

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

October 24, 2012

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

Wednesday, October 24, 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, JoAnn Oppenheimer, William Snyder, Larry Tindall, Sean Tanner, and Jim Mickey.

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: August 22, 2012
- C. Secretary/Treasurer Report
 - 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
 - 2. Wells Fargo Bank Statements
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
 - 1. Cirillo Architecture
 - 2. C.L. Helt, Architect, Inc.
 - 3. Nelson Forensic Architects, PLLC
 - 4. Studio, JDP
 - 5. SPARC Design Group, LLC
 - 6. CWLarsen Architecture P.C.
 - 7. FLO Design Studio, LLC
- F. Firm Registration Approval Requests
 - 1. SCD, P.C.
 - 2. Berger Hannafin Architecture, LLP

Architects – Registration by Reciprocity

6849	Richard D. Sutton	6867	Robert K. Burson	6875	Jonathan V. Watts
6860	Bruce E. Woody	6868	Brent A. Kelley	6876	Robert A. Franklin
6861	Steven C. Turney	6869	Scott M. Ruch	6877	Christian M. Wesche
6862	Timothy W. Johnston	6870	Craig L. Ames	6878	Arturo Chavez
6863	Keith C. Bennett	6871	James C. Auld, Jr.	6879	Brian K. Steiner
6864	Kevin E. White	6872	Richard R. Jensen	6880	Samuel J. Brady
6865	Arnold Mikon	6873	Wesley A. Steele	6881	Frank D. Farrington
6866	John B. Posinelli	6874	Kyle S. Taft		

Board members requested agenda items 2E-2, 2E-3, 2E-6, 2E-7, 2F-1, and 2F-2 be pulled from the consent agenda. 2E-7 was pulled pending further action upon registration of the principal under Agenda Item 3C.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-2 Firm name approval request: C.L. Helt, Architect, Inc.

Garlock asked for clarification regarding whether Helt is still an employee of the firm but just no longer has ownership of the firm. He said we need to clarify his involvement with the company. Spaulding said we will make a call to clarify.

The item was tabled pending clarification.

AGENDA ITEM 2E-3 Firm name approval request: Nelson Forensic Architects, PLLC

Erny asked for clarification regarding whether the proposed name would be misleading as the application states that the firm will practice forensic engineering. Klai and Spaulding said there are registered engineers in the firm.

Motion: Klai moved to approve the firm name request for “Nelson Forensic Architects, PLLC.” Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-6 Firm name approval request: CWLarsen Architecture P.C.

Garlock asked for clarification on the previous ownership of this firm. Spaulding said the original firm, JMA was previously purchased by GJNelson Architecture PC. Now CWLarsen Architecture, P.C. has acquired GJNelson Architecture PC, assuming the ownership of that firm. Once approved, GJNelson Architecture P.C. will no longer be an active firm in Nevada.

Garlock asked if the issues the board had about the first purchase were resolved. Spaulding verified that staff felt they were resolved.

Garlock asked why this local firm made up of four local architects is using a Pennsylvania address on the firm application. Spaulding said staff would make a phone call on the next break and find out.

Garlock said before the board approved this firm we would also need to know who owns the company as a whole and any subsidiary of it, because he still was unclear about the ownership issues due to previous press releases that identified Michael Baker Corporation as having acquired the firm.

Erny tabled the item pending clarification.

AGENDA ITEM 2E-2 Firm name approval request: C.L. Helt, Architect, Inc.

Erny recalled the item, tabled earlier pending clarification.

Spaulding said Helt is retired as the president of the company, is employed by the firm and will no longer be practicing as an architect in Nevada.

Motion: Garlock moved to approve the firm name request for “C.L. Helt, Architect, Inc.” Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 2F-1 Firm registration approval request: SCD, P.C.

Garlock asked why the role/responsibility on the application is listed as Senior Vice-President/Architect when he is not a Nevada registrant. Board members directed Spaulding to have the application revised to reflect his role/responsibility as Senior Vice-President.

Motion: Klai moved to approve the firm name request for “SCD, P.C.” with the condition that the application be revised to reflect the role/responsibility of Christopher T. Kastelic as Senior Vice-President, removing ‘President’. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 2F-2 Firm registration approval request: Berger Hannafin Architecture, LLP

Garlock asked for clarification regarding the continued use of the name Hannafin, who is no longer a registrant. Spaulding told the board that the firm complied with NAC 623.740 by listing Mr. Hannafin’s retired status on its letterhead. Erny asked for a conditional approval pending correction of typographical errors on the firm’s application.

Motion: Garlock moved for a conditional approval pending correction of typographical errors on the application for the firm name request for “Berger Hannafin Architecture, LLP.” Motion seconded by Tindall.

Vote: All in favor. Motion passes.

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

Klai swore in the following individuals as architects:

1. Marko Blagojevic.....6882
2. Vincent Esposito.....6883
3. Rainer Grubmueller.....6884
4. Kevin Turchin.....6885

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

Vote: All in favor. Motion passes.

AGENDA ITEM 3C Deliberations/Action on application for registration: Registered Interior Designer

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

1. Megan Tagliaferri200-ID

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

Vote: All in favor. Motion passes.

AGENDA ITEM 3B Deliberations/Action on application for registration: Residential Designer

Klai swore in the following individual as a residential designer:

1. John Hyeong Kim.....321-P

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

Vote: All in favor. Motion passes.

Erny invited the new registrants to share any questions or comments regarding their journey to licensure including the exam process.

A new architect said that upon completion of exams, NCARB's approval process seemed cumbersome taking closer to 60 days to complete rather than the expected 30-45 days. Another registrant said that his experience took less than one month. Another registrant who started the process with the state of California experienced a delay from September 2011 to March 2012 for NCARB to finalize his completed IDP record resulting in him having to send multiple emails to NCARB throughout the process. Another new registrant said his file was incorrectly sent to the wrong state. Spaulding said that she would follow-up with NCARB regarding these concerns.

Spaulding said that good news for future candidates is that when NCARB transitions to their new testing vendor, direct registration states like Nevada will be able to access the database and see who their examination candidates are, where exam candidates are in the process and help troubleshoot candidate issues when needed.

The new registered interior designer said the board's process was great and Monica was great to work with. She said she appreciates that our state takes the registration process seriously.

The residential designer thanked board staff for all the help throughout the process.

Spaulding told the new registrants that this is their registration board and if they have questions or need advice, please contact the board office and staff will always do their very best to help them out.

Erny introduced Ed Vance, AIA, WMR Regional Director; Jeff Roberts, AIA, President AIA Las Vegas; and Randy Lavigne, Hon. AIA, Executive Director of AIA Nevada and AIA Las Vegas who were in attendance to congratulate the new registrants. The six new registrants were recognized for their milestone accomplishment of becoming registered in the state of Nevada by each being presented with a Certificate of Recognition.

AGENDA ITEM 4 **Presentation of Audit results for Fiscal Year End 2012-Christy Andersen, CPA, Bradshaw, Smith & Co., LLP**

Christy Andersen, accountant for Bradshaw, Smith & Co., LLP, presented the Fiscal Year End 2012 audit results to the board.

Motion: Snyder moved to accept the audit results for Fiscal Year End 2012. Motion seconded by Oppenheimer.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-6 **Firm name approval request: CWLarsen Architecture P.C.**

Erny recalled the item, tabled earlier pending clarification.

Spaulding said that Monica spoke with Chris Larsen who said that their attorney filled out the application listing the Pennsylvania address in error. They will resubmit the application reflecting the Las Vegas address.

Spaulding said in regards to the ownership structure of the firm, she will need to call the firm to verify that CWLarsen acquired JGNelson which acquired JMA Architecture Studios.

Garlock asked Ling if we can request an explanation of the ownership structure of the firm. Ling said the board should be satisfied upon approval of a firm that all licensing criteria has been met. If the board is not satisfied, the item can be tabled until the legitimate questions are answered to the board's satisfaction.

After further discussion among the board members, Spaulding asked if there would be any benefit to asking Chris Larsen to come down to the board office before the close of the board meeting to have him address the board's concerns.

Garlock said the board just wants to be sure the firm is legal within our state.

Mickey told the board that their website said that Baker acquired JMA Architecture Studios. Spaulding said they were asked to remove that press release from their website.

Erny re-tabled the item requesting that board staff schedule a 2:30pm meeting with Chris Larsen.

AGENDA ITEM 2E-7 **Firm name approval request: FLO design studio, LLC**

Erny recalled the item, tabled earlier pending registration of the proposed firm's principal, Megan Tagliaferri.

Motion: Ciesynski moved to approve the firm name request for "FLO design studio, LLC" Motion seconded by Klai.

Vote: All in favor. Motion passes.

AGENDA ITEM 5 Review and approval of the 5-year budget projection from FY 2013-2017

Spaulding presented the budget projection from 2013-2017.

Motion: Garlock moved to approve the 5-year budget projection. Motion seconded by Klai.

Vote: All in favor. Motion passes.

AGENDA ITEM 6 Review 2009 Blue Book and discuss possible changes for 2013 edition

Erny and Spaulding led board members through a page-by-page review and discussion of the 2009 Blue Book, highlighting their suggested revisions for consideration in the upcoming 2013 edition.

All suggestions will be presented in the upcoming NCIRC meeting to be held at the NSBAIDRD office on December 6, 2012.

AGENDA ITEM 7 2013 Legislative Session Lobbyist Update – Jim Wadhams

Lobbyist, Jim Wadhams spoke to the board about the timeline of the upcoming 2013 legislative session and offered to answer any questions or concerns the board may have.

Erny told Wadhams that we will need assistance in the upcoming session with SB 268, a bill that was passed in the last legislative session giving a preference for design professions that was well-intended but upon implementation, excluded those it was intended to help.

Spaulding explained to Wadhams the history of SB268 up to the point of its deferment. Erny added that the language of the bill also excluded the registered interior design profession and residential design profession entirely.

Wadhams asked if we have any other issues of concern for the upcoming session.

Spaulding said we have our own bill to submit in the upcoming session and will be tracking all other bill draft requests, letting Wadhams know if any of them are of interest to the board.

Wadhams urged board members to make time to visit Carson City at some point during the next legislative session.

**AGENDA ITEM 9A-6 Case No. 12-056N In the matter of Mountain West Senior Housing, LLC
dba Bonaventure Senior Housing**

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

The Respondent is alleged to have violated NRS 623.360.1 (b) and (c) by holding itself out as being qualified to practice architecture and by engaging in the practice of architecture, for a project located in Nevada. No person at Bonaventure who worked on the Nevada project was an architect registered with the Board.

During a reciprocity interview it was revealed that employees from Bonaventure had come to Nevada to meet with City of Reno Planning staff. At the meeting drawings prepared by Bonaventure employees were shown to the Planning authorities in order to obtain a land use variance.

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 No Admission Clause and an Administrative Penalty of \$5,000 plus Investigative Costs in the amount of \$3,375.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-6 Firm name approval request: CWLarsen Architecture P.C.

Erny recalled the item, tabled earlier pending a 2:30pm meeting with Chris Larsen.

Spaulding thanked Larsen for coming down to answer some concerns the board needed to have addressed regarding the firm application. She asked if GJNelson is now being acquired by CWLarsen. Larsen said that is correct and verified that JMA is still an active firm. He said that JMA is a wholly owned subsidiary of CWLarsen and Gary Nelson is leaving the firm. Spaulding asked for clarification regarding whether or not there are any other entities that own JMA. Larsen said that JMA is owned by GJNelson. GJNelson is a variable interest entity of the Michael Baker Corporation.

Spaulding said the board is just trying to connect the dots and apologized for putting him on the spot. Spaulding said the board is concerned that this firm is owned by the Michael Baker Corporation. Larsen said it was his understanding that this was worked out with the board when GJNelson was formed. Spaulding said it appears some questions may not have been answered.

Garlock said that from his recollection of the prior approval, when GJNelson was acquiring JMA, that application did not disclose the involvement of the Michael Baker Corporation, but that it was later discovered by board staff via their website.

Garlock said the concern regarding this request for approval is that the board's interest law does not allow a publicly traded company to own an architectural firm because of the professional requirement of ownership. Garlock said the board is trying to find a way for them to be in compliance.

Spaulding told Larsen, who said he was unsure about the ownership structure of the firm historically, that as 25% owner and a registrant in control of the firm he should be able to answer the questions the board needs to answer to make their decision.

Spaulding told Larsen that upon searching the internet for the Michael Baker Corporation, it still says they are the ones who acquired JMA. She said this is why a red flag about ownership structure keeps coming up.

Erny asked Larsen to walk him through all the entities. Baker has the ownership interests of GJNelson right now. Larsen said GJNelson is a variable interest entity to Baker & JMA is wholly owned by GJNelson. GJNelson is being replaced by CWLarsen with Baker still having a controlling interest of

CWLarsen who then in turns holds JMA in the state of Nevada. Larsen said JMA is a Nevada corporation, only.

Larsen said when Nelson is no longer part of the firm, JMA Architecture Studios will be wholly owned by CWLarsen. Larsen verified that he is taking Nelson's stock position and changing the name along with that, with the other three ownership positions remaining the same.

Spaulding said they set up a legal entity to make it happen. Garlock asked counsel if this is legal to approve if a publicly traded company owns the stock. Ling said that in the matter of the law it is already a legally licensed entity. He said that what the board is voting on is simply a name change from Nelson to Larsen. Since the board previously approved GJNelson, there are no new grounds to not approve what they seek today. Ling said this separate corporation has its own ownership structure and own separate function even though under the Baker umbrella. It is the only legal way to structure this. Baker cannot own anything in Nevada, but this intermediary can. Nelson or Larsen do not control Baker's advertising. Our job is to make sure they have majority ownership. The four registrants listed on the application are held accountable to this board.

Spaulding verified that the firm application paperwork flow prior to today's change was in order.

Motion: Garlock moved to approve the firm name request for "CWLarsen Architecure, P.C." Motion seconded by Klai.

Vote: All in favor. Motion passes.

Ling asked that Larsen go back and ensure that JMA no longer shows up on the Baker website.

AGENDA ITEM 10A ARE/IDP Concurrency Committee Update

Spaulding directed board members to the committee position statement of October 24, 2012.

Erny summarized the discussion that took place during the ARE/IDP concurrency committee meeting by saying that they are putting forth the position to allow graduates from a NAAB architectural degree program to take the ARE while they are still completing their IDP. Candidates will still be required to obtain the the NAAB degree, the IDP and the ARE before a candidate would be eligible for registration. All candidates are subject to NCARB's five-year rolling clock, so they must wisely time their testing with the completion of the IDP so they do not lose any passing scores and have to retest.

Erny said that one discussion on the table in the committee meeting was the fact that currently Nevada candidates are going out of state to test in jurisdictions that allow concurrent testing and then may choose not to return to Nevada to register. This does not serve our state well in that we lose those candidates to other states.

Currently, forty-six states have adopted a similar process. Spaulding told the board that a poll of other member board executives revealed that not one of the 32 that responded have encountered any problems with concurrent licensure in their states.

A proposed change to the existing regulation would be as follows:

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~~ enrolled in 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.

Garlock asked if our position statement models what NCARB wanted to do by holding back two practice-based exams. Spaulding said NCARB amended that on the floor to say they would not hold back any of the exams.

Snyder asked what happened to the three years of required work experience. Spaulding said students will find some exams are better passed once they get out of school while others are better passed with work experience. Spaulding said they will still be required to have that time in the office under the direct supervision of an architect.

Board members pointed out that currently only 11 states do not allow concurrent licensure and Nevada is the only state in the Western Conference that does not allow it.

Motion: Klai made a motion to accept the ARE/IDP concurrent licensure committee's recommendation to amend NAC 623.400. Mickey seconded the motion.

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

AGENDA ITEM 10B Joint Board/AIA Continuing Education Committee Update

Spaulding said the committee currently has nothing to report. She will update the board at a future meeting.

AGENDA ITEM 10C RD Education Committee Update

Spaulding said board members will find the committee update in their supplemental binders.

Tindall said the RD education committee met which was comprised of Tindall, Garlock, and Erny with executive director Spaulding in attendance.

The committee discussed revising the residential design statute to require a two-year associates degree with an emphasis in residential design. The committee reviewed the curriculum and course descriptions of the two community colleges (College of Southern Nevada in Las Vegas and Truckee Meadows Community College in Reno) currently offering a residential design program.

The committee also considered the other paths to licensure as a residential designer.

Erny said that the two-year associates degree being proposed lends merit to the residential design program TMCC wants to retain.

Tindall said the committee proposes amending NAC 623.505 to amend the educational requirement from one year to two years, with the preferred and most expedient path being for those candidates that receive a residential design degree from either of the local community colleges or from any other college in the nation with a similar program.

Motion: Tindall made a motion to direct staff to move forward with proposing an amendment to NAC 623.505.4. Mickey seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 10D RID Binder Application Committee Update

Spaulding said the committee met today and will be reporting back to the board at a future meeting.

AGENDA ITEM 10E Blue Book Committee Update

Spaulding said the board will be hosting an NCIRC committee meeting on Thursday, December 6 regarding the upcoming update to the Blue Book set to be published in 2013.

The committee is made up of Northern and Southern Nevada building officials and sister Nevada boards. Tanner, Snyder, Tindall, and Spaulding will attend the meeting to represent NSBAIDRD.

AGENDA ITEM 8 Board Counsel Report

Ling said we got an order from Judge Israel in the Rusk case giving us a judgment against Mr. Rusk for \$13,348.10 for the board's attorney's fees and costs incurred in the judicial review proceedings. The case is presently being assigned to a settlement judge.

AGENDA ITEM 9A-1 Case No. 09-031N In the matter of Takashi Sugimoto and Super Potato

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

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

Staff discovered an article stating that Japanese design firm Super Potato had designed the Aurora Lounge at the Luxor. Further investigation revealed that there was no violation with the Aurora project; however, Respondent designed the Strip Steak at Mandalay Bay (which was displayed on the Super Potato website) as well as the Sensi Restaurant at the Bellagio which was included in the book *Super Potato Design: the Complete Works of Takashi Sugimoto* without a discloser as to his scope of services or the name of the architect of record in responsible control. Additionally, the Respondent entered into a contract directly with the MGMMDG for the Sensi project.

The Respondent was sent a Notice of Charges concerning these projects 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 \$3,000 plus Investigative Costs in the amount of \$1,225.

Staff recommends approval of the settlement agreement.

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

AGENDA ITEM 9A-2 Case No. 10-019N In the matter of Ahsin Rasheed and Development Design Group

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

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 projects located in Nevada without having certificates of registration issued by this Board.

Staff received a call inquiring if the Respondents were registered in Nevada. A review of the NSBA database revealed that the firm was not approved nor were there any Nevada registrants. A search of the Internet returned the Respondents website www.ddg-usa.com which showed two Nevada projects. Further investigation revealed that the Respondents had entered into contracts directly with clients to provide services that fall under the practice of architecture for two Nevada projects; had no disclosure on their website for the two Nevada projects that they were the design consultant to the architects of record, Marnell Corrao and JMA Architecture; disseminated photographs in a book published about them that would lead the public to believe they were qualified to practice architecture in Nevada; and prepared conceptual/preliminary planning renderings for a Nevada project for which they held themselves out as the design architect.

The Respondents were sent a Notice of Charges concerning these projects 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 \$12,000 plus Investigative Costs in the amount of \$1,875.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-3 Case No. 12-034N In the matter of Tima Bell and Tima Winter, Inc.

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

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

A copy of architectural drawings for a Hormeta store located in Harrah's Las Vegas Hotel/Casino was received in the Board office from an anonymous source. A review of the title block revealed the drawings

were prepared by Tima Winter, Inc. A search of the internet produced a website for Tima Winter, Inc., which revealed additional Nevada projects being designed by the company.

Subsequent investigation revealed that Mr. Bell designed the Bikini Bay store, Gratiae Cosmetics store and Hormeta store in Las Vegas. In addition Mr. Bell was publicizing the 3 retail store projects on the following websites: TimaWinterInc.com, Google webpage, Architizer webpage, Archinect webpage and Face book page.

The Respondent was sent a Notice of Charges concerning this project and a 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 No Contest clause, Effect on Licensure clause, Administrative Penalty of \$16,250, plus Investigative Costs in the amount of \$2,250.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-4 Case No. 12-039N In the matter of Kai Chan and K C Design Architects, Inc.

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

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

CI Ruark was contacted by John Clark, an Investigator with the Nevada State Board of Engineers. Clark requested assistance in obtaining information from architect John Rix. Rix was the architect of record for a Dialysis center in Las Vegas and Clark was conducting an investigation involving the fraudulent use of a Nevada engineer's stamp on mechanical drawings for the same project.

Initial information obtained from the engineer's board led Board staff to investigate the services being provided by Kai Chan, owner of K C Design Architects, Inc. Subsequent investigation revealed Mr. Chan entered into agreements and prepared architectural drawings for five DaVita Dialysis centers in Nevada. In addition, a review of K C Design Architects' website revealed photographs of two of the Nevada Dialysis center projects as being designed by the Respondent.

The Respondent was sent a Notice of Charges concerning this project and a 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, Administrative Penalty of \$34,500, plus Investigative Costs in the amount of \$2,200.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-5 Case No. 12-052N In the matter of Tony Tompkins and The Tompkins Group

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

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

The Respondent was featured in a Las Vegas Business Press article as being a former banker turned Interior designer. A search of the Internet was performed to determine if Mr. Tompkins was practicing registered interior design. A Facebook page for "The Tompkins Group" (TTG) was located, which included several photographs of the 35 Steaks + Martinis restaurant project, and stated "*Our latest project almost complete at the Hard Rock Hotel. Grand opening is this weekend. We invite you to come see it and stay for the cocktails and 35 day dry-aged steaks.*"

Additional research produced the following website www.tompkinsgroupdesign.com, which also showed multiple photographs of the Respondent's interior design work for the 35 Steaks + Martinis restaurant in the Hard Rock Hotel.

The Respondent was sent a Notice of Charges concerning this project and a 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 No Contest clause, Administrative Penalty of \$5,000, plus Investigative Costs in the amount of \$1,825.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-7 Case No. 13-001N In the matter of Stephen Black

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

The Respondent is alleged to have violated NRS 623.360.1 (a)(b)(c) by holding himself out as having a current certificate of registration as an architect in Nevada and engaging in the practice of architecture for projects located in Nevada.

Staff received a telephone call from an individual stating that plans for the Twin Peaks restaurant project located in Las Vegas were submitted to Clark County Development Services (CCDS) with the Respondent's seal and signature. Staff received a 2nd call from CCDS confirming that plans were received in the building department which were in horrible condition and included the Respondent's seal and signature.

Subsequent investigation revealed the Respondent entered into agreements to be the architect of record and reviewed and sealed construction documents for a Twin Peaks restaurant and a Five Guys restaurant project, prior to completing the process of renewing his certificate of registration in Nevada and/or being in responsible control of the construction documents.

The Respondent was sent a Notice of Charges concerning this project and a 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, Administrative Penalty of \$10,000, plus Investigative Costs in the amount of \$1,650.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-8 Case No. 13-005R In the matter of David Meleca and Meleca Architecture, Inc.

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

The Respondent is alleged to have violated NRS 623.270.1 (d)(e)(f) by permitting the use of his name and seal to assist an unlicensed design firm to evade provisions of Chapter 623 of the NRS and by aiding and abetting an unlicensed person to practice architecture in Nevada.

Staff received information from Clark County Development Services (CCDS) that plans for the Twin Peaks Restaurant, which were originally sealed by an architect whose license was expired, had been resubmitted to CCDS approximately two weeks later with the Respondent's seal. Ruark asked if the Respondent's title block was on the plans and if the plans looked like they had been redrawn. Ruark was informed the Respondent's title block was not on the plans and the plans looked identical to the original submittal that was sealed by the architect (13-001N) with the expired license.

Subsequent investigation revealed the Respondent entered into agreement with an unlicensed design firm to provide construction documents for the Twin Peaks restaurant, but not be the architect of record. The Respondent was subsequently asked to seal the drawings because the unlicensed design firm's prototypical architect did not renew his certificate of registration in Nevada. The Respondent then sealed the drawings and submitted them to the CCDS. Upon learning of the Board's investigation, the Respondent withdrew as the architect of record.

The Respondent was sent a Notice of Charges concerning this project and a 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 Guilt clause, Administrative Penalty of \$10,000, plus Investigative Costs in the amount of \$2,050.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-9 Case No. 13-006N In the matter of Laurie Miller, Pamela Anderson and Anderson Miller, Ltd.

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

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 engaging in the practice of registered interior design without having been issued certificates of registration from the Board.

Staff received a telephone call from a registrant stating that their firm was going to be the architect of record on a project which was initially started by an out of state interior design firm that now realized the scope of work was going to require an architect and M,P&E disciplines. The registrant further stated that the interior design firm had already prepared drawings and she was calling to find out how their firm could take over the project.

Subsequent investigation revealed the Respondents gave the Las Vegas Sands Corporation (LVSC) a proposal to provide profession interior design services for their Executive Offices. The proposal included but was not limited to: schematic, design development, contract documentation, bidding/negotiation consulting and construction observation/installation. The Respondents were awarded the project and prepared several different design concepts which included the selection of FF&E for the Chairman's office, Board room and ancillary areas.

The Respondents were sent a Notice of Charges concerning this project and a 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 Guilt clause, Administrative Penalty of \$7,500, plus Investigative Costs in the amount of \$2,375.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-10 Case No. 13-008N In the matter of Jeff Kovel and Skylab Architecture

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)(c) by holding themselves out as being qualified to provide services that fall under the practice of architecture and registered interior design and engaging in the practice of architecture and registered interior design without having been issued certificates of registration from the Board.

Staff obtained information which indicated the Respondents were providing architectural and interior design services for the new Flagship Respect Your Universe (RYU) retail store located in the Shoppes at the Palazzo in Las Vegas, Nevada.

Subsequent investigation revealed the Respondents entered into agreements to provide conceptual design, design development and construction documents for the RYU retail store and prepared schematic drawings of the Las Vegas T.I. project.

The Respondents were sent a Notice of Charges concerning this project and a response was received. The decision was made to offer the Respondents 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 agreement incorporates a No Contest clause, Effect on Licensure clause, Administrative Penalty of \$8,000, plus Investigative Costs in the amount of \$2,345.

Staff recommends approval of the settlement agreement.

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

AGENDA ITEM 9B Discussion and possible decision regarding closure of enforcement cases

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

09-082R 10-031R 13-013R

Motion: Snyder moved to close the above-referenced cases. Motion seconded by Mickey.

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

AGENDA ITEM 9C Enforcement report

Ruark asked the board if they would consider special conference call meetings when a time-sensitive issue arises prior to a scheduled board meeting. After some discussion among the board members they decided against meeting via teleconference unless in case of an emergency.

AGENDA ITEM 11 Review and discussion regarding continuing education hardship requests

Motion: Garlock made a motion to approve architect, Mary Kozlowski-Vought's request for exemption from the 2012 continuing education requirement for the 2013 renewal. Snyder seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 12A FYI: CEU Update from Mike Armstrong, NCARB for August and September 2012

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

AGENDA ITEM 12B FYI: NCARB Board of Directors Brief: September 2012

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

AGENDA ITEM 12C FYI News Clip from October 10, 2012, October 11, 2012, and October 16, 2012

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

AGENDA ITEM 12D NCARB Fast Facts-October 2012

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

AGENDA ITEM 13A **FYI: Discussion and possible decision regarding NCIDQ's ballot to Amend its Articles of Incorporation**

Ciesynski told the board that Certificate holders have been for quite some time wanting to use the NCIDQ acronym after their names as a credential on business cards and in other materials. Klai was on the committee where different potential acronyms were proposed. In order to do this and comply with credentialing laws, the credential must be separate and distinct from the NCIDQ corporate 'mark.' For that reason, The NCIDQ Board of Directors voted to change the name of the Corporation to: Council for Interior Design Qualification (CIDQ). Ciesynski said the corporation will be CIDQ but will not affect the name of the exam or the certification.

Tanner and Ciesynski believe that this was the most logical way to handle the change.

Erny asked how this would affect regulation. Spaulding said that the Nevada revised statute and the administrative code refer to NCIDQ as an organization so those regulations would have to be changed.

Ciesynski said the letterhead will be revised to reflect the change from NCIDQ to CIDQ.

Spaulding said this item requires a board vote and for our delegate to sign and submit the Corporate Resolution to NCIDQ.

Motion: Tanner made a motion to approve a request to change the name of National Council for Interior Design Qualification to Council for Interior Design Qualification. Tindall seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 13B **FYI: NCIDQ Update, including discussion regarding interior architecture**

Ciesynski said at the upcoming annual NCIDQ meeting there will be a session called Interior Architecture exploring the usage of the term Interior Architecture. Ciesynski said the term interior architecture is increasingly becoming a trend in the marketplace and that many of the design firms who offer interior design are referring to their services as interior architecture.

She said there are currently 178 programs accredited by CIDA and 20 of those programs currently use interior architecture and this trend is on the rise. Ciesynski said the term is almost fraudulent because graduates cannot come out of school and call themselves an interior architect.

Ciesynski said the marketing of the profession of registered interior design as interior architecture would attract more males into the profession. She said there is no interior architecture program currently accredited by NAAB. She said as the profession globalizes, outside the United States, the term interior architecture is widely used.

Ciesynski said the term interior design as a whole is pretty broken in the sense of what people think interior design is. She said the NCIDQ exam tests on interior architecture. The body of knowledge that interior design programs use is sufficient to be referred to as interior architecture.

Ciesynski said NCIDQ wants member board feedback on whether the existence of interior architecture is an evolutionary reality? She asked that board members coming to the annual meeting to consider how they feel about this topic.

Ciesynski asked that the delegates be prepared at the annual meeting to submit three suggestions that NCIDQ can do for member boards.

AGENDA ITEM 13C FYI: NCIDQ BOD meeting minutes for July and August 2012 and COD minutes from September 2012 webinar

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

AGENDA ITEM 14 Residential Designer Issues

Tindall told the board that Nevada residential design registrant Dewey Jones, who was considered the father of the residential design profession recently passed away.

AGENDA ITEM 15 Executive Director Report

Spaulding said that the upcoming January 2013 board meeting may need to be a two day meeting due to potential formal hearings, which will be Tuesday, January 22 and Wednesday, January 23.

Spaulding told the board that 2013 renewal packets are scheduled to be mailed at the end of October. She said continuing education audit letters will be mailed at the same time, and reminded the board that all board members are audited annually.

Dennis Nolan of the State Public Works Board advised enforcement staff that the suite's four main internal doors do not comply with ADA requirements. The board is working with property management, who did the build-out of the board's suite, to have the doors repaired to come into compliance.

Spaulding said that Garlock referred us to a local company for bid which came in at \$5,000 for the repair of all four door closures. She told the board we are working with building management for more bids and will try to get building ownership to repair the doors as soon as possible.

Regarding registration renewals, Spaulding said board staff will no longer be tracking structured carry-over units. She said this is noted in this year's renewal letter.

Spaulding said she will be out of the office for upcoming committee travel to Boston and Chicago in November, and to Orlando and Tucson in January.

AGENDA ITEM 16 Public Information Report

No report was given.

AGENDA ITEM 17 Election of Officers

Motion: Garlock made a motion that the board reelect Greg Erny as board chair and John Klai as secretary/treasurer for the coming year. Ciesynski seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 18

Items for future agenda

- Discussion regarding amending Nevada's CEU requirements to mirror NCARB's model law
- Discussion about residential design assembly occupancy for 4-plexes

AGENDA ITEM 19

Public comment

There was no public comment.

Chairman Erny adjourned the meeting at 5:20 p.m.

John Klai, Secretary/Treasurer

Gina Spaulding, Executive Director