

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

**June 12, 2013**

**Board Conference Room, 2080 E. Flamingo Rd., Suite 120, Las Vegas, NV 89119**

**Wednesday, June 12, 2013**

Chairman Greg Erny called the meeting to order at 8:15 a.m.

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

Also in attendance: Gina Spaulding, Executive Director; Louis Ling, Legal Counsel; Betty Ruark, Chief Investigator; 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: March 27 & 28, 2013
- C. Secretary/Treasurer Report
  - 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
  - 2. Wells Fargo Bank Statements
  - 3. March 2013 QR Statement
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
  - 1. CARLILE COATSWORTH ARCHITECTS, INC
  - 2. GDP-Architecture
  - 3. ND Architecture, LLC
  - 4. Ward Architecture and Design
  - 5. John T. Campo & Associates, Inc., Architect/Planners (A Professional Corporation)
  - 6. Nelsen Architect, Incorporated
  - 7. Michael J. Wilkus Architect, P.C.
  - 8. Christiansen Kirkland Smith, LLC
  - 9. RPM Architecture
  - 10. Group One
- F. Firm Registration Approval Requests
  - 1. Arthur R. Elliott, A.I.A.
  - 2. API Planning – Architecture
  - 3. E&C Architect

**Architects: Registration by reciprocity**

6943	Brian D. Parker	6947	James R. Gartner
6944	James P. Singeltary	6948	Larry N. Rasmussen
6945	Bogdan C. Cybulski	6949	Michael J. Daley
6946	Jeffrey Foster	6950	William M. Dow, Jr.

6951 Mary E. Faria  
6952 Michael B. Graham  
6953 Kathleen K. Loudermilk  
6954 Kenneth J. Ogden  
6955 David R. Rees  
6956 Richard B. Friedson  
6957 Paul R. Makowicki  
6958 Justus S. Pang  
6959 Frank M. Williams  
6960 David H. Barkin  
6961 Matthew C. Franklin  
6962 Thomas W. Hamilton  
6963 Luke C. Ogrydziak  
6964 Harold N. Terry

6965 Richard F. Steldt  
6966 Peter G. Bachmann  
6967 Charles J. Petretti  
6968 Michael J. Rostkowski  
6969 Paul R. Warnock  
6970 Steven A. Ward  
6971 Phillip T. Lee  
6972 Yakuh D. Askew  
6973 Michael J. Mace  
6974 Brian S. Thomas  
6975 Gregory Allen  
6976 Shawn Alexander  
6977 Scott E. Halpin

Board members requested agenda item 2E-8 and 2F2 be pulled from the consent agenda.

**Motion:** Garlock moved to approve the consent agenda, items 1 through 2E-7, 2E-9, 2E-10, 2F-1 and 2F-3. Motion seconded by Snyder.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 2E-8 Firm name approval request: Christiansen Kirkland Smith, LLC**

Garlock said the ownership percentages listed on the application did not equal 100%. Spaulding said staff caught the error on the application and corrected the board e-book to reflect 100% ownership by Nevada registrants.

**Motion:** Garlock moved to approve the firm name request for “Christiansen Kirkland Smith, LLC.” Motion seconded by Klai.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 2F-2 Firm registration approval request: API Planning-Architecture**

Board members expressed concern that the letterhead on the letter of explanation for the proposed firm registration displayed the name, Architecture Plus Inc., a firm name already being used in Nevada. Spaulding pointed out to board members that upon approval, the firm would practice in Nevada under the fictitious firm name of API Planning-Architecture. Board members directed staff to send a letter requiring them to provide the board with a copy of an amended letterhead, no longer displaying Architecture Plus, Inc. as a condition of approval of the name API Planning-Architecture for use in Nevada. Spaulding said the firm has also assured the board, in writing, that they plan to answer their phones as API and not Architecture Plus.

**Motion:** Klai moved to approve the firm name request for “API Planning-Architecture.” Motion seconded by Garlock.

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

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

Klai swore in the following individuals as architects:

1. Erik Singman.....6978
2. James Ventura.....6979

**Motion:** Klai moved to approve the registration of the above referenced individuals as architects.  
Motion seconded by Snyder.

**Vote:** All in favor. Motion passes.

Erny asked the two new registrants if they would like to offer the board any feedback or ask questions regarding any aspect of the licensing process. He said the board wants to ensure registrants are being served the best way possible in all stages of the process.

Ventura said the staff was exceptionally helpful, really making the whole process smooth and that staff had fantastic follow-through along the way.

Singman said the board has a really good process. He said he was actually glad the five year rule for testing was enacted because it helped him stick to deadlines to complete the exam process within five years.

One of the registrants said it is important for the board to continue to work to tie the profession, education, and testing in together because currently they run somewhat independent of each other. He said he thinks this would better emulate how the profession is evolving. Spaulding and Erny both agreed that architecture is a constantly evolving profession.

Spaulding told registrants that having them attend this registration ceremony to take the oath not only makes their initial base state registration a momentous occasion but also gives registrants the opportunity to meet their board and staff in person. She said if they ever have questions they are encouraged to contact the board office. She reminded them of the importance of knowing that each jurisdiction has different requirements for licensure and practice of the profession and to never assume that the laws and rules in Nevada will apply elsewhere. She said as a rule, to always contact any state prior to pursuing licensure and moving forward with prospective clients to see where regulations may differ from Nevada.

Spaulding told registrants to protect the rubber stamp presented to them and explained that Nevada also allows the use of electronic stamping.

Klai said before even thinking about pursuing a project in another state to check with that state's board about their laws and rules regarding licensure and the practice of architecture.

Spaulding suggested that they get certified with NCARB right away as this provides some mobility when seeking reciprocity with other states. Erny agreed saying NCARB certification provides a portal that makes it easier to get licensed from state to state.

After the board conducted the swearing-in and registration ceremony Erny introduced Randy Lavigne, Hon. AIA, Executive Director of AIA Nevada and AIA Las Vegas. Lavigne was in attendance to congratulate the two new architect registrants and recognize them for their milestone accomplishment of becoming registered in the state of Nevada. Lavigne presented each of them with a Certificate of Recognition and told the registrants that the Nevada board is one of the few in the country to honor new

registrants with a ceremony of this nature presenting them with their professional stamp and wall certificate.

**AGENDA ITEM 4**      **Board review and discussion regarding the draft survey questions for the August 21, 2013 Strategic Planning Session**

Spaulding presented draft questions to the board for the upcoming Strategic Planning Session to be held at the August 21, 2013 board meeting in Reno. She advised the board that a link to the confidential survey would be emailed to all board members and staff requesting their perspective on long-term planning and development of the board's strategic plan, which will be utilized by the board over the next 3-5 years.

**AGENDA ITEM 5**      **2013 Legislative Session Debrief-Jim Wadhams, Board Lobbyist**

Mr. Wadhams addressed the board and summarized what happened at the 2013 legislative session. Wadhams submitted a one-page debrief, which he reviewed with board members.

AB434 was amended to allow a person to register to become an interior designer if they have completed an architectural program accredited by the National Architectural Accrediting Board (NAAB). The law becomes effective October 1, 2013.

AB16 creates a new State Administrative Manual containing all policies and procedures adopted or amended by State Board of Examiners pursuant to NRS 353.040. The law becomes effective January 1, 2014.

Spaulding also reviewed the content of the board's bill tracking list with board members summarizing legislative issues of interest to the board's three professions and the design and construction industry in general.

**AGENDA ITEM 6A**      **Joint Board/AIA Continuing Education Committee Update**

Spaulding said the inaugural Las Vegas Joint Board/AIA Continuing Education Seminar was quite a success with 187 architects, residential designers, and registered interior designers in attendance at the World Market Center on Wednesday, May 1. The free full-day seminar provided attendees with 8 continuing education units meeting their annual requirement for Nevada. Of the 140 presenter evaluations returned to board staff, almost every form contained positive feedback. Many expressed that this was one of the best seminars they had ever attended.

Mickey, a Reno architect and board member said attendees were engaged, asked questions, and seemed quite interested in the content of each of the three presentations. Mickey said he looks forward to also attending the Northern Nevada seminar scheduled for December 4 in Reno. Board members said scheduling the second seminar later in the year presents a last-minute opportunity for registrants still lacking 2013 CEUs.

Spaulding said the presentation material covered in each of the three sessions has been made available on the board website for review. Spaulding said registrants that were unable to attend have asked if they could claim self-directed continuing education units for reading the session material from the website.

After some discussion, board members agreed that those registrants who did not attend but wish to review the materials could claim one self-directed continuing education unit per segment for a total of three self-directed units.

**AGENDA ITEM 6B      RID Binder Application Committee Update**

Spaulding said the binder application committee still has nothing to report. Board members discussed experience requirements set by NCIDQ versus those set by the Nevada board for registered interior designer applicants. Ciesynski said NCIDQ has not yet published the requirements and she will ask how the organization came up with that requirement. She will report back to the board at a future meeting.

**AGENDA ITEM 6C      Blue Book Committee Update and Review of NSBAIDRD and other Proposed Changes**

Spaulding directed the board and staff to the information incorporated into the draft copy of the upcoming Blue Book revision. The committee is still waiting for the proposed changes from the Engineers and Surveyors Board, Landscape Architecture Board, Fire Marshal, and various building officials.

The final meeting of the Blue Book Committee will be held in the board office on Tuesday, June 25, 2013. Board members agreed with Spaulding that the revised Blue Book should be dated 2014. She said Bond will be formatting the revisions over the coming weeks and that the book is expected to be published by late 2013 or early 2014.

**AGENDA ITEM 7A-1      Case No. 13-030N – In the matter of Edward Garcia, Carrie Perrone and the SmithGroupJJR**

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

A complaint was received from the College of Southern Nevada (CSN). The complaint included an original copy of the Statement of Qualifications the SmithGroupJJR submitted to CSN in response to a Request for Qualifications for Architect Master Planning Services. A review of the NSBA database revealed the firm was not approved by the Board to practice architecture in Nevada and there were no Nevada registered architects listed on the team for the proposed project.

The Respondents were sent a Notice of Charges concerning the project and a response was received. The decision was made to offer the Respondents an opportunity to settle the issue informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a No Admission of Guilt Clause, an Administrative Penalty of \$2,500 and Investigative Costs in the amount of \$1,575.

Staff recommends approval of the settlement agreement.

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

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

**AGENDA ITEM 7A-2 Case No. 13-037N – In the matter of Colin Brice, Caleb Mulvena and MAPOS, LLC**

**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) and (c) by holding themselves out as being qualified to practice architecture and engaging in the practice of architecture for a project located in Nevada, without having been issued certificates of registration by this Board.

Information was obtained which revealed that MAPOS LLC was the architect for the Container Park project located in downtown Las Vegas. Subsequent investigation revealed the Respondents' website ([www.studiomapos.com](http://www.studiomapos.com)) which included descriptions and color renderings of the Downtown Container Park project. The investigation also produced a separate website created for the downtown projects (<http://downtownproject.com>) which revealed more fully developed color renderings of the project and a video of the Container Park. The Respondent's firm (MAPOS LLC) was shown on the renderings.

The Respondents were sent a Notice of Charges concerning the project and a response was received. The decision was made to offer the Respondents an opportunity to settle the issue informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a Non-Admission of Guilt Clause, an Effect on Licensure clause, an Administrative Penalty of \$7,500 and Investigative Costs in the amount of \$2,575.

Staff recommends approval of the settlement agreement.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 7A-3 Case No. 13-044N – In the matter of John Cottle, Richard Carr, Jr., John Yaw and Cottle Carr Yaw Architects, Ltd.**

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

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 by engaging in the practice of architecture, for a project located in Nevada without having certificates of registration issued by this Board.

Staff received a reciprocity application from Richard Carr with a disclosure that he and his firm Cottle Carr Yaw Architects Ltd. had prepared architectural drawings in 2007 for a South Lake Tahoe project believing that they still had active registrations. Upon the announcement that one of the principals, John Yaw was going to retire, they looked into their current licensure status in Nevada and found that all three registrations had expired prior to the 2007 project. Copies of the contract and drawings were requested and received from the Respondents.

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 Non Admission of Guilt Clause, an Effect on Licensure Clause and an Administrative Penalty of \$7,500 plus Investigative Costs in the amount of \$1,500.

Staff recommends approval of the settlement agreement.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 7B      Discussion and possible decision regarding closure of enforcement cases**

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

12-001N	12-005N	12-024N	12-028N
12-033N	12-037N	12-038N	13-002R
13-003N	13-009R	13-011R	13-015N
13-032N	13-033N	13-036N	

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

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

**AGENDA ITEM 7C      Enforcement Question: Is it within the scope of an architect's registration to act as the contractor/builder on a home they designed ?**

Ruark said the enforcement division has had calls asking if it is within the scope of an architect's registration to act as the contractor/builder on a home they designed. Ruark asked for the board's opinion in this matter so that board staff can further educate individual registrants and building officials. After some discussion among the board and staff, board members agreed that 'yes', it is within the scope of an architect's registration to act as the contractor/builder on a home they designed.

**AGENDA ITEM 7D      Enforcement Report**

Ruark said there was nothing to report.

**AGENDA ITEM 8      Review of Memo by Legal Counsel regarding NRS 701.220 and City of Las Vegas Bill No. 2013-24**

Spaulding reviewed details with the board as outlined in the memo from Legal Counsel regarding NRS 701.220 and City of Las Vegas Bill No. 2013-24. If passed, the bill, CLV 2013-24 would roll back the city's 2009 building energy codes for buildings constructed before 2009.

Ling said that NRS 701.220, which is state law, supersedes the proposed Las Vegas Bill No. 2013-24 which is city law. He said that the City Council's vote on the bill has been deferred until June 19, 2013.

**AGENDA ITEM 9      Discussion and possible decision regarding firm member composition pursuant to NRS 623.349 and NAC 623.740**

Garlock opened the discussion regarding firm member composition pursuant to NRS 623.349 and NAC 623.740. Garlock said the board needs to discuss and perhaps initiate change regarding the definition of responsible control (NAC 623.740) in situations where for example, a firm 100% owned by registrants with 99% held by a residential designer/s and 1% held by an architect. If the architect with 1% ownership

is under responsible control of the firm's projects but not typically in the office how can this be deemed as responsible control?

Tindall asked how often this issue comes up. The responsibility of any registrant is not diminished if that registrant owns 1% of a firm. Spaulding agreed that there is 100% liability even with an owner getting only 1% of the benefit.

Garlock asked how the board is really protecting the public by allowing this scenario to happen and wait for there to be a problem. He said it is not the 1% as an issue but the responsible control issue.

Ruark said that if this scenario is a concern of the board an educational article could be published in an upcoming issue of the Focus newsletter. She said that the ownership percentage does not matter as much as the fact that the architect has responsible control. She said now is the time to address the issue with Nevada registrants before it becomes an enforcement issue.

After a lengthy discussion among the board members and staff, Chairman Erny tabled the discussion for a future agenda.

**AGENDA ITEM 10A**      **Discussion and possible decision regarding the proposed changes to the WCARB Region 6 Bylaws and Rules**

Spaulding said proposed changes to the WCARB Region 6 Bylaws and Rules as outlined in the board e-books will be voted on at the upcoming Annual NCARB Meeting in San Diego, California.

**Motion:** Tindall moved to accept the proposed changes to the WCARB Region 6 Bylaws and Rules. Motion seconded by Garlock.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 10B**      **Discussion and possible decision regarding the proposed changes to the NCARB IDP Program: Proposed Eligibility Date**

Spaulding said NCARB is seeking Member Board comments on two proposed changes to the NCARB IDP Program specifically related to employment duration and eligibility requirements. Submittal of all Member Board comments on the proposed changes are due for submittal to NCARB by August 2, 2013.

**Motion:** Mickey moved to agree to the proposed changes to the NCARB IDP Program. Motion seconded by Peltyn.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 10C**      **Discussion and possible decision regarding the draft NCARB Resolutions which will be presented for discussion at the NCARB Annual Meeting on June 19-22, 2013**

Erny asked for board comment or suggestions regarding the draft NCARB Resolutions. There were no questions or comments from the board. Erny said there is no need to vote on the draft resolutions because the board members in attendance will have an opportunity to vote on the floor at the Annual Meeting.



**AGENDA ITEM 10D**      **FYI: NCARB hosting a “Volunteer Appreciation Reception” at the Annual Business Meeting**

This item was provided for board members’ information.

**AGENDA ITEM 10E**      **FYI: NCARB 2013 Pre-Annual Meeting Report**

This item was provided for board members’ information.

**AGENDA ITEM 10F**      **FYI: 2013 Candidate Resumes for NCARB officer positions**

This item was provided for board members’ information.

**AGENDA ITEM 10G**      **FYI: NCARB Fast Facts-April, May and June 2013 2013**

This item was provided for board members’ information.

**AGENDA ITEM 10H**      **FYI: NCARB CEO Update: March and April 2013**

This item was provided for board members’ information.

**AGENDA ITEM 10I**      **FYI: BOD Brief: April 2013**

This item was provided for board members’ information.

**AGENDA ITEM 11A**      **FYI: CIDQ BOD meeting minutes for March 2013**

This item was provided for board members’ information.

**AGENDA ITEM 11B**      **FYI: CIDQ press release regarding launch of the automated IDCEC registry and course approval system**

This item was provided for board members’ information.

**AGENDA ITEM 11C**      **FYI: NCIDQ News**

This item was provided for board members’ information.

**AGENDA ITEM 12**      **Board and Staff Photo with former board member JoAnn Oppenheimer**

Board and staff gathered to pose for a photo with former board member, JoAnn Oppenheimer.

**AGENDA ITEM 13**      **Residential Designer Issues**

Tindall thanked staff for their support in publishing the article in the latest *Focus* regarding the upcoming Dewey Jones Residential Design Scholarship.

**AGENDA ITEM 14**      **Executive Director Report**

Spaulding said the four interior board office doors have finally been repaired by property management.

Spaulding told the board she has been appointed by NCARB to serve on the Regional Leadership Committee which meets in November and February.

Spaulding said the next board meeting is scheduled for August 21 and 22, 2013 at the Peppermill Hotel in Reno, Nevada. The NSBAIDRD Strategic Planning Meeting will be held on Wednesday, August 21 with the board meeting being held on Thursday, August 22.

The board directed Spaulding to agendize a meeting to discuss staff compensation.

Spaulding said that board members Snyder, Tindall, and Ciesynski are up for re-appointment in October 2013. She asked that they let her know if they would like to be considered for re-appointment by the Governor and if not, to consider submitting recommendations for potential successors to their board position.

**AGENDA ITEM 15**      **Board Counsel Report**

Ling reported that Rusk's opening brief for the Dennis Rusk Supreme Court appeal is due Friday, June 14, 2013. He said the board then has thirty days to file their brief.

**AGENDA ITEM 16**      **Public Information Report**

Bond told the board that the latest issue of *Focus* was provided to them in the e-book. She said she is working with Spaulding to revise and refresh the existing architect, registered interior design, and residential design presentation materials for use in informing students of the Nevada education and licensing requirements for the three professions. The first presentation of the fall semester of 2013 will be given for the interior design students at the UNLV School of Architecture in September.

**AGENDA ITEM 17**      **Items for future agenda**

- Blue Book Committee update
- Discuss recommendations from the RID binder committee
- Continue discussion regarding firm member composition pursuant to NRS 623.349 and NAC 623.740
- Nominate Registered Interior Designer John Derrell Parker for Louis S. Tregre Award

**AGENDA ITEM 18      Public Comment**

There was no public comment.

Chairman Erny adjourned the meeting at 3:00 p.m.

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Gina Spaulding, Executive Director

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John Klai, Secretary/Treasurer