

**MINUTES FOR BOARD MEETING OF THE NEVADA STATE BOARD OF ARCHITECTURE, INTERIOR DESIGN AND RESIDENTIAL DESIGN
March 27 and 28, 2013
Board Conference Room, 2080 E. Flamingo Rd., Suite 120, Las Vegas, NV 89119**

Wednesday, March 27, 2013

Chairman Greg Erny called the meeting to order at 8:10 a.m.

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

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

Chairman, Erny welcomed Sandy Peltyn, public member to her first board meeting.

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: January 23, 2013
- 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. A&E National, Inc.
 - 2. IGNACIO GONZALEZ ARCHITECT, LTD.
- F. Firm Registration Approval Requests
 - 1. GMA ARCHITECT, INC.
 - 2. IN2IT ARCHITECTURE
 - 3. Jones-Greenwold, LLC
 - 4. PGAV Destinations
 - 5. Zehren and Associates, Inc.

Architects: Registration by reciprocity

6907	David L. Goldman	6919	Jason C. Erdhal
6908	William M. Ramsey	6920	Jeffrey S. Kovel
6909	Corey R. Solum	6921	Joseph L. Smith
6911	Robert S. Blair	6922	Dennis J. Vonasek
6912	Adam J. Almquist	6923	Jeffrey A. Warm
6913	Michael F. Konzen	6924	Britt C. Feik
6914	April M. Clark	6925	Robert J. Gehr
6915	William J. Reilly	6926	Mark LeBaron Hilles
6916	John W. Branson	6927	Randy J. Kopplin
6917	Miguel Burbano	6928	Paul R. Wanzer
6918	Werner L. Duecker	6929	Jeffrey H. Gyzen

6935 Michael S. Layman
6936 Bruce A. Nordstrom
6937 John C. Woollen

6940 Bradley P. Burns
6941 Alan S. Andreas
6942 Esmail Dilmaghani

Motion: Garlock moved to approve the consent agenda. Motion seconded by Klai.

Vote: All in favor. Motion passes.

AGENDA ITEM 7 **Discussion and possible decision regarding application of Thomas William Hamilton for architectural reciprocal registration pursuant to NRS 623.210**

Motion: Garlock moved to approve the reciprocal registration for Thomas William Hamilton. Motion seconded by Snyder.

Spaulding said Mr. Hamilton's NCARB record contains disciplinary action. Spaulding said that the North Carolina board disciplined him in 2008 for practicing architecture through a firm that was not registered in North Carolina. His license is now in good standing in North Carolina and the rest of his application is in order.

Vote: All in favor. Motion passes.

AGENDA ITEM 8 **Discussion and possible decision regarding application of Richard Frederick Steldt for architectural reciprocal registration pursuant to NRS 623.210**

Motion: Klai moved to approve the reciprocal registration for Richard Frederick Steldt. Motion seconded by Tindall.

Spaulding said Mr. Steldt's NCARB record contains disciplinary action. Spaulding said that the Tennessee board disciplined him in 1997 for affixing his seal and initials to engineering drawings not prepared under his direct supervision.

Vote: All in favor. Motion passes.

AGENDA ITEM 9 **Review and decision regarding the Master Calendar for FY 2013-2014**

Spaulding presented the proposed Master Calendar for fiscal year 2013-2014 to board members. Board meetings are held five times per year. The August meeting will be held in Reno so that in the course of the fiscal year both the northern and southern regions of the state are represented. The other four board meetings are held in the Las Vegas office.

The board discussed a schedule conflict with the proposed October 23 board meeting date and agreed to change the meeting date to Tuesday, October 22, 2013.

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

Klai swore in the following individuals as architects:

1. Brian Michael Callanan.....6930
2. Neil Lahav.....6931
3. Casey D. Sibley.....6932
4. Audrey L. Snyder.....6933
5. Jordan B. Wilday.....6934
6. Kevin C. Burke.....6938
7. Glenn NP Nowak.....6939

Motion: Peltyn moved to approve the registration of the above referenced individuals as architects.

Motion seconded by Snyder.

Vote: All in favor. Motion passes.

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

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

1. Debrah L. Mach.....203-ID

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

Vote: All in favor. Motion passes.

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 new registrants. The eight new registrants were recognized for their milestone accomplishment of becoming registered in the state of Nevada and Lavigne presented each of them with a Certificate of Recognition on behalf of the AIA.

Erny asked the new registrants to offer any comments, concerns, or suggestions they had for the board regarding the licensing process. He said the board wants to ensure registrants are being served the best way possible in all stages of the process.

A new architect said the software for the vignette portion of the ARE proved to be a challenge to work with. Erny said NCARB is aware of the issue and changes are coming.

Architect Burke said Harrison helped him tremendously throughout the process and aided in the transfer of his IDP record from California to Nevada. Spaulding said NCARB generally sends the IDP record out one time to the candidate's base state and any licenses after that are reciprocal.

New registrant, Snyder suggested that the board communicate with candidates electronically rather than by mail. Spaulding said we typically offer electronic communications, but as a regulatory board we still use paper. She said we anticipate that within the next year we will be communicating electronically.

Spaulding said the registration ceremony gives new registrants an opportunity to meet their board and the board staff. She said we are here to help and the best advice she could give them is to keep in close contact with their board. She urged them to call or email the office with any questions, concerns, or if they ever need interpretation of the statute or rules. She said it is best to call for clarification before moving forward and having a problem arise later.

Erny said that with Nevada as their base state, they may now choose to pursue licensure in other jurisdictions. He reminded them that as laws differ from state to state, prior to even considering offering services in another state they should contact that board and make sure they understand the laws and rules of that jurisdiction. He said that laws can vary significantly from one state to another.

Erny said disciplinary action often stems from a registrant assuming other jurisdictions follow the same laws and rules as their base state. Klai said Spaulding has relationships across the country and urged them to give her a call if they ever need help with an issue in another jurisdiction.

AGENDA ITEM 4 **NSBAIDRD Database Presentation with GL Solutions-Brian Bennett and Gina Spaulding**

Spaulding said the board's database has for quite some time been in need of an upgrade to accommodate the agency's need to move forward with the ability to offer annual on-line renewals and further automate and streamline board processes and procedures. After spending ample time researching various database options, Spaulding found GL Solutions to be the best fit to meet the needs of the board in moving forward into a more technologically savvy position.

Spaulding introduced Brian Bennett, Agency Partner of GL Solutions, to the board and staff to present and answer questions about their highly configurable web-based software company that has provided software solutions for government regulatory agencies for 16 years. Bennett said GL Solutions solely serves government regulatory agencies in over 17 states including Nevada, and recently achieved Microsoft Gold Partner Status.

Bennett demonstrated the use of their web-based application product and answered questions from board members and staff. Board members and staff explored various scenarios in regards to streamlining board processes and the management of current administrative records and archives. Bennett said this program will meet the board's need to be current, be efficient, and to move forward. He said the system implementation process would include complete data migration and on-site staff training.

Bennett reviewed the monthly subscription proposal drafted by SHI, the state-approved vendor for GL Solutions.

Board members tabled the discussion until after lunch.

AGENDA ITEM 5 **Formal Administrative Hearing Training for Board Members-Louis Ling**

Board Counsel, Ling conducted a formal administrative hearing training session for board members and staff via Powerpoint.

AGENDA ITEM 12B FYI: 2013 Candidate Resumes for NCARB officer positions

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

AGENDA ITEM 11 Formal Contested Administrative Hearing – In the matter of Robert D. Puffinburger and Ideal Solutions (Case Nos. 12-022N, 12-030N and 12-035N), consideration and adjudication of the Complaint alleging violations of NRS 623.360.1(b) and (c)

Chairman Greg Erny presided over the formal hearing against Robert D. Puffinburger and Ideal Solutions. A formal hearing was held in the matter of Robert D. Puffinburger and Ideal Solutions, Case Numbers 12-022N, 12-030N and 12-035N. The respondent was alleged to have violated NRS 623.360.1(b) and (c) by holding himself out as being qualified to practice architecture and by engaging in the practice of architecture without having a certificate of registration issued by the board.

In attendance:

Louis Ling, Board Prosecutor

Sophia Long, Deputy Attorney General, Board Counsel

Witnesses for the prosecution:

Betty J. Ruark, NSBAIDRD Chief Investigator

Witnesses for the defense:

None

The six causes of action brought against Robert D. Puffinburger and Ideal Solutions are as follows:

By holding himself out as being qualified to practice architecture and by engaging in the practice of architecture without having a valid certificate of registration issued by the board, respondent has violated NRS 623.360.1 (b) and (c).

Testimony was heard and evidence was introduced into the record, which substantiated the allegations against Respondent Robert D. Puffinburger and Ideal Solutions.

Motion: Snyder moved that the State find the Respondent guilty of the six causes of action which included holding himself out as being qualified to practice architecture and by engaging in the practice of architecture without having a valid certificate of registration issued by the board violating NRS 623.360.1 (b) and (c) as evidenced by the testimony given and documentation presented. Motion seconded by Klai.

Vote: All in favor. Motion passes.

Penalty Phase:

Motion: Snyder moved to impose an administrative fine of \$10,000 and order payment of all fees and costs associated with the investigation and prosecution of this matter and that the order contain language that Respondent cease making representations that he can provide design services and that he must contact the board within 30 days of the order. If he fails to do so, all fines, fees, and costs are due and owing within 60 days of the order unless he makes other payment arrangements with board staff. Klai seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 4 **NSBAIDRD Database Presentation with GL Solutions-Brian Bennett and Gina Spaulding**

This item was brought back to the table for board discussion and a vote.

Spaulding and Ling provided board members with further information gathered from various governmental agency clients being served by GL Solutions across the country.

Motion: Garlock moved to authorize the Executive Director to contract with GL Solutions and to add approximately \$3,000 per month to the annual budget for GL Solutions monthly database support services. Ciesynski seconded the motion.

Vote: All in favor. Motion passes.

AGENDA ITEM 6A-1 **Case No. 13-022N – In the matter of Rex Lalire, Christopher March and Lalire March Architects, LLP**

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.

During the investigation of a related case, staff discovered that the Respondents had held themselves out and engaged in the practice of architecture by acting in the capacity of the architect and providing services including but not limited to performing preliminary studies, working directly with the client, evaluating the client's needs and goals, giving advice and direction and preparing preliminary through construction drawings for a Nevada project.

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 neither admits nor denies Clause and an Administrative Penalty of \$7,500 plus Investigative Costs in the amount of \$1,625.

Staff recommends approval of the settlement agreement.

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

Vote: All others in favor. Motion passes.

AGENDA ITEM 6A-2 **Case No. 13-023N – In the matter of Gary Wang and Gary Wang and Associates, Inc.**

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

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 certificates of registration issued by this Board.

During the investigation of a related case staff discovered that the Respondents held themselves out as being able to practice architecture and registered interior design by entering into a separate contract with

the client to provide services which fall under the practice of architecture and registered interior design for 2 Nevada projects.

The Respondents were sent a Notice of Charges concerning the 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 and an Administrative Penalty of \$3,500 plus Investigative Costs in the amount of \$1,625.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 6A-3 Case No. 13-024N – In the matter of Mountain Architects LLC

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

The Respondent is alleged to have violated NRS 623.360.1 (a), (b) and (c) by holding itself out as being qualified to practice architecture and residential design, and by engaging in the practice of architecture and residential design, for three residential projects located in Nevada, without any employees of the firm having been issued certificates of registration from the Board.

Staff received a call from an individual interested in obtaining a certificate of registration to practice architecture in Nevada. The individual informed staff the company he works for had practiced architecture prior to obtaining licensure and he was calling to inquire whether the Board would allow him to get licensed when they learned that the company had already practiced in Nevada. The individual was informed the Board would not automatically reject his application and that he should apply for reciprocity and explain the circumstances under which the company practiced prior to an individual within the company getting licensed.

The individual submitted his application for reciprocity along with the explanation that the company previously employed an architect who was registered in Nevada, but the employee passed away in 2011, and the company lost the institutional knowledge that residential design was regulated in Nevada.

The investigation subsequently revealed the company did however enter into a design development agreement to prepare conceptual design drawings and acknowledged preparing said drawings for one residential project, after they became aware of the licensure requirement in Nevada.

The Respondent was sent a Notice of Charges concerning the work and a response was received. The decision was made to offer the Respondent an opportunity to settle the issue informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a No Contest Clause, Effect on Licensure Clause, an Administrative Penalty of \$4,000 plus Investigative Costs in the amount of \$1,200.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 6A-4 Case No. 13-014N – In the matter of Alan J. Mayer and Alan J. Mayer Architect, PC dba Mayer + Associates

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

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 the Town Square project located in Nevada without having certificates of registration issued by this Board.

During the investigation of a related case staff was made aware of the Respondents' website www.ajmarchitects.com which displayed multiple photographs of the Town Square project with a description stating: "We started by choosing the material palette and inspirational images, and soon were designing facades, lighting, and landscape. By the end we were involved in every part of the design-down to the details in the children's park that is at the very heart of the project..." Further investigation revealed the Respondent submitted multiple proposals to the client and not the architect of record to provide services that fall under the practice of architecture.

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 Guilt Clause, an Effect on Licensure Clause and an Administrative Penalty of \$5,000 plus Investigative Costs in the amount of \$1,875.

Staff recommends approval of the settlement agreement.

Vote: All in favor. Motion passes.

AGENDA ITEM 6B Discussion and possible decision regarding closure of enforcement cases

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

07-012N 12-046N 13-018R 13-026N 13-031N

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

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

AGENDA ITEM 6C Enforcement Report

Ruark said there was nothing to report.

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

Spaulding presented the board with a copy of the proposed flyer for the upcoming joint NSBAIDRD/AIA Continuing Education Seminar scheduled for May 1 in Las Vegas. The free full-day seminar will provided attendees with 8 continuing education units. Lunch will be provided.

Spaulding said the morning session entitled, 'Top Ten Drop-Dead Contract Clauses Design Professionals Cannot Ignore' presented by Jean Weil, Construction Litigation Specialist and founding partner of Weil & Drage, will provide design professionals with risk management information to aid them in their businesses while still falling into the category of Health Safety and Welfare. The afternoon session entitled, 'Significant Changes to the 2012 IBC' will be presented by Douglas Thornburg, AIA, Vice President and Technical Director of Product Development and Education for the International Code Council (ICC). In this session he will give an overview of the provisions that have changed, focusing on the changes related to fire and safety. Additionally, following that session, Kevin McOsker, Manager of Plans Examination for the Clark County Building Department will be present to discuss local code amendments.

Spaulding said that the \$3,000 budget previously approved by the board, would be used to cover fees and costs for the speakers as well as help AIA cover the cost of providing lunch for the attendees.

Spaulding asked the board to review and offer feedback regarding the event flyer. She said the final draft will be posted April 1 on both the board and the AIA websites and the board will send an email blast to all Nevada architects, registered interior designers, and residential designers. The flyer will include a link to AIA's website which is set up to accommodate online registration. Attendees must register for the seminar, but are not required to be members of the AIA.

Upon review of the flyer, board members suggested that the flyer emphasize, in color, that the seminar is free and that lunch is provided.

Motion: Klai made a motion for the board to move forward with the proposed session speakers and topics and the publication of the flyer. Motion seconded by Snyder.

Vote: All others in favor. Motion passes.

AGENDA ITEM 10B RID Binder Application Committee Update

Ciesynski said NCIDQ would soon be launching changes to their binder process. Once those have been put into place the committee will evaluate them and discuss options regarding amendment of the 54-page registered interior design binder application. Spaulding told the board there are no pending binders awaiting evaluation at this time.

Spaulding updated board members on the status of the current registered interior design legislative issue. Spaulding said the board submitted a two word bill draft request to the Department of Administration in May 2012 for consideration in the 2013 Legislative Session. In February 2013 the board received a letter informing the board that the governor did not approve our bill draft request regarding the registered interior design binder process.

The two word bill draft request would have allowed registered interior design applicants that have architecture degrees the ability to use their degrees to meet the education requirement to become a registered interior designer. Applicants would still need to meet the experience requirement and pass the national exam.

Spaulding said that since the return of the board's BDR, a lobbyist representing a potential registrant requested introduction of a similar bill to amend NRS 623.192. AB434, formerly BDR 54-1172, is the result of his request. While this proposed bill would amend NRS 623.192, which was the board's intent

during this Legislative Session, Spaulding sent an email to board lobbyist, Jim Wadhams requesting changes to the proposed AB434.

Spaulding directed the board members to the email outlining the requested changes as well as the actual bill draft discussing with them the amendments being requested to the proposed AB434.

AGENDA ITEM 12A **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. Spaulding said board members would have another opportunity to review the resolutions at the June board meeting prior to the NCARB annual meeting where they will be acted upon.

AGENDA ITEM 12C **FYI: NCARB Fast Facts-January and February 2013**

Erny said there are still spots available if any board members are interested in serving on an NCARB committee.

Erny updated board members on the information contained in the NCARB Fast Facts publication saying that the item was provided for board members' information.

AGENDA ITEM 12D **FYI: News Clips regarding Education Report Reveals Key Insights from NCARB Practice Analysis**

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

AGENDA ITEM 12E **FYI: ARE e-News regarding NCARB Tests New Way to Access ARE Practice Programs**

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

AGENDA ITEM 13A **FYI: CIDQ BOD meeting minutes for December 2012 and January 2013**

This item was provided for board members' information.

AGENDA ITEM 13B **CIDQ press release regarding CIDQ Names Carol Williams-Nickelson to Executive Leadership Position**

Ciesynski said she is looking forward to working with the newly appointed CIDQ Executive Director, Dr. Carol Williams-Nickelson.

AGENDA ITEM 13C Letter from NCIDQ to Professional Associations

Cysienski presented to the board and asked for their position regarding a letter from NCIDQ to advocacy organization presidents of ASID, IIDA, and IDC. The letter denied a proposal that the three professional associations (ASID, IIDA, and IDC) join the NCIDQ Board of Directors.

Motion: Tindall made a motion in support of the letter from NCIDQ to the professional associations. Motion seconded by Mickey.

Vote: All in favor. Motion passes.

Ciesynski said this year's annual NCIDQ meeting will be held in Las Vegas on November 8th and 9th, 2013.

AGENDA ITEM 14 Residential Design Issues

Tindall presented the board with details regarding the Dewey Jones Residential Design Exam Scholarship being offered to residential design exam candidates. The scholarship will be awarded to exam candidates who take and pass all four parts of the residential design exam their first time.

The \$300 scholarship, which covers the cost of the four part exam, will be fully sponsored by Nevada residential designers. Tindall asked that the board participate by presenting the scholarship recipient with a Dewey Jones Residential Design Exam Scholarship certificate and a \$300 check at the recipient's residential design registration ceremony.

Tindall asked for staff support in supporting and promoting the scholarship. Spaulding said it will be posted in the next issue of the Focus newsletter, on the board website, and on Facebook.

Tindall said the scholarship is being offered as an incentive for residential design exam candidates to study and work hard to pass all the exams at one time. He said the first time the scholarship is offered, every candidate taking their exams for the first time who passes all four of them will be awarded a \$300 scholarship.

AGENDA ITEM 15 Executive Director Report

Spaulding said board staff is currently tracking over 115 bills this legislative session which includes all those relating to Title 54 boards, bills that could potentially affect the agency, and of course, bills pertaining to the professions we regulate.

She directed board members to AB434 and BDR16 in the 2013 Bill Draft Request Log. The first item of concern, which was previously discussed, AB434, revises certain requirements for an application for a certificate of registration to practice as a registered interior designer. She said board staff is also watching BDR16 which would revise provisions relating to preferences for design professionals competing for public works contracts. This is SB268, the design preference bill that was passed in the 2011 Legislative Session and the Legislative Commission later deferred the board's regulations because it was anticipated that the Legislature would fix some of the bill's flaws during the 2013 session.

Spaulding asked if board members would like to see staff transition from using an overnight service for delivery of future board meeting e-books to using a file-sharing site which would deliver them

electronically via email. Board members agreed that board staff could move forward with the transition for the June 2013 board meeting e-book.

Spaulding said that members of NCARB's Executive Leadership, CEO, Mike Armstrong and Director of Council Relations, Kathy Hillegas will be attending member board meetings throughout the country and will be in Las Vegas for the October 2013 NSBAIDRD meeting.

Spaulding asked the board who would be attending the upcoming 2013 NCARB Annual Meeting in San Diego, CA from June 19-22. Board members Klai, Tindall, Mickey, and Snyder were selected to attend. Executive Director, Spaulding and Legal Counsel, Ling will also attend.

Spaulding told board members that those who attended the WCARB Regional Meeting were eligible for two continuing education units and that she would be providing them with certificates if requested.

AGENDA ITEM 19 **Public Comment**

There was no public comment.

Chairman Erny adjourned the meeting at 4:59 p.m. and said the meeting would resume Thursday, March 28, 2013 at 9:00 a.m.

Thursday, March 28, 2013

Chairman Greg Erny called the meeting to order at 9:04 a.m.

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

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 20 **Items carried over from Wednesday March 27, 2013**

Agenda Items 10C, 16, 17, and 18 were carried over from Wednesday, March 27, 2013.

AGENDA ITEM 10C **Blue Book Committee Update and Review of NSBAIDRD Proposed Changes**

Spaulding presented to the board a group of proposed amended and new Frequently Asked Questions for the upcoming Blue Book revision. They stem from questions that NSBAIDRD's enforcement division are asked on a regular basis. Spaulding said, upon the board's approval, the FAQs will be presented when the Blue Book Committee meets in the board office on May 15, 2013.

Board members and staff reviewed and discussed the following revisions for submittal to the Blue Book Committee for inclusion in the 2013 revision:

Proposed Revised Frequently Asked Questions

A-4. *May an architect make changes to plans prepared by another Nevada registered or licensed professional?*

No. An architect may only make changes or modifications to plans prepared by another Nevada registrant or licensee under the following conditions:

- a. The architect obtains the written permission from the original design professional to make changes or modifications to the plans.
- b. The work must be within the scope of his practice.
- c. The architect initiating changes to the plans assumes full responsibility for those changes and their effects upon the remainder of the project.
- d. The changes to the plans must be a separate submittal on the architect's own title block, with his own stamp and signature.
- e. Changes to the plans must comply with applicable state and local laws.

If the architect does not obtain permission to make changes or modifications to the plans, he must redesign the project. The architect should be aware of possible copyright issues and may want to contact an attorney for legal advice.

A-11. *May an architect stamp and sign documents prepared by his consultants?*

Yes, provided that the documents are prepared under his responsible control.

A-21. *May an architect withdraw as the architect of record?*

The architect may withdraw as the architect of record if he becomes aware of a decision made by his employer or client, against the architect's advice, which violates applicable federal, state or municipal building laws and regulations and which will, in the architect's judgment, materially or adversely affect the safety of the public.

ID-6. *May a registered interior designer make changes to plans prepared by another Nevada registrant?*

No. A registered interior designer may only make changes or modifications to plans prepared by another Nevada registrant under the following conditions:

- a. The registered interior designer obtains the written permission from the original design professional to make changes or modifications to the plans.
- b. The work must be within the scope of his practice.
- c. The registered interior designer initiating changes to the plans assumes full responsibility for those changes and their effects upon the remainder of the project.
- d. The changes to the plans must be a separate submittal on the registered interior designers' own title block, with his own stamp and signature.
- e. Changes to the plans must comply with applicable state and local laws.

If the registered interior designer does not obtain permission to make changes or modifications to the plans, he must redesign the project. The registered interior designer should be aware of possible copyright issues and may want to contact an attorney for legal advice.

ID-10. *May a registered interior designer undertake a project that requires more than two additional professional disciplines? (i.e., architect, structural engineer, mechanical engineer, electrical engineer, etc.?)*

No. An architect who is qualified to offer all design services to the public must be hired by the owner to provide and coordinate all disciplines other than the interior design.

- ID-11. *When a registered interior designer contracts with an owner to perform interior design services and other professional disciplines of architecture and engineering are involved in the design of the work, with whom do these additional professional disciplines contract?*
The professional disciplines may contract directly with the owner or with the registered interior designer.
- ID-17. *May a registered interior designer seal his drawings with an electronic stamp, signature and date?*
Yes. Registered interior designers may seal their documents either electronically or manually. They may also sign and date by hand, electronically or any combination thereof. The date must be the day the drawings were issued for printing.
- ID-21. *May a registered interior designer withdraw as the design professional of record?*
The registered interior designer may withdraw as the design professional of record if he becomes aware of a decision made by his employer or client, against the registered interior designer's advice, which violates applicable federal, state or municipal building laws and regulations and which will, in the registered interior designer's judgment, materially or adversely affect the safety of the public.
- RD-3. *May a residential designer make changes to plans prepared by another Nevada registered or licensed professional?*
No. A residential designer may only make changes or modifications to plans prepared by another Nevada registrant or licensee under the following conditions:
a. The residential designer obtains written permission from the original design professional to make changes or modifications to the plans.
b. The work must be within the scope of his practice.
c. The residential designer initiating changes to the plans assumes full responsibility for those changes and their effects upon the remainder of the project.
d. The changes to the plans must be a separate submittal on the residential designers's own title block, with his own stamp and signature.
e. Changes to the plans must comply with applicable state and local laws.
If the residential designer does not obtain permission to make changes or modifications to the plans, he must redesign the project. The residential designer should be aware of possible copyright issues and may want to contact an attorney for legal advice.
- RD-19. *May a residential designer withdraw as the design professional of record?*
The residential designer may withdraw as the design professional of record if he becomes aware of a decision made by his employer or client, against the residential designer's advice, which violates applicable federal, state or municipal building laws and regulations and which will, in the residential designer's judgment, materially or adversely affect the safety of the public.

Proposed New Frequently Asked Questions

- A-18. *May an architect seal his drawings with an electronic stamp, signature and date?*
Yes. Architects may seal their documents either electronically or manually. They may also sign and date by hand, electronically or any combination thereof. The date must be the day the drawings were issued for printing.

- A-22. *Do drawings prepared by a design professional (architect, registered interior designer or residential designer) belong to the design professional?*
Yes. Drawings prepared by a design professional have copyright protection under federal law and belong to the design professional or firm, unless the design professional or firm releases the copyright/intellectual property to the client.
- A-23. *May an architect release modifiable CADD drawings to a client?*
Yes.
- A-24. *May an architect provide construction management services on a project for which he is not the architect of record?*
Yes. The practice of architecture includes construction management services (NRS 623.023). Also reference Attorney General Opinion 2002-37.
- ID-20. *May registered interior designers undertake a project that requires more than two contractors?*
Yes. There is no limitation to the number of contractors a registered interior designer may work with on a project; however, registered interior designers must contract directly with the owner and the contractors must contract directly with the owner.
- ID-22. *May a registered interior designer design and/or specify fire rated assemblies, including, but not limited to smoke barriers, partitions and walls?*
No.
- ID-23. *May a registered interior designer specify rated doors and door frames?*
Registered interior designers are limited to doors and door frames for which the required fire-protection rating does not exceed 20 minutes.
- ID-24. *May registered interior designers design and/or specify elevators and/or stairs on their drawings?*
No. Registered interior designers may only show the location of an elevator and/or stairs on their drawings for “reference” purposes.
- ID-25. *May registered interior designers determine the location of electrical outlets?*
Yes.
- ID-26. *May a registered interior designer prepare permit drawings for an outdoor kitchen/BBQ area?*
No.
- ID-27. *Do drawings prepared by a design professional (architect, registered interior designer or residential designer) belong to the design professional?*
Yes. Drawings prepared by a design professional have copyright protection under federal law and belong to the design professional or firm, unless the design professional or firm releases the copyright/intellectual property to the client.
- ID-28. *May a registered interior designer release modifiable CADD drawings to a client?*
Yes.

- RD-16. *May a residential designer seal his drawings with an electronic stamp, signature and date?*
Yes. Residential designers may seal their documents either electronically or manually. They may also sign and date by hand, electronically or any combination thereof. The date must be the day the drawings were issued for printing.
- RD-20. *Do drawings prepared by a design professional (architect, registered interior designer or residential designer) belong to the design professional?*
Yes. Drawings prepared by a design professional have copyright protection under federal law and belong to the design professional or firm, unless the design professional or firm releases the copyright/intellectual property to the client.
- RD-21. *May a residential designer release modifiable CADD drawings to a client?*
Yes.
- C-21. *May a contractor submit drawings to the building department under NRS 623.330.1(d) if the drawings were prepared by the contractor or his W-2 employee?*
Yes. Personnel hired on a 1099 basis do not meet the intent of NRS 623.330.1(d).
- C-22. *May a contractor enter into a design only agreement with a client to prepare the drawings for a project?*
No. A contractor may only prepare drawings for his own construction activities.

AGENDA ITEM 16 Board Counsel Report

Ling reported that he and Spaulding attended the mandatory settlement conference on January 24, 2013 in the Dennis Rusk Supreme Court appeal. He said the matter was not resolved and he will keep the board updated regarding forthcoming hearing dates.

AGENDA ITEM 17 Public Information Report

Bond told the board that the latest issue of *Focus* was provided to them in the e-book and there was nothing further to report at this time.

AGENDA ITEM 21 Case No. 12-026R In the matter of Allyson Denby Wong

This matter was originally placed on the agenda as a Formal Contested Administrative Hearing. A settlement agreement was negotiated and signed by Ms. Wong on March 22, 2013. Board member Erny recused himself from this matter and John Klai presided as acting Chairman.

Board counsel Louis Ling presented the facts of the case to the board. The Respondent is alleged to have violated NRS 623.270.1(f), NAC 623.740.2, NAC 623.900.1(a), and Rules of Conduct 1.1 and 5.5, when the Respondent allegedly made misleading or deceptive statements or claims to the complainants that the Respondent could design a custom home using complainants' design criteria that would be within their construction budget, and when the Respondent did not communicate clearly and effectively to complainants that the cost to construct their custom home far exceeded their construction budget.

A settlement agreement was negotiated which incorporates a No Contest and No Admission of Guilt Clause and requires the Respondent to pay Restitution to the complainants in the amount of \$6,500 and the board's Investigative Costs in the amount of \$7,500. The Restitution is to be paid within 30 days of the board approved settlement agreement and is conditioned upon a full and final release of all claims from the complainants. The Respondent's failure to pay full restitution within the allotted time constitutes non-compliance with the terms and conditions of the settlement agreement and will result in the Respondent's certificate of registration being summarily suspended until the Respondent pays full restitution to the complainants.

The Respondent agrees to assure discontinuance of the acts and conduct that gave rise to the investigation that resulted in the settlement agreement by complying with the following terms and conditions:

A. Respondent shall immediately establish and institute a policy in her architecture practice for all future contracts with clients that the initial contract will contain a description of the project and a tentative budget for the project.

B. Respondent shall assure that her contracts with clients contain a clause requiring that throughout her work for a client she will communicate to and agree with the client in writing regarding the effect on the tentative budget that will be effected by changes in the project, whether those changes are because of the client's request, Respondent's suggestions, code changes, significant changes in the cost of materials, or any similar changes that will materially effect the tentative budget for the project.

C. Respondent shall develop a form or forms to be used with all future clients by which a client will indicate and acknowledge either (1) that the client is retaining Respondent as part of a design/build contract with GuiDenby, Inc., or (2) that the client is retaining Respondent only as an architect. Where a client has retained Respondent to act solely as an architect, Respondent shall establish and maintain a policy assuring that her fidelity shall be to the interests of her client as an architect and shall maintain separation between her architecture practice and the business of GuiDenby, Inc. The policy need not prohibit GuiDenby, Inc. from bidding for or being awarded the construction of any project designed by Respondent solely as an architect, but shall assure that any bidding and award of a project in which GuiDenby, Inc. has submitted a bid is conducted at arm's length by Respondent so that the client's selection of a bidding contractor is based on their best judgment and interests.

D. Respondent shall submit documents to demonstrate compliance with subparagraphs A, B, and C above to board office within 45 days of the effective date of the settlement agreement and order. The documents shall be reviewed by the board's staff, Respondent shall be notified within 10 days of receipt of the documents whether the documents satisfy subparagraphs A, B, or C or, if not, what concerns the board's staff has with the documents so that the Respondent can change and resubmit the documents. In any case, it shall be that the documents are fully submitted and approved by the board's staff within 90 days of the effective date of this settlement agreement and order.

E. Once the documents have been approved by the board's staff pursuant to subparagraph D above, thereafter the Respondent shall submit copies of the documents demonstrating their actual use to the board office for the next three single-family residence projects in which Respondent is retained. The board's staff shall keep all documents provided to them confidential and shall review them solely for the purposes of assuring that Respondent is utilizing the documents as agreed to in this settlement agreement and order.

Staff recommends approval of the settlement agreement.

Motion: Garlock moved to approve the settlement agreement. Motion seconded by Tanner.
Vote: Erny recused himself. All in favor. Motion passes.

AGENDA ITEM 18 **Items for future agenda**

- Blue Book Committee update
- Outcome of the 2013 Legislative Session
- Discuss recommendations from the RID binder committee

AGENDA ITEM 22 **Public Comment**

There was no public comment.

Chairman Erny adjourned the meeting at 12:30 p.m.

Gina Spaulding, Executive Director

John Klai, Secretary/Treasurer