

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

March 04, 2015

Board Conference Room, 2080 East Flamingo Road, Suite 120, Las Vegas, NV 89119

Wednesday, March 04, 2015

Chairman George Garlock called the meeting to order at 9:04 a.m.

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

Also in attendance: Gina Spaulding, Executive Director; Louis Ling, Legal Counsel; Laura Bach, Investigator; Monica Harrison and Ginger Hahn, 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: January 15, 2015
- C. Secretary/Treasurer Report
 - 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
 - 2. Wells Fargo Bank Statements
 - 3. December 2014 QR Statement
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
 - 1. IDA Experience
 - 2. Sierra Residential Design
 - 3. Nevada Home Design LLC
- F. Firm Registration Approval Requests
 - 1. BWG Architecture

Architects: Registration by Reciprocity

7184 Barry N. Winick	7192 Chad E. Fowler	7200 Craig S. Ahigian
7185 Wayne Visbeen	7193 Wayne D. Goeas	7201 Brian V. Engle
7186 Yumiko A. Ishida	7194 Dennis Joon Ho Lee	7202 Michael T. Malone
7187 Russell R. Rosicki	7195 George D. Lovett	7203 Brett M. Miller
7188 David R. Wolfe	7196 John E. Rigsbee	7204 Alan J. Plutowski
7189 Kevin W. Aires	7197 Paul R. Ritchie	7205 Timothy W. Riddle
7190 Nicole M. Dress	7198 Robert A. Thornton	7206 Cesar A. Rodriguez
7191 Kristen A. Ennis	7199 Linda J. Wagner	7207 Thomas A. Tyler

7211 Duncan B. Ballash	7216 Michael R. Mayse	7221 Stephen A. Sousa
7212 John P. Bemben	7217 Brian T. McNertney	7222 Bing L. Young
7213 Erik Earnshaw	7218 John L. Moore	7223 Anthony A. Stark
7214 Joan L. Saba	7219 Timothy H. Sanders	7224 John F. Swierk
7215 Brian M. Linc	7220 Derek L. Selke	

Residential Designers: Registration by Reciprocity

335-RD Donald Grody

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

Motion: Erny moved to approve the consent agenda, items 2 through 2E-2. Motion seconded by Klai.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-3 Firm Name Approval Request: Nevada Home Design LLC

Erny stated that the copy of the Nevada State Business License submitted by the applicant is expired. Harrison said she contacted Nevada Secretary of State and confirmed that the applicant has a current license on file.

Motion: Klai moved to approve agenda item 2E-3. Motion seconded by Tanner.

Vote: All in favor. Motion passes.

Agenda Item 2F-1 Firm Registration Approval Request: BWG Architecture

Board members expressed concern because the application for firm registration approval lists all three members of the firm as "principal" although only one member is an architect.

Spaulding said use of the word "principal" is prohibited by regulation and that the applicant will be asked to remove the word from the application. She told board members that the firm owners will be cautioned in the approval letter that only the architect may hold himself out as being able to provide architectural services, and that the architect is fully responsible for any architectural work performed by the firm.

Motion: Erny moved to approve the firm name request for "BWG Architecture." Motion seconded by Klai.

Vote: All in favor. Motion passes.

Agenda Item 5 Discussion Regarding Bill Draft Requests Submitted for the 2015 Legislative Session that May Affect the Board

Spaulding said information concerning bill draft requests of the 78th Nevada Legislative Session was provided to the board members in the e-book. She reported that over 1,251 bill draft

requests had been submitted at that time, 250 being tracked by board staff. Spaulding told the board that Assembly Bill 59 (AB59) is of concern to NSBAIDRD. She asked Ling to give the board an overview of AB59.

Ling explained that existing law establishes the jurisdiction of the State Public Works Division of the Department of Administration over all state buildings, grounds, and property owned or leased by the state of Nevada. This excludes buildings and grounds leased by certain state-established boards and commissions, including NSBAIDRD. AB59, as it was originally presented, would eliminate the exception for state-established boards and provide the State Public Works Division with jurisdiction over all buildings, grounds, and property owned or leased by the state of Nevada without exception.

Ling said several boards and commissions, along with their lobbyists, attended the initial hearing for AB59. They accomplished an amendment to the bill that clarifies that boards and commissions do not fall under the authority of the State Public Works Division. Ling said that the passing of AB59 in its amended form will not affect NSBAIDRD.

Ling stated that there are no bills that the board needs to take a stand on at this point.

Agenda Item 3A Deliberations/Action on Applications for Registration: Architect

Mickey swore in the following individuals as architects:

1. Kelly Hobstetter.....7208
2. Jeremy M. Strawn.....7209
3. Gerald A. Shurley, Jr.....7210

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

Vote: All in favor. Motion passes.

**Agenda Item 3B Deliberations/Action on Applications for Registration:
Registered Interior Design**

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

1. Florence Barber.....217-ID

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

Vote: All in favor. Motion passes.

**Agenda Item 3C Deliberations/Action on Applications for Registration:
Residential Designer**

Mickey swore in the following individual as a residential designer:

1. Derek L. Rude.....334-RD

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

Vote: All in favor. Motion passes.

After the board conducted the swearing-in and registration ceremony, Garlock introduced Edward Vance, FAIA (Fellow of the American Institute of Architects). Vance was in attendance on behalf of AIA Nevada and AIA Las Vegas. The five new registrants were recognized for their milestone accomplishments of becoming registered in the state of Nevada as Vance presented each of them with a Certificate of Recognition on behalf of the AIA. He wished them continued success and best wishes in their future endeavors.

Garlock asked the new registrants for feedback regarding their paths to licensure. He said their input aids the board in improving processes for future registrants.

Two registrants thanked Harrison for her help during the licensure process. The registrants said that Harrison's guidance made the process much easier.

One of the new architecture registrants said that the wait time for test results from NCARB has improved substantially. He received his test results in about two weeks versus the approximate six weeks that it took in the past.

Spaulding congratulated the new registrants. She told them the registration ceremony is an opportunity for them to meet their board and the board's staff, and urged them to call the board office with any questions they may have. Spaulding stressed the importance of finding out the licensing requirements and regulations of other jurisdictions before applying for licensure in them.

Spaulding explained Nevada's requirements for continuing education to the registrants. She informed them of the biannual continuing education seminar that NSBAIDRD and AIA Nevada hosts for NSBAIDRD registrants.

**Agenda Item 4 Discussion and Possible Decision Regarding the 2012
International Energy Conservation Code (IECC) Scheduled
for Adoption by the State of Nevada Governor's Office of
Energy on July 1, 2015 and its Potential Implications for
NRS 623 Registered Professionals**

Spaulding introduced Fredric Zwerg, Energy Utilization Engineer of Southwest Gas Corporation and Nat Hodgson, Executive Director of Southern Nevada Home Builders Association.

Zwerg addressed the board, giving background information and explaining his concern about the adoption of The 2012 IECC by the State of Nevada Governor's Office of Energy.

He said that Nevada licensed engineers and architects are required to design in accordance with applicable local, state, and federal codes. The design professional must usually comply with the jurisdiction's adopted building codes, including the energy code. The Nevada Governor's Office of Energy, by law of NRS 701.220, must adopt the most recent version of the IECC. Zwerg said that the Office of Energy has identified the next date of adoption as July 1, 2015 for the 2012 IECC.

Zwerg reported that the City of North Las Vegas, Boulder City, and the City of Las Vegas only require design professionals to design to the 2009 IECC; Pahrump and Mesquite require even older versions of the IECC; while only Clark County and the City of Henderson require compliance with the 2012 IECC. He said his concern is that licensed design professionals are caught between the local and state requirements.

Zwerg requested that NSBAIDRD and the Nevada State Board of Professional Engineers meet and form a joint legal position that supports the local jurisdictions being the authority on which version of the IECC is used and enforced.

Hodgson addressed the board explaining the position that homebuilders are in due to conflict between NRS 623 and NAC 701. NRS 623 requires compliance to the code of ethics that includes all state laws while NAC 701 requires design professionals to design to the IECC most recently adopted by the state as a minimum standard. Hodgson said that this conflict requires design professionals working in some jurisdictions to decide between passing on a job in that jurisdiction or jeopardize their license by doing business in a manner which conflicts with NRS 701.

Hodgson asked for the board's support in amending NRS 701.220. He presented the following suggested draft language on behalf of the Southern Nevada Home Builders Association.

The ***bolded italics*** text is new language. The text that has been struck through is to be omitted.

NRS 701.220 Adoption of regulations for energy conservation in buildings; exemptions; applicability and enforcement; procedures for adoption.

1. The Director shall adopt regulations for the conservation of energy in buildings, including manufactured homes. Such regulations must include the adoption of the most recent version of the *International Energy Conservation Code*, issued by the International Code Council, and any amendments to the *Code* that will not materially lessen the effective energy savings requirements of the *Code* and are deemed necessary to support effective compliance and enforcement of the *Code*, and must establish the minimum standards for:

- (a) The construction of floors, walls, ceilings and roofs;
- (b) The equipment and systems for heating, ventilation and air-conditioning.
- (c) Electrical equipment and systems;
- (d) Insulation; and
- (e) Other factors which affect the use of energy in a building.

The regulations must provide for the adoption of the most recent version of the *International Energy Conservation Code*, and any amendments thereto, every third year.

2. The Director may exempt a building from a standard if the Director determines

that application of the standard to the building would not accomplish the purpose of the regulations.

3. The regulations must authorize allowances in design and construction for sources of renewable energy used to supply all or a part of the energy required in a building.

4. The standards adopted by the Director are the minimum standards for the conservation of energy and energy efficiency in buildings in this State. ***Except as otherwise***

provided in this section, the governing body of a local government that is authorized by law to adopt and enforce a building code:

(a) Except as otherwise provided in paragraph (b), shall incorporate the standards adopted by the Director in its building code;

(b) May adopt higher or more stringent standards and must report any such higher or more stringent standards, along with supporting documents, to the Director; and

(c) Design professionals that adhere to the building and design codes adopted by the governing body of a local government will be deemed compliant with NRS sections 623 and 625 inclusive;

(d) The Director and any local governing body shall not adopt a code requiring 20 percent less air changes per hour than the requirements of Sections R402.4.1 through R402.4.4 of the 2009 IECC for the applicable climate zone set forth in the International Energy Conservation Code to the jurisdiction by the United States Department of Energy; and

~~(e)~~ ***(e) Shall enforce the standards adopted.***

5. The Director shall solicit comments regarding the adoption of regulations pursuant to this section from: (a) Persons in the business of constructing and selling homes;

(b) Contractors;

(c) Public utilities;

(d) Local building officials; and

(e) The general public,

before adopting any regulations. The Director must conduct at least three hearings in different locations in the State, after giving 30 days' notice of each hearing, before the Director may adopt any regulations pursuant to this section.

6. None of the requirements of this Chapter, or a code or regulation adopted pursuant to this Chapter, shall prevent the Director or a local jurisdiction from approving a program designed to increase energy efficiency of new residential construction through the use of sample inspections.

Board members discussed the proposed bill draft. Ling informed the board that they could support part of the proposed amendment to NRS 701.220 while remaining neutral in regard to other additions and changes.

Motion: Erny moved to approve the authorization of Executive Director Gina Spaulding to enter into discussion of the proposed bill draft to amend NRS 701.220 with the Nevada State Board of Professional Engineers. Upon agreement with the Nevada State Board of Professional Engineers, Spaulding may instruct lobbyists to support the addition of NRS 701.220.4(c). Motion seconded by Tindall.

Vote: All in favor. Motion passes.

Agenda Item 6A-1 Case No. 15-012N – In the Matter of Charles Pick and Basis Architectural & Consulting, Inc.

The respondents are alleged to have violated NRS 623.360.1 (a) and NRS 623.360.1 (b) by holding themselves out as being qualified to practice architecture for a project located in Nevada prior to having a certificate of registration issued by this board.

Staff received a reciprocity application from the respondents. The respondents were asked if they had submitted a proposal or prepared any drawings for a project located in Nevada. The respondents answered that they had issued a proposal however they did not prepare any drawings. Review of the proposal revealed that it was dated December 24, 2014 which was after the respondents had taken the registration quiz twice and answered correctly both times concerning the requirements for submitting a proposal without a certificate of registration.

The respondents were sent a Notice of Investigation/Notice of Charges concerning this project. The respondents' case was discussed with Executive Director Spaulding 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 \$2,500 plus Investigative Costs in the amount of \$1,000.

Staff recommended approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 6A-2 Case No. 15-015N – In the Matter of Mark deReus and deReus Architects, Inc.

The respondents are alleged to have violated NRS 623.360.1 (a), NRS 623.360.1 (b), and NRS 623.360.1 (c) by holding themselves out as being qualified to practice architecture and engaging in the practice of architecture for a project located in Nevada without having a certificate of registration issued by this board.

Staff received a reciprocity application from the respondents. The respondents answered yes on the registration application to the questions that asks if they had performed architectural work for a project located in Nevada. The respondents answered that they had prepared a concept design package. During the reciprocity interview the respondents also admitted to preparing a proposal. A review of the executed proposal and drawings which included a site plan and two floor plans revealed that they were dated August 2014 which was before the respondents had submitted their reciprocity application (October 2014).

The respondents were sent a Notice of Investigation/Notice of Charges concerning this project. The respondents' case was discussed with Executive Director Spaulding 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 \$6,500 plus Investigative Costs in the amount of \$1,000.

Staff recommended approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 6A-3 Case No. 15-016N – In the Matter of George Sarfatty and Sarfatty Associates, Ltd.

The respondents are alleged to have violated NRS 623.360.1(a), NRS 623.360.1(b), and NRS 623.360.1(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 for a project located in Nevada prior to having certificates of registration issued by this board.

Staff received information that the respondents had prepared a set of furniture, fixtures, & equipment (FF&E) plans for a hospitality project located in Nevada. The respondents had just been interviewed for their reciprocity application the week prior and were asked why they were seeking registration in Nevada and if they had performed architectural work for a project located in Nevada. The respondents stated that there was potential for an upcoming project for an existing client (an orthopedic clinic) but that no work had been done. The respondents' file was passed to the executive director and approved when information was received that the respondents had prepared drawings for the Nevada hospitality project.

The respondents were sent a Notice of Charges concerning this project. The respondents' case was discussed with Executive Director Spaulding 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 \$7,500 plus Investigative Costs in the amount of \$1,200.

Staff recommended approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 6B Discussion and Possible Decision Regarding Closure of Enforcement Cases

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

15-007N 15-010N

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

Vote: Garlock and Mickey recused themselves. All others in favor. Motion passes.

AGENDA ITEM 6C Enforcement Report

Bach said there was nothing to report at this time.

Spaulding reported that Bach is doing a great job.

**AGENDA ITEM 7 Review and Possible Approval of the Master Calendar for
FY 2015-2016**

Spaulding reviewed the master calendar for fiscal year 2015-2016 with board members.

Motion: Klai moved to approve the master calendar for FY 2015-2016. Motion seconded by Ciesynski.

Vote: All in favor. Motion passes.

**AGENDA ITEM 8-A Discussion and Possible Decision Regarding the Proposed
Streamlined Changes to the Intern Development Program
(IDP)**

Spaulding said the first phase of approved changes to the IDP will be implemented by NCARB on June 30, 2015. Currently the program requires interns to document 5,600 hours of experience, with 3,740 of those hours as core requirements in specific experience areas. The remaining 1,860 hours are elective hours. Streamlining the IDP will remove the elective hour requirement for NCARB Certification, with interns being required to document only the 3,740 hours in the 17 core experience areas.

Spaulding said that the board needs to make a decision whether or not NSBAIDRD will adopt NCARB's streamlining of the IDP.

The board further discussed this matter, having discussed it at length in prior board meetings.

Motion: Erny moved to adopt NCARB's proposed streamlined changes to the IDP. Motion seconded by Klai.

Vote: All others in favor. Motion passes.

**AGENDA ITEM 8B FYI: NCARB Licensure Task Force's Request for Proposal for
an Accelerated Path to Architectural Licensure**

Garlock said this information was provided for board members' information.

AGENDA ITEM 8C **Discussion and Possible Decision Regarding the Proposed Changes to NCARB's BEA and BEFA Programs**

Erny told board members that information concerning the proposed changes to NCARB's BEA and BEFA programs was in the e-book. He said discussion of these proposed changes would be better served after more regional feedback was received.

AGENDA ITEM 8D **FYI: NCARB CEO Update for January 2015**

Garlock said this information was provided for board members' information.

AGENDA ITEM 8E **FYI: NCARB's Statement to Member Boards regarding the American Board of Architecture**

Garlock said this information was provided for board members' information.

AGENDA ITEM 8F **FYI: NCARB Candidate Announcements for the 2015-16 Board of Directors**

Garlock said this information was provided for board members' information.

AGENDA ITEM 9 **Residential Design Issues**

Spaulding reported that the eight candidates taking the rewritten version of the residential design exam in February scored slightly higher overall compared to candidates taking the previous version of the exam.

Spaulding said that the Residential Design Exam Committee needs to meet once more to update the first set of residential design exams to 2012 code. Harrison said that the study guide would need to be updated simultaneously. Tindall agreed.

Spaulding told board members that she would like to tell exam candidates that they may tab their code books for use during the exam. The board agreed.

AGENDA ITEM 10 **Registered Interior Design Issues**

Ciesynski said that she spoke to the Utah Architects Licensing Board concerning the content of the NCIDQ exam. She said that she would like to speak to other state boards so that when registered interior design is brought to those states, they will already have an understanding of the NCIDQ.

AGENDA ITEM 11 Continuing Education Committee Report and Possible Decision Regarding Sponsorships for the Future NSBAIDRD/AIA Continuing Education Events

Spaulding reported that the Continuing Education Committee met Thursday, February 26, 2015 to plan the 2015 NSBAIDRD/AIA Continuing Education Seminar and discuss sponsorships for seminars. Committee members in attendance were Garlock, Mickey, Spaulding and Randy Lavigne of AIA Nevada. Harrison and Hahn were also in attendance.

Spaulding said the location and date of the seminar had been set by AIA Nevada. The speakers for the seminar were agreed upon at the committee meeting pending the board's approval of sponsorship.

On behalf of the committee, Spaulding proposed to the board that it allow sponsorship for the 2015 NSBAIDRD/AIA Continuing Education Seminar. If the sponsorship is successful, the board could decide to continue having seminar sponsors in years to come. Spaulding said policy would need to be set up to regulate sponsorship if the board chose to have seminar sponsors.

Spaulding said that the AIA Nevada would be responsible for handling all funds received from the sponsorship. The funds would be placed in an account reserved exclusively for funding the biannual NSBAIDRD/AIA Nevada continuing education seminars.

The board discussed various ideas concerning sponsorship of continuing education seminars.

Erny suggested that the locations of the seminars be switched to accommodate the weather. The spring seminar would then be held in Reno and the winter seminar in Las Vegas. Spaulding said it is too late into planning to change the locations this year but it is possible for next year.

Motion: Snyder moved to allow one vendor to have exclusive sponsorship of the 2015 NSBAIDRD/AIA Nevada Continuing Education Seminar. The sponsor must be willing to host the seminar at both locations, will not receive email addresses of seminar attendees, and must keep the educational environment free from marketing influences. The attendee registration fee for each location will be thirty dollars. Motion seconded by Ciesynski.

Vote: All in favor. Motion passes.

AGENDA ITEM 13 Board Counsel Report

Ling told the board that he is keeping a close watch on the 2015 Nevada Legislative Session on behalf of NSBAIDRD and the other boards he represents.

AGENDA ITEM 14 Public Information Report

Hahn told the board that the latest issue of *Focus* was provided to them in the e-book and that the next issue would be published in April.

Hahn said she accompanied Spaulding at the Concurrent Licensure Seminar held by AIA Las Vegas on February 12. Spaulding was the featured speaker.

AGENDA ITEM 12 Executive Director Report

Spaulding announced that the next board meeting will be held on June 10 in Las Vegas. The NCARB Regional Summit will be held in Long Beach, California next week.

Spaulding said the transition to the new database has caused a slight delay in the mailing of 2015 notification of lapsed Nevada registration letters. The letters will be mailed this week. She reported that out of 3,000 registrants, 225 had not yet renewed.

Spaulding informed the board that registrants randomly selected for audit of 2014 continuing education units would be mailed letters of notification next week. She said board members will also be sent notices of audit at that time.

Spaulding addressed the board saying that she has set a date for her retirement. She will retire in September of 2016, giving the board 18 months of notice. She said she is willing to assist the board with a transition plan.

Board members thanked Spaulding for her many years of dedication to the board.

AGENDA ITEM 15 Items for Future Agenda

- Update on 2015 Nevada Legislative Session
- Rule changes for RID binders and continuing education audits

AGENDA ITEM 16 Public Comment

There was no public comment.

Chairman Garlock adjourned the meeting at 02:28 p.m.

Gina Spaulding, Executive Director

Jim Mickey, Secretary/Treasurer