconded by Oppenheimer.

Vote: All in favor. Motion passes.

Erny invited the new registrants to share feedback regarding the licensing and/or exam process.

A suggestion was made that future residential design candidates be notified as to what version of AutoCAD will be used during testing. Spaulding replied that candidates are given this information with their candidate ID letter.

A new architect expressed concern regarding recent graduates sitting for the ARE exams prior to earning IDP hours. While advocating concurrent testing, he feels there should be some required IDP hours earned because the experience and practical knowledge will help them pass the exams. Erny agreed, expressing that it is the general consensus of the board that with this being a practice-based exam, not just based on the educational process, candidates should have earned their IDP hours prior to beginning the testing process.

Erny thanked the new registrants for their comments.

Garlock asked the new architects for feedback regarding NCARB's response time with ARE exam results. One new registrant said exam score results were received promptly but said that after review and approval of the record, it sits in an NCARB e-mail cue up to 14 days prior to being forwarded to the state board. Spaulding said that she is scheduled to participate in an upcoming Member Board Executive Committee meeting and will inquire about the reason for the delay with NCARB forwarding records.

AGENDA ITEM 2E-5 Firm name approval request: KORD

Motion: Tindall moved to approve the firm name request for "KORD." Motion seconded by Klai.

This item was held until the owner was sworn-in as a new registrant.

Vote: All in favor. Motion passes.

AGENDA ITEM 4A-4 Case No. 11-025R – In the matter of Gerald Brower and Brower and Associates

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

The Respondent is alleged to have violated NRS 623.185.3 and NRS 623.270.1(f) by practicing architecture in Nevada while his certificate of registration had lapsed.

Staff received a call from the City of Wells inquiring if Respondent was still registered. Further investigation revealed that the Respondent had practiced architecture by making changes to his architectural plans as well as sealing and submitting them to the City of Wells for the City Hall and Bath House projects.

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 and confession of judgment were negotiated. The settlement agreement incorporated a Guilt Clause, an Effect on Licensure Clause and an Administrative Penalty of \$3,000 plus Investigative Costs in the amount of \$2,000.

Staff recommends approval of settlement agreement and confession of judgment.

Vote: All in favor. Motion passes.

AGENDA ITEM 4A-5 Case No. 11-027N – In the matter of Jeffrey Doyle Hatch, Jeffrey Duncan Hatch and Hatch Design Group

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

The Respondents are alleged to have violated NRS 623.360.1 (a) (b) and (c) by holding themselves out as being qualified to practice architecture and registered interior design and by engaging in the practice of architecture and registered interior design, for 4 commercial projects located in Nevada without having certificates of registration issued by this Board.

Staff received an anonymous phone call stating that Hatch Design Group had been submitting proposals on a couple of Las Vegas Casino projects. Further investigation revealed the Respondents' website www.hatchdesigngroup.com showed several Nevada projects as being completed by Hatch Design Group. Additionally, the Respondents entered into contracts with Station Casinos to provide FF&E and space planning services including drawings for four restaurants.

The Respondents were sent a Notice of Charges concerning this project and a letter of response was received. The Respondents' case was discussed with Chief Investigator Ruark and the decision was made to offer the Respondents an opportunity to settle this issue informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a No Contest Clause, an Effect on Licensure Clause and an Administrative Penalty of \$16,500 plus Investigative Costs in the amount of \$2,000.

Staff recommends approval of the settlement agreement.

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

AGENDA ITEM 4A-6 Case No. 09-020N – In the matter of Jeffrey Weinberg

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

The Respondent is alleged to have violated NRS 623.360.1 (c) 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 a call from Clark County Building department regarding drawings submitted as owner builder that had the Respondent listed as the contact person on the permit application. Further investigation revealed that the drawings for a Pool House were prepared by the Respondent who was working in the capacity of a draftsman for a homeowner.

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, an Effect on Licensure Clause and an Administrative Penalty of \$500 plus Investigative Costs in the amount of \$500.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 4A-7 Case No. 10-015N – In the matter of Doctors Associates Inc.

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

The Respondents are alleged to have violated NRS 623.360.1(c) by preparing site specific construction drawings for multiple Subway stores located in Nevada.

Information was received from the Sparks Building Department that a franchisee owner attempted to submit plans for permitting of a Subway store. The plans include Subway's logo on the title block along with a disclaimer which states that the drawings are furnished by Doctor's Associates Inc. ("DAI") d/b/a Subway.

Further investigation revealed plans for additional Subway stores were also being submitted to the Washoe County Building Department with Doctor's Associates Inc. title block. A search for Doctor's Associates Inc. ("DAI") d/b/a Subway was performed using the CLEAR database. The search results produced a copy of Doctor's Associates Inc. ("DAI") d/b/a Subway January 2011 Operations Manual, which is used by the franchisee owners. The operations manual informs the franchisee that once their sublease is executed a member of the Store Design Department will begin designing their restaurant. The manual goes into great detail regarding the design of the store and tells the franchisee that the plans prepared by DAI allow a contractor to accurately bid/tender construction costs for building their Subway store.

The Respondents were sent a Notice of Charges concerning their projects and offered an opportunity to settle the issue informally rather than face a formal disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a No Contest Clause and an Administrative Penalty of \$30,000 plus Investigative Costs in the amount of \$2,750.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 4B Discussion and possible decision regarding closure of enforcement cases

Ruark recommended the following cases, which were investigated, for closure without disciplinary action:

10-030R 12-013R 12-014R 12-015N

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

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

AGENDA ITEM 4C Enforcement report

There was no report.

AGENDA ITEM 5 Discussion and possible decision regarding the Application for Architectural Registration by Examination for Mark M. Labaj pursuant to NRS 623.1490.14

Spaulding said that Mr. Labaj disclosed an arrest record in his application for registration. Mr. Labaj addressed the board describing the incident and adjudication disclosed on his application. Board members asked questions regarding the incident and his plans for the future, professionally. Spaulding said, upon approval, that Mr. Labaj would be able to be sworn in as an architect with his peers at the next board meeting.

Motion: Snyder moved to grant Mr. Labaj's Application for Architectural Registration by Examination. Motion seconded by Oppenheimer.

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

AGENDA ITEM 7 **Legal Matters Update-Louis Ling, Board Counsel**

To update the board regarding Case Nos. 08-080R and 11-019R in the matter of Dennis Rusk, Ling told the board that on November 23, 2011 Rusk filed a petition for judicial review of the board's Findings of Fact, Conclusions of Law and Order with the district court. Rusk had requested a stay to the board's Order while the matter is on appeal. The judge denied the request for stay; meaning Rusk must comply with the board Order as written for the duration of the appeal process. Additionally, Rusk's attorney attempted to file a substantial amount of documents not seen by the board during the Formal Hearing. The judge said he would disregard those documents, but would not strike them from the record. Ling filed for and the judge ordered the removal of Executive Director Spaulding's name as a defendant in this case. He went through a process with the clerk's office where it was successfully removed.

Ling updated the board regarding the Sunset Review Committee whose intent is to select a portion of the state's 180 + boards and commissions for Sunset Review. At the end of each review a decision is made as to whether each board reviewed should continue, be terminated, or be combined with other state agencies. There were 35 boards chosen in the first round for review of which 3 were occupational boards. Our board has not been selected at this time. He is presently working with one of those boards to get their presentation ready which could be used as a template. Each of the Boards and Commissions will be reviewed, as written in the bill, at some point within the next ten years. Ling will keep the board and Jim Wadhams, the board's lobbyist, apprised throughout the process.

AGENDA ITEM 6A **Discussion and possible decision regarding who will attend the WCARB 2011 Regional Meeting in Seattle, WA on March 8-11, 2012**

Spaulding said Region 6, WCARB, is hosting the combined regional meeting this year and encouraged board members to attend. Spaulding is the executive director for the region and Klai is a member of the executive board so their registration is funded by WCARB. Erny will be attending as he is running for Regional Director. Tindall, Garlock, and Ciesynski were selected to attend.

Spaulding said 26 states will be represented at the WCARB meeting.

AGENDA ITEM 6B **NCARB 2012 Practice Analysis letter requesting registrant database information**

Spaulding said that NCARB has requested our support in helping gather architect registrant database information to assist in the upcoming 2012 Practice Analysis of Architecture Survey. After discussion among the board, the decision was made to allow the registrants the opportunity to choose whether limited certain information would be shared with NCARB. An email blast would be sent from the board to each architect registrant explaining NCARB's interest in obtaining their contact information for the single-use purpose of inviting them to participate in the survey. Registrants will be given ten days to opt out by email.

The database information provided to NCARB will consist of the names, email addresses, and license dates of those architect registrants who did not opt out. This information will be provided to NCARB for the single-use purpose of inviting architects to participate in the 2012 Practice Analysis of Architecture Survey.

Motion: Klai moved to approve sending an email to all architect registrants allowing them to opt out if they do not wish their information to be shared with NCARB . Motion seconded by Ciesynski

Vote: All others in favor. Motion passes.

AGENDA ITEM 6C **FYI: Letter and resume from Jon Baker, Region 6 Director, Candidate for NCARB Secretary**

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

AGENDA ITEM 6D **FYI: NCARB Fast Facts: November and December 2011**

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

AGENDA ITEM 6E **FYI: NCARB News Clips for November and December 2011**

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

AGENDA ITEM 6F **FYI: NCARB Member e-Source: Outreach and BEFA Program**

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

AGENDA ITEM 8 **Review and discussion regarding letters from Lucas Foletta, General Counsel for Governor Brian Sandoval regarding expiration of regulatory freeze, letters of intent and regulatory filings and decision regarding whether to submit NAC 623 proposed regulations to LCB**

Spaulding asked Ling, board counsel, to address the board regarding the letter sent to state boards from Lucas Foletta, General Counsel for Governor Brain Sandoval regarding letters of intent and state and federal findings. After some discussion, the board found that as a self-funded licensing agency not using general fund monies, this letter does not apply.

Ling told the board that the second letter before them was in regards to the expiration of the regulatory freeze on proposed regulations. This means that the board is no longer required to seek approval from the Governor before proceeding with submitting proposed regulations. As always, the board will continue to notify the Governor's Office of proposed regulatory action at the start of the process.

Spaulding said that the regulatory information provided in the board packet comprise the proposed changes that the board has been working on over the last year. There is a very short window of opportunity to start the regulatory process for these housekeeping items due to the upcoming legislative session.

Erny called for a motion regarding submittal of the following proposed NAC 623 regulations to LCB:

NSBAIDRD BOARD PROPOSED CHANGES TO NAC 623

Proposed changes to NAC 623 are listed below. New language is **bolded and underlined**. Language to be deleted is ~~stricken~~. Comments are **highlighted and listed below the applicable regulation**.

~~NAC 623.0185 "Responsible control" defined. (NRS 623.140) "Responsible control" means the amount of control over and detailed knowledge of the content of a technical submission during its preparation that is~~

ordinarily exercised by a registered architect, registered interior designer or residential designer, as applicable, when applying the normal standard of professional care.

Delete because the statute is exactly the same.

~~NAC 623.020 Applicability of chapter regarding certain services. (NRS 623.140) This chapter does not prevent a person from providing services such as the design, arrangement or selection of furniture, equipment, cabinetry or materials used for interior finishes if those components are not regulated by uniform design or construction codes.~~

Delete because NRS 623.330 covers the same services.

NAC 623.135 Duties of Chair. (NRS 623.140) The Chair of the Board shall:

1. If present preside over the meetings of the Board;
2. Except as otherwise provided in NAC 623.920, appoint all committees of the Board;
3. Sign all certificates issued by the Board;
4. Exclude a person who does not conduct himself or herself in a respectful manner before the Board during a formal or informal proceeding;
5. ~~Ensure that no person smokes during a meeting or hearing of the Board; and~~
6. Perform all other duties pertaining to the office.

Delete because it is no longer relevant.

NAC 623.160 Financial administration: Duties of Secretary-Treasurer. (NRS 623.140) The Secretary-Treasurer shall, ~~as soon as practicable after receipt,~~ **be responsible for** depositing all fees collected by the Board in a commercial account in the name of the Board in a bank in the State of Nevada selected by a majority of the members of the Board. Ordinary or recurring disbursements by the Board must be made from the commercial account. The Secretary-Treasurer shall also establish in the name of the Board one or more savings accounts in a financial institution in this State selected by a majority of the members of the Board.

Duties of the Secretary-Treasurer no longer include physically making bank deposits. This task has been delegated to the Executive Director, though the Secretary-Treasurer is still responsible for the deposits.

NAC 623.215 Application for registration. (NRS 623.140)

1. An application for registration as an architect, ~~residential designer or~~ registered interior designer, **or residential designer** must be made on a form prescribed by the Board.
2. The application must include:
 - (a) The applicant's name ~~and social security number, the number of his or her driver's license,~~ and the addresses and telephone numbers of his or her business and residence;
 - (b) The applicant's birthplace and date of birth;
 - (c) A statement whether the application is for certification by written examination or by evidence of registration and certification in another jurisdiction;
 - ~~(d) A list of technical and professional organizations of which the applicant is a member;~~
 - (e) The names and addresses of the applicant's associates in business and the employer from whom the applicant has solicited a letter of reference; and
 - (f) A statement whether the applicant has ever been arrested and, if so, the date, place, nature and final disposition of the charge.
3. Each application must be notarized.

Reorder the listing of professions to be consistent with how it's listed in the statute. Applications no longer ask for driver's license or social security numbers.

NAC 623.225 Conditions under which application becomes inactive; reinstatement of inactive application. (NRS 623.140)

1. An application for registration as an architect, ~~residential designer or registered interior designer~~ **or residential designer** becomes inactive if:
 - (a) The applicant is applying for registration as an architect or residential designer on the basis of certification in another jurisdiction and **the application process is not completed within one year after the date on which the application is filed** he fails to appear before the Board for a ~~personal interview after being invited to do so on three successive dates and he has not given notice to the Board of his inability to appear at least 7 days before the date set for each scheduled interview;~~ **or**
 - (b) The applicant is applying for registration as an architect, ~~residential designer or registered interior designer~~ **or residential designer** on the basis of examination and he fails to participate in the applicable examinations for ~~2~~ **five** consecutive years; ~~or~~
 - (c) ~~The information required on the application is not provided within 1 year after the date on which the application is filed.~~
2. To reinstate an inactive application:
 - (a) An applicant for registration as an architect or residential designer on the basis of certification in another jurisdiction must submit a revised application for registration, accompanied by a fee for examination as determined by the Board. ~~The fee will be waived by the Board if the applicant shows good cause for his failure to appear at the personal interview. He~~ **Architect applicants** must also request that the National Council of Architectural Registration Boards transmit a copy of its current blue folder concerning him to the Board. ~~The file must show~~ **which shows** that he is in good standing with the National Council.
 - (b) An applicant for registration as an architect, residential designer or registered interior designer on the basis of examination must reapply by submitting a new application, along with the appropriate fees and materials, in the form required for such an application.

Reorder the listing of professions to be consistent with NRS 623. Personal interviews are no longer required for every reciprocity candidates. Reciprocity files are marked inactive after one year of no activity. Examination candidates who have not tested in five years should be considered inactive; this mirrors the NCARB and NCIDQ rolling clock policies.

NAC 623.280 Renewal ~~or restoration of~~ and conditions of relicensure for expired certificate of registration.

1. If the holder of a certificate which has expired through failure to be renewed has not obtained a renewal of it within 1 year pursuant to NRS 623.260, he may obtain a renewal of it at any time before the end of the third year after the date of its expiration by:
 - (a) Submitting a letter of application for a renewal to the Board;
 - (b) ~~Obtaining the Board's approval~~ **Completing the required CEUs for each year that license was lapsed;** and
 - (c) Paying the required fee for late renewal.
2. A person whose certificate has expired and has not been renewed within 3 years after the date of its expiration is no longer entitled to have it renewed, but he may have it restored. A new registration number and certificate will be issued by the Board if the person complies with the following procedure:
 - (a) If the expired certificate was obtained on the basis of certification in another jurisdiction, the person must reapply to the Board in accordance with the provisions of NAC 623.410.
 - (b) If the expired certificate was obtained on the basis of examination in Nevada, the person must:
 - (1) Submit a new application to the Board;

- (2) Submit a certificate of good standing from every state in which he is licensed or has been registered; ~~and~~
- (3) ~~Appear~~ **May be required to appear** before the Board for an oral interview; **and**
- (4) **Paying the required fees.**

NAC 623.400 Examination for registration; oath before Board. (NRS 623.140, 623.190)

1. The Board hereby adopts the architectural examination prepared by the National Council of Architectural Registration Boards as the examination to be used in this State to test applicants for registration as architects.
2. In addition to the qualifications of minimum age and good moral character which are prescribed in subsection 1 of NRS 623.190, to participate in the examination an applicant must, except as otherwise provided in subsection 3, have completed the Intern Development Program of the National Council as the Program existed at the time of application for registration and received a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, Inc.
3. An applicant who received 7 years of credits for education and practical training before January 1, 1986, may participate in the examination after he or she has received a total of 8 years of credits for education and practical training as determined pursuant to NAC 623.415 or 623.445. Of the 8 years immediately preceding the date on which the application is submitted, the applicant must have had 3 years of experience in the office and under the direct supervision of a registered architect.
4. An applicant who has completed the Program for interns must have the National Council transmit adequate evidence thereof to the Board. If necessary, to evaluate the training received by an applicant who participated in the Program, the Board will require him or her to substantiate the quality and character of the training during the Program.
5. Requests for information regarding the Intern Development Program must be directed to the:

NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
 1801 K Street, N.W., Suite 700K
 Washington, D.C. 20006-1310
 (202) 783-6500
www.ncarb.org

6. Upon the applicant's successful completion of all parts of the written examination, each applicant must personally appear before the Board to take an oath prescribed by the Board.

Add the website address.

NAC 623.410 Registration and certification in another jurisdiction in lieu of examination. (NRS 623.140, 623.210)

1. Except as otherwise provided in paragraph (g), the Board will, in lieu of all examinations, accept satisfactory evidence of an applicant's registration and certification as an architect in another jurisdiction if he or she has all of the following qualifications:
 - (a) Is of good moral character.
 - (b) At the date of application, qualifies to take the architect's examination.
 - (c) Holds a current certification by the National Council of Architectural Registration Boards, and the file which is maintained by the National Council shows that he or she is in good standing. The applicant must request that the National Council transmit a copy of this file to the Board.
 - (d) Has passed the:
 - (1) Architect registration examination prepared by the National Council of Architectural Registration Boards;

- (2) Professional examination prepared by the National Council of Architectural Registration Boards and the qualifying test or equivalency examination if required by the standards of the National Council;
- (3) Seven-part national examination prepared by the National Council of Architectural Registration Boards, for which 36 hours are scheduled for its completion; or
- (4) Any other examination the Board considers equivalent.

If the examination was prepared by the National Council, the examination and the procedures used in grading it must meet the standards of the National Council at the time the applicant took the examination.

- (e) Has acceptable qualifications concerning seismism, such as having completed:
 - (1) The structural examination of the National Council of Architectural Registration Boards;
 - ~~(2) A seminar on seismic forces approved by the National Council; or~~
 - (3) A treatise that has been accepted by a member Board within Region 6 of the Western Conference of the Architectural Registration Boards.
 - (f) Has a record which does not show any revocation or suspension of a registration for any disciplinary reason.
 - (g) Has successfully completed a brief written examination covering chapter 623 of NRS, the appropriate code of ethics and the provisions of this chapter.
 - (h) If required, at the discretion of the Executive Director or a person otherwise authorized by the Board, has received a favorable evaluation based on a personal interview before the Board. Each interview will be conducted at a time and place designated by the Board.
2. If the applicant meets all the qualifications set forth in this chapter and chapter 623 of NRS and receives the approval of the Board, the applicant is entitled to registration as an architect if he or she submits the applicable fee for certification.

Delete because there is no longer such a seminar offered.

~~NAC 623.415 Credit for education or training completed before August 9, 1982. (NRS 623.140, 623.190) Any applicant for registration as an architect who has, before August 9, 1982, acquired one half year or more of credit for education or training under the following table may acquire credit under this table or the table in NAC 623.445.~~

TABLE OF EQUIVALENTS

Delete because it is no longer necessary or relevant.

~~NAC 623.425 Conditions for credits for education completed before August 9, 1982. (NRS 623.140, 623.190) The credits for education listed in the table of equivalents in NAC 623.415 will be allowed subject to the following conditions:~~

- ~~1. Thirty two semester hours or 48 quarter hours with passing grades is considered to be 1 year. Credit will be allowed in full years or half years only, with fractions rounded to the nearest half year.~~
- ~~2. An applicant who has worked full time and earned credit for formal education at the same time through evening or part time study at a college or university will be allowed credit prorated between education and training.~~
- ~~3. Credits submitted from more than one college or university will be evaluated on the basis of the level attained at the school last attended.~~
- ~~4. Credits from foreign colleges or universities will be evaluated by a school accredited by the National Architectural Accrediting Board, Inc., on the same basis as the credits would be evaluated for purposes of graduation from that school.~~

Delete because it is no longer necessary or relevant.

~~NAC 623.435 Conditions for credits for training completed before August 9, 1982.~~ (NRS 623.140, 623.190) Credits for training listed in the table of equivalents in NAC 623.415 will be allowed subject to the following conditions:

- ~~1. Training periods will be measured in calendar months and calendar years. To be allowable, each period must be at least 2 continuous months.~~
- ~~2. When training consists of work in such agencies as Housing and Urban Development, Volunteers in Service to America, the Peace Corps or Advocacy Planning, the applicant must submit a statement with his or her application which outlines his or her duties briefly and concisely, his or her responsibilities, and the name and professional status of each supervisor under whose direction he or she worked. The training must be directly related to the practice of architecture.~~
- ~~3. If training is acquired simultaneously in two or more categories, credit for the training will be prorated between or among the categories, but no more than 40 hours will be considered for any week.~~

Delete because it is no longer necessary or relevant.

~~NAC 623.445 Credit for education or training completed after August 9, 1982.~~ (NRS 623.140, 623.190)

~~Any applicant for registration as an architect who has not acquired credit for education or training pursuant to NAC 623.415 may acquire credit only under the following table:~~

TABLE OF EQUIVALENTS

This is the table used to evaluate education and training for architects with letters of intent (grandfather clause for degree requirement) on file.

~~NAC 623.455 Conditions for credit for education completed after August 9, 1982.~~ (NRS 623.140, 623.190) The credit to be allowed for the education described in the table in NAC 623.445 is subject to the following conditions:

- ~~1. Credit for education must be earned after graduation from high school.~~
- ~~2. For the completion of the degrees described in subsections 1 to 5, inclusive, of NAC 623.445, an applicant will receive the maximum credit allowed, regardless of the length of the program to obtain the degree. An applicant with a bachelor's degree described in that table who has participated in more than one program may not receive credit for more than 3 years in the aggregate for the degree.~~
- ~~3. Thirty-two semester hours or 48 quarter hours with passing grades is considered to be 1 year. Credit will be allowed for full years or half years only. A fraction of more than half a year must be rounded to the nearest half year and fractions of less than a half year must not be counted for credit.~~
- ~~4. An applicant will be allowed credit for education in a foreign college or university only for a nonarchitectural bachelor's degree or for the first professional degree under a program accredited by the National Architectural Accrediting Board, Inc., within 2 years after the period of the applicant's enrollment. The applicant must pay the cost of any translation or evaluation necessary to determine the credit for this education.~~

Date is no longer necessary or relevant.

~~NAC 623.465 Conditions for credits for training completed after August 9, 1982.~~ (NRS 623.140, 623.190) The credit to be allowed for the training described in the table in NAC 623.445 is subject to the following conditions:

- ~~1. Credit for training may be earned only after at least 2 1/2 credits have been earned for education.~~
- ~~2. After 5 years of education, each applicant must earn at least 1 year of credit for employment in the office of a registered architect.~~

3. To be allowed credit for a master's or doctoral degree in architecture or for teaching or research in an architectural program, the subjects studied, taught or researched by the applicant must be evaluated by the Board and found to be related directly to architecture. Twenty semester hours or 30 quarter hours of teaching or research is considered to be 1 year.
4. Credits may not be used for both education and training.
5. An applicant, upon request by the Board, must substantiate his or her training by showing that it meets the requirements of an intern in the Intern Development Program of the National Council of Architectural Registration Boards.

Date is no longer necessary or relevant.

NAC 623.475 Additional conditions for credits for education or training ~~completed after August 9, 1982.~~ (NRS 623.140, 623.190)

1. To earn full credit for education or training pursuant to NAC 623.445, an applicant must have worked at least 10 consecutive:
 - (a) Weeks for credit pursuant to subsection 6 of NAC 623.445; and
 - (b) Months for credit pursuant to subsections 7, 8 and 9 of NAC 623.445.
2. An applicant may earn half of the credit required in subsection 6 of NAC 623.445 by working at least 20 hours a week during periods of 6 or more consecutive months. No applicant may receive credit for part-time work for any other training described in NAC 623.445.
3. The Board will accept other education and training completed by an applicant if it finds that the training or education is equivalent to the education or training described in NAC 623.445.
4. If necessary to evaluate the credits of an applicant for examination, the Board will require the applicant to substantiate the statement that he or she has complied with the education and training requirements specified in this chapter.

Date is no longer necessary or relevant.

NAC 623.505 Requirements and credit for education and training. (NRS 623.140, 623.190) An applicant for registration as a residential designer must have a combination of at least 5 years of education and training with at least 1 year in education, or the equivalent, and at least 1 year in training. An applicant for registration as a residential designer may acquire credit for education and training only pursuant to the following table:

TABLE OF EQUIVALENTS

Add the following language (from NAC 623.455.3):

Thirty-two semester hours or 48 quarter hours with passing grades is considered to be 1 year. Credit will be allowed for full years or half years only. A fraction of more than half a year must be rounded to the nearest half year and fractions of less than a half year must not be counted for credit.

NAC 623.564 “Applicant” defined. (NRS 623.140, 623.192) “Applicant” means an applicant for a certificate of registration to practice as a registered interior designer who has successfully completed a program of interior design which is not accredited by the ~~Foundation for Interior Design Education Research~~ **Council for Interior Design Accreditation.**

Update organization name.

NAC 623.568 “Program of interior design” defined. (NRS 623.140, 623.192) “Program of interior design” means a program of interior design which is not accredited by the ~~Foundation for Interior Design Education Research~~ **Council for Interior Design Accreditation**.

Update organization name.

NAC 623.572 Application for registration: Action by Executive Director and subcommittee of Board; placement on agenda of Board; submission of additional information. (NRS 623.140, 623.192)

1. The provisions of this section apply only to an application submitted pursuant to NRS 623.192 by an applicant who has successfully completed a program of interior design which is not accredited by the ~~Foundation for Interior Design Education Research~~ **Council for Interior Design Accreditation**.
2. Upon the receipt of an application and appropriate supporting information, the Executive Director shall:
 - (a) Establish a subcommittee of the Board **and/or Nevada registrants** to review the application. The subcommittee must consist of ~~three~~ **two** members of the Board. If possible, at least one of the members of the subcommittee must be a registered interior designer.
 - (b) Provide each member of the subcommittee with a copy of each pending application and any supporting information.
3. The subcommittee shall:
 - (a) Meet at least once during each period of 90 days in which any applications are awaiting its review.
 - (b) Meet in a closed session to consider the qualifications of an applicant.
 - (c) Weigh the application against the requirements of NAC 623.562 to 623.594, inclusive.
 - (d) Open its meeting to the public when taking any action.
4. After it reviews an application, the subcommittee shall:
 - (a) Provide the applicant with its preliminary decision concerning the application.
 - (b) If the subcommittee finds that the application and supporting information:
 - (1) Are sufficient to determine whether the program of interior design completed by the applicant is substantially equivalent to a program of interior design accredited by the ~~Foundation for Interior Design Education Research~~ **Council for Interior Design Accreditation**, recommend to the Board whether to approve pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 623.192 the program of interior design completed by the applicant. The application will be placed on the agenda for consideration by the Board at its next regularly scheduled meeting.
 - (2) Are not sufficient to determine whether the program of interior design completed by the applicant is substantially equivalent to a program of interior design accredited by the ~~Foundation for Interior Design Education Research~~ **Council for Interior Design Accreditation**, provide the applicant with a written request for the information necessary to make that determination. Within 90 days after receiving such a request, the applicant must provide to the subcommittee an original and three additional copies of the information requested or a written request for additional time to supplement the information supporting the application, or may notify the subcommittee of his or her intention not to supplement that supporting information. Within 90 days after it receives any supplemental information from an applicant pursuant to this subparagraph, the subcommittee shall forward to the Board its recommendation of whether to approve pursuant to subparagraph (2) of paragraph (d) of subsection 1 of NRS 623.192 the program of interior design completed by the applicant.
5. As used in this section, “application” means an application submitted pursuant to NRS 623.192 by an applicant who has successfully completed a program of interior design which is not accredited by the ~~Foundation for Interior Design Education Research~~ **Council for Interior Design Accreditation**.

Update organization name. Allow one subcommittee member to be someone not on the board.

NAC 623.800 Proposals for ~~public works~~ publicly funded projects. (NRS 623.140) An architect, residential designer or interior designer who holds a certificate of registration shall not submit any information to the State of Nevada or any of its political subdivisions as part of a proposal for a ~~public works~~ **publicly funded** project which would enable the public agency to evaluate the proposal on any basis other than the competence and qualifications of the registrant to perform the type of services required.

Clarifies the intent of the regulation.

NAC 623.810 Restrictions on display of work. (NRS 623.140) A registrant **or firm** shall not display, present, exhibit or otherwise show any drawings, models, renderings, photographs or other work in a manner calculated to suggest that the work was performed by the registrant or his or her firm unless:

1. The registrant performed or had responsible control of the performance of the work; and
2. The architect, **registered interior designer**, residential designer **and firm** ~~or registered interior designer~~, of record is identified in the drawing, model, rendering, photograph or other work.

Updates language and clarifies intent of the regulation.

~~**NAC 623.820 Residential designer: Restriction on advertising.** (NRS 623.140) A residential designer shall not display on any document or advertisement of the firm an advertisement for a person who is not a residential designer.~~

Delete because it is no longer relevant.

NAC 623.840 Registered interior designers: Collaboration with certain professionals. (NRS 623.140, 623.354) The Board recognizes that registered interior designers are qualified to identify the need for professional engineers or architects to complete a project which the registered interior designer may not perform. A registered interior designer may collaborate with professional engineers or architects ~~in a contractually independent relationship~~ to complete a project for the alteration or construction of an interior area designed for human habitation or occupancy. A registered interior designer shall not collaborate on a project with persons from more than two professional disciplines unless a registered architect coordinates the project.

Update language to be consistent with current interpretation.

NAC 623.885 Grounds for disciplinary action. (NRS 623.140, 623.145, 623.270) A violation of any provision of NAC 623.763, 623.766 and 623.860 to 623.880, inclusive, is a ground for disciplinary action.

A registered interior designer shall not make misleading, deceptive, or false statements or claims.

Add this language (from Rule of Conduct 5.5) to the RID ROCs.

Motion: Garlock moved to approve. Tindall seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A **Review and decision regarding amending the NCIDQ Articles of Incorporation (from 1974)**

Erny called for a motion to approve submittal of the NCIDQ Articles of Incorporation.

Motion: Oppenheimer moved to approve. Snyder seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 9B Review and decision regarding delegate/alternate delegate for NCIDQ for 2012

Spaulding said NCIDQ is requesting our delegate information for 2012. Spaulding is the administrator and Tanner is the primary delegate. The board's other registered interior design member, Kimberly Ciesynski currently serves in an NCIDQ leadership position, so Spaulding asked the board to name an alternate delegate. Klai suggested Erny for the alternate delegate position.

Motion: Klai moved to approve Spaulding as administrator, Tanner to remain primary delegate, and Erny to be appointed alternate delegate for NCIDQ for 2012. Ciesynski seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 9C FYI: NCIDQ BOD meeting minutes for October and November 2011

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

AGENDA ITEM 9D FYI: NCIDQ Press Releases

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

AGENDA ITEM 10 Executive Director Report

Spaulding said that in addition to currently serving on NCARB's Governance Task Force, she has been asked to serve on their Member Board Executive Committee. Board members expressed support of Spaulding volunteering in that capacity.

Spaulding distributed the 2012 Master Calendar and told board members there are not any major changes from previous years' calendars.

Spaulding said the board has been invited to join the Broadly Experienced Architect committee meeting in Las Vegas on February 16, 2012. Spaulding said this would give the board an opportunity to observe, ask questions and gain more insight into the BEA and BEFA candidate dossier process. Spaulding, Klai, Snyder, and Erny said they will attend.

Spaulding reported that 2,792 of 3,300 registrants have renewed their licenses for 2012. Late renewals are still coming in and we will see more once the second letter goes out informing registrants that their licenses have lapsed. Like last year, she said numbers were down significantly because of the perfect storm of the CEU requirement and the down economy. The board has seen a recent increase in reciprocity applicants.

Spaulding said the RID binder review committee consisting of board members Erny, Tanner, and Ciesynski will be meeting January 30 at noon in the board office. She told committee members that there will be a short presentation given by Betty Ruark regarding some pending registered interior design issues.

Spaulding spoke with the board regarding a request she received from a building official who would like to take the residential design exam. After hearing his qualifications and reviewing the regulation with board

counsel the board determined he would not be able to test because he did not meet the qualifications outlined in NAC 623.505.

Spaulding said it is time again to start preparing for bill draft submittals for the 2013 Legislative Session. Proposed bill drafts will need to be submitted by May 2012, so there is only one more meeting where potential items can be discussed. At this time, SB268 is a deferred item with some elements in effect that the board will be watching and be involved in. Garlock requested future discussion about possible submittal of a bill draft allowing for review and seal of prototypical plans. He also requested a future discussion about a potential bill draft allowing for architects licensed in other states to use that title in Nevada as long as they are not holding themselves out in any way. Klai said the title of architect without licensure is currently allowed in the state of Oregon.

Spaulding reminded the board that the time is here to update the NSBAIDRD strategic plan. The last iteration was done approximately 11 years ago. The board has accomplished many of the items in the plan, although there are items that remain to be done. Spaulding asked board members to please let her know if they have any suggestions or referrals for a facilitator for this project. She told the board that our goal is for this agency to be current, strategic and relevant.

AGENDA ITEM 11 **Public Information Report**

Bond told the board that the latest issue of *Focus*, published on December 23 was in the board e-book and that the next regular issue is expected to go out in March after the WCARB meeting.

AGENDA ITEM 13 **Election of Officers**

Erny informed the board that Larry Henry has stepped down from his position as Secretary/Treasurer. John Klai expressed an interest in the position.

Motion: Ciesynski moved to elect John Klai for the position of NSBAIDRD Secretary/Treasurer. Motion seconded by Oppenheimer.

Vote: All in favor. Motion passes.

AGENDA ITEM 14 **Items for future agenda**

- Review of new CIDA standards and possible update of RID Substantially Equivalent application
- Discussion for possible future bill draft item: review and seal for prototypical plans
- Discussion for possible future bill draft item: architects licensed in other states using the title of architect
- Discussion regarding amending Nevada's CEU requirements to mirror NCARB's model law.

AGENDA ITEM 12 **Compliance Verification for Dennis Rusk, Architect # 1309 as ordered in the Findings of Fact, Conclusions of Law and Order for Case Numbers 08-080R and 11-019R**

Erny introduced the agenda item and board member George Garlock recused himself.

Erny acknowledged that Dennis Rusk and his attorney, Richard Vilkin were in attendance. Erny said that the purpose of today's meeting was to get a status report from Mr. Rusk regarding his compliance with the terms and conditions of the board's Order effective September 27, 2011. The court reporter, supplied by Mr. Rusk,

was asked to administer the oath to Rusk. Vilkin said that before Mr. Rusk addressed the board he wanted to object because he felt board chair, Erny overstated what they were here for today. He said the sole purpose of this meeting, according to paragraph 4b of the Order, was for Rusk to personally appear, and update the board on his efforts to comply with the coursework required, not all of the other terms and agreements of the Order.

Ling, board counsel, asked Vilkin if he would be open to the board asking Mr. Rusk questions about some of the other terms and conditions of the Order. Vilkin said, "no," that this was not part of the Order and that Mr. Rusk was only asked to come here to update the coursework issue.

Erny then asked Rusk for his update on the status of 4b. Rusk said that he'd done his due diligence to research and find out what is necessary in terms of study materials, exams, and the expense of doing these things. He said that he will have them completed by March 21 as ordered. He said the cost of the study materials will be \$678.70 and the exam cost is \$1,275.00 for a total of \$1953.70. Rusk said he has not yet been able to purchase the backup materials. He said he had a couple of small projects come in and would purchase the materials in two to three weeks. He said that he will prepare and take all required exams and have a report to the board by March 21, 2012 as ordered.

Erny told Rusk the March board meeting has been rescheduled for March 28, 2012. Vilkin verified with Erny that if Rusk supplies written verification that he's completed all that's required he won't have to appear on the 28th. Erny agreed that Mr. Rusk would not be required to attend the March 28th meeting, but he could attend if he chose to do so. Erny then asked if there were any questions. There were none.

AGENDA ITEM 15 **Public comment**

There was no public comment.

Chairman Erny adjourned the meeting at 3:50 p.m.

John Klai, Secretary/Treasurer

Gina Spaulding, Executive Director