

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

October 14-15, 2008

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

Tuesday, October 14, 2008

Chairman George Garlock called the meeting to order at 8:44 a.m.

Roll Call: Judith Fermoile, George Garlock, Larry Henry, John Klai, JoAnn Oppenheimer Gore, Derrell Parker, Bill Snyder and Larry Tindall. Greg Erny was excused.

Also in attendance: Gina Spaulding, Executive Director; Betty Ruark, Chief Investigator; Dianna Hegeduis, Legal Counsel; Monica Harrison, staff.

AGENDA ITEM 1 Approval of consent agenda

Consent agenda included the following:

- A. Approval of agenda
- B. Approval of minutes: August 13, 2008
- C. Secretary/Treasurer report
 - 1. Nevada architect, registered interior designer and residential designer licensing statistics
 - 2. Smith Barney quarterly statement; Bank of America and Community Bank monthly statements
- D. Ratification of reciprocal licenses (see list below)
- E. Firm name approval requests
 - 1. Andrea Volf Interiors
 - 2. Cubellis Nevada, Inc.
 - 3. Gardner Design
 - 4. Js Interiors Group
 - 5. JEG Architecture Nevada, Inc.
 - 6. KML Designs
 - 7. Trupiano Commercial Interiors, LLC
 - 8. David M. Schwarz Architects, Inc.”
 - 9. MD Architecture & Design
 - 10. SGH Inc.
- F. Firm registration approval requests
 - 1. WMB Architects Inc.
 - 2. Robert A.M. Stern Architects, LLP
 - 3. TANDEM NEVADA INC.
 - 4. TAG International, LLP
 - 5. AMAA Nevada, Inc.
 - 6. FOCUS PLANNING & DESIGN, LLC

Architects: Registration by reciprocity

6256	Gary C. Roberts	6269	Frank W. Hailey	6282	John N. Thompsen
6257	Crystal Barriscale	6270	Kim Larsen	6283	Lori M. Treboldi
6258	Grover C. Bryan	6271	Gregory J. Lorusso	6291	Olvia D. Adamstein
6259	Robert L. Carli, Jr.	6272	John T. Campo, Jr.	6292	Anthony J. Atkin
6260	David J. Evans	6273	Lloyd Fruchtman	6293	Thomas E. Bowe
6261	Steven R. Graves	6274	Dominique Gobbell	6294	Steven C. Carver
6262	Michael R. Howard	6275	Michael J. Habel	6295	Cornelius R. DuBois
6263	Michael D. Jones	6276	Richard B. Hall	6296	Christopher Ganiere
6264	Douglas L. McCord	6277	Ulysse G. McCann	6297	Mark R. McKechnie

6265	David W. Ohlemeyer	6278	James E. Stone	6298	Patrick J. Morabito
6266	David S. Urffer	6279	Henry C. Onochie	6299	Grant A. Simpson
6267	David L. Wallace, Jr.	6280	Gregory J. Somjen	6300	Charles J. Wyse
6268	Joseph H. Donovan	6281	James D. Coles		

Residential designers: Registration by reciprocity

284-P David L. Harris

Spaulding said that items 1E-1, 1E-4, 1E-6 and 1F-3 should be pulled from the consent agenda and held until after the new registrants are sworn-in. Board members requested agenda items 1B, 1E-10, 1F-1, 1F-2, 1F-4 and 1F-5 be pulled from the consent agenda.

Motion: Klai moved to approve the consent agenda, items 1A, 1C, 1D, 1E-2, 1E-3, 1E-5, 1E-7, 1E-8, 1E-9 and 1F-6. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 1B Approval of minutes: August 13, 2008

Tindall said Page 7, Agenda Item 7, regarding the continuing education regulation, should reflect that it was not passed unanimously, as he voted against it. Spaulding said she remembers that Henry voted against it was well. She said the correction would be made.

Motion: Snyder moved to approve the August 13, 2008 minutes with that correction. Motion seconded by Tindall.

Vote: All in favor. Motion passes.

AGENDA ITEM 1E-10 Firm name approval request: SGH Inc.

Motion: Klai moved to approve the firm name "SGH Inc." Motion seconded by Fermoile.

Spaulding said that the corporate list of officers does not list any Nevada registrants. She said that she has a call into the registrant for clarification, but she has not received a return call.

Henry said that was one of his concerns as well. Additionally he questioned its status as a foreign corporation. Spaulding explained when a foreign corporation registers with the Secretary of State, it must register using the home company name. If that name does not comply with this board's regulations, the firm can then amend the name, such as to use an acronym.

Garlock tabled the item for further clarification.

AGENDA ITEM 1F-1 Firm registration approval request: WMB Architects Inc.

Motion: Parker moved to approve the firm registration "WMB Architects Inc." Motion seconded by Fermoile.

Garlock said that a non-registrant holds the title of Associate Architect. Spaulding said the letter would clarify he cannot use that title in Nevada.

Vote: All in favor. Motion passes.

AGENDA ITEM 1F-2 Firm registration approval request: Robert A.M. Stern Architects, LLP

Motion: Klai moved to approve the firm registration “Robert A.M. Stern Architects, LLP.” Motion seconded by Parker.

Klai said there are a number of individuals listed under this entity; he said Mr. Stern is not on the list. Spaulding said it is a list of owners not registered in Nevada and Mr. Stern is a registrant.

Vote: All in favor. Motion passes.

AGENDA ITEM 1F-4 Firm registration approval request: TAG International LLP

Motion: Klai moved to approve the firm registration “TAG International LLP.” Motion seconded by Fermoile.

Klai said it appears a nonregistrant is the “go to guy.” Board members said it needs to be clear who can perform professional services in Nevada. Spaulding said she would remind the registrant about Nevada law.

Vote: All in favor. Motion passes.

AGENDA ITEM 1F-5 Firm registration approval request: AMAA Nevada, Inc.

Motion: Klai moved to approve the firm registration “AMAA Nevada, Inc.” Motion seconded by Fermoile.

Fermoile said the ownership does not add up to 100 percent. Board members directed staff to call the registrant to see if he could send correct information before the board meeting concludes.

Garlock tabled the item.

AGENDA ITEM 2 Public workshop for LCB R154-08, proposed adoption of regulations pertaining to Chapter 623 of the NAC regarding continuing education

A workshop was held to solicit comments on the proposed adoption of regulations requiring continuing education. 23 people attended the workshop to listen to the board discussions.

Spaulding explained that the purpose of today’s workshop is to receive comments from the public. Tomorrow a public hearing will be held, during which the board may make amendments to the proposed regulation and approve, or not approve, the regulation. She said the Legislative Commission has final approval of the regulation.

Spaulding said that she wanted to clarify, as Erny did at the last board meeting, that the two hours of building code related research and learning may be earned in a work setting, and may be structured or unstructured.

David Walliser, a registered architect, registered his opposition to the proposed regulation. He said it is an economic issue for him. He added that he supports continuing education, but does not think the board should mandate it.

Spaulding said that the board was very cognizant of the potential costs to registrants and will be making a concerted effort to inform registrants of free and low-cost education opportunities.

Tindall said that he would vote against the proposed regulation.

There were no further comments on the proposed regulation. Garlock closed the workshop for LCB File No. R154-08.

AGENDA ITEM 11A-7 Case No. 04-004N – In the matter of Charles Gruwell

The respondent is alleged to have violated NRS 623.360.1(a)(b)(c) by holding himself out as being qualified to provide architectural registered interior design services for multiple projects, and by engaging in the practices of architecture and registered interior design, without having a certificate of registration issued by the board.

A settlement agreement was negotiated incorporating a Guilt Clause, an administrative penalty of \$330,000 and investigative costs in the amount of \$6,200. All penalties and costs will be waived based upon respondent's filing of Chapter 7 Bankruptcy and assurances that he will not perform any of the services of a registered interior designer or architect in the state of Nevada without first obtaining registration from the board. Staff recommends approval of the settlement agreement.

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

Beverly Salhanick, attorney for Mr. Gruwell, was in attendance.

Hegeduis explained that since the time investigative staff filed a complaint, Mr. Gruwell has filed for Chapter 7 Bankruptcy. She went on to explain that Chapter 7 means a total liquidation of assets, with all debts discharged, so the board would not be able to collect on a judgment. Hegeduis said that in this situation, the best way to protect the public was to add the "Additional Terms" clause to the settlement agreement, which requires Mr. Gruwell to contact the board if he is considering any future projects in Nevada. Mr. Gruwell must advise the board of the potential scope of a project and find out if it is within the scope of regulated practice for an architect or registered interior designer.

Board members discussed alternatives to the current settlement agreement.

Hegeduis noted that the settlement agreement was dated incorrectly; it should read October 9, 2008, not October 10.

Vote: Garlock, Oppenheimer Gore, Parker, Tindall and Snyder in favor. Fermoile and Henry opposed. Klai recused himself. Motion passes.

AGENDA ITEM 3 Formal contested administrative hearing – In the matter of Charles Gruwell, Case No. 04-004N, consideration and adjudication of the complaint alleging violations of NRS 623.0225, NRS 623.0123, NRS 623.026, NRS 623.360 and NRS 623.365

Garlock said this item was no longer needed, as the case was settled under the previous item.

AGENDA ITEM 4 Discussion regarding status of board's 2009 Legislative BDRs

Spaulding reminded board members that the board submitted three bill draft requests (BDRs). She said in August she heard from the governor's office that the housekeeping and emeritus status requests had been combined into one bill, while the BDR for written contracts was denied. The governor's office stated that while written contracts were good business practice, they should not be mandatory.

Spaulding said if the board wished to go forward with a bill requiring written contracts, it would have to find a legislator to introduce the bill. Board members said that was not necessary at this time.

Spaulding said that the engineer's board is pursuing requiring written contracts. Ruark said the requirement will be included in the engineers' code of conduct.

AGENDA ITEM 1F-5 Firm registration approval request: AMAA Nevada, Inc.

Garlock recalled the item.

Garlock said staff received a revised application with corrected ownership percentages.

Motion: Snyder moved to approve the firm registration "AMAA Nevada, Inc." Motion seconded by Fermoile.

Vote: All in favor. Motion passes.

AGENDA ITEM 11A-1 Case No. 07-108N – In the matter of Douglas Andresen

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 by engaging in the practice of architecture, for a commercial project in Las Vegas, without having a certificate of registration issued by the board.

Staff received an anonymous complaint regarding a company that was calling around to find an architect to seal drawings for a high-end car rental project called Voyager Classics. Staff reviewed the Clark County Development Services website and located a planning document submitted to the building department that contained drawings for Voyager Classics, which were prepared by the respondent. Further investigation revealed that the respondent entered into an agreement to provide services that fall under the practice of architecture.

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 the issue informally rather than face a disciplinary hearing before the board. A settlement agreement was negotiated incorporating a Guilt Clause, an administrative penalty of \$5,000 and investigative costs in the amount of \$1,600. Staff recommends approval of the settlement agreement.

Motion: Parker moved to approve the settlement agreement. Motion seconded by Fermoile.

Vote: All in favor. Motion passes.

AGENDA ITEM 11A-2 Case No. 08-032N – In the matter of Richard Telford

The respondent is alleged to have violated NRS 623.360(1)(a)(b) by holding himself and his firm out as being qualified to provide services that fall under the practice of architecture by stating that he was licensed in Nevada and listing his expired certificate of registration on his website.

The respondent was previously interviewed in regards to a related case and it was noted at the time that his website, located at bartosikandtelford.com, listed him as holding Nevada certificate of registration #1841. A review of the database revealed that the respondent's certificate had expired on December 31, 1997. Subsequent investigation revealed that the respondent had also been advertising in the Lake Tahoe and western Nevada area telephone directories.

The respondent was sent a Notice of Charges concerning this project and a letter of response was received. The respondent's case was discussed with Chief Investigator Ruark and the decision was made to offer the respondent an opportunity to settle this issue informally rather than face a disciplinary hearing before the board. A settlement agreement was negotiated incorporating a Guilt Clause, an administrative penalty of \$1,500 and investigative costs in the amount of \$1,000. Staff recommends approval of the settlement agreement.

Motion: Oppenheimer Gore moved to approve the settlement agreement. Motion seconded by Snyder.
Vote: All in favor. Motion passes.

AGENDA ITEM 11A-3 Case No. 08-039R – In the matter of Sam Ng

The respondent is alleged to have violated NRS 623.270(1)(f) and NRS 623.360(1)(a) by holding himself out as being qualified to practice architecture for a 49-unit condominium project prior to obtaining his certificate of registration issued by the board.

During the investigation of a related case it was revealed that the respondent held himself out as being qualified to practice architecture by meeting with the client and discussing the project, the 323 Residences in Lake Tahoe, Nevada, without having a certificate of registration. Staff received a copy of an email from the developer/client, addressed to the consultants chosen to work on the project and the respondent, which showed the respondent being involved in the project prior to him receiving his registration.

The respondent was sent a Notice of Charges concerning this project and a letter of response was received. The respondent's case was discussed with Chief Investigator Ruark and the decision was made to offer the respondent an opportunity to settle this issue informally rather than face a disciplinary hearing before the board. A settlement agreement was negotiated incorporating a Guilt Clause, an administrative penalty of \$2,500 and investigative costs in the amount of \$1,500. Staff recommends approval of the settlement agreement.

Motion: Klai moved to approve the settlement agreement. Motion seconded by Henry.
Vote: All in favor. Motion passes.

AGENDA ITEM 11A-4 Case No. 08-044N – In the matter of Toni Loren

The respondent is alleged to have violated NRS 623.360(1)(a)(b) by disseminating a proposal and by holding herself out as being qualified to provide services that fall under the practices of architecture and residential design, without having been issued a certificate of registration by the board.

Staff received an anonymous complaint alleging that the respondent and her firm had disseminated a proposal, dated December 17, 2007, to offer services for a two-phase home remodel, which included the preparation of design drawings and plans ready for engineering and permit submittal.

The respondent was sent a Notice of Charges concerning this project and a letter of response was received. The respondent's case was discussed with Chief Investigator Ruark and the decision was made to offer the respondent an opportunity to settle this issue informally rather than face a disciplinary hearing before the board. A settlement agreement was negotiated incorporating a Guilt Clause, an administrative penalty of \$1,500 and investigative costs in the amount of \$1000. Staff recommends approval of the settlement agreement.

Motion: Parker moved to approve the settlement agreement. Motion seconded by Tindall.
Vote: All in favor. Motion passes.

AGENDA ITEM 11A-5 Case No. 09-012N – In the matter of Gene Fong

The respondent is alleged to have violated NRS 623.360(1)(a)(b) by holding himself out as being qualified to provide services that fall under the practices of architecture, registered interior design and residential design, without having a certificate of registration issued by the board.

In preparation to conduct a reciprocity interview with the respondent, board staff discovered that the biography page on the respondent's website, located at www.gfaarchitects.com, listed him as a registered architect in Nevada. A review of the board database revealed that the respondent had applied for a Nevada certificate of registration in October 2001; however, he did not complete the application process and his file was purged in May 2003. The respondent explained that in anticipation of receiving his Nevada registration back in 2001, he had added the information to his website, but never removed it.

The respondent was sent a Notice of Charges concerning this project and a letter of response was received. The respondent's case was discussed with Chief Investigator Ruark and the decision was made to offer the respondent an opportunity to settle this issue informally rather than face a disciplinary hearing before the board. A settlement agreement was negotiated incorporating a Guilt Clause, an administrative penalty of \$3,000 and investigative costs in the amount of \$1,200. Staff recommends approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 11A-6 Case No. 09-013N – In the matter of Matthew Molsberry

The respondents are alleged to have committed five violations of NRS 623.360(1)(a), five violations of NRS 623.360(1)(b) and two violations of NRS 623.360(1)(c) by holding themselves out as being qualified to practice architecture, and by engaging in the practice of architecture, for multiple Nevada projects without having a certificate of registration issued by the board.

During the background investigation of reciprocity applicant Matthew Molsberry, five Nevada projects were discovered on the firm's website, Visioneering Studios, Inc. Further investigation revealed that the firm had presented a proposal, entered into an agreement to provide services that fall under the practice of architecture, and prepared preliminary drawings for two church projects in Nevada.

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 Guilt Clause, an administrative penalty of \$22,500 and investigative costs in the amount of \$2,000. Staff recommends approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 11B Discussion and possible decision regarding closure of enforcement cases

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

04-025N	08-001N	08-052N	08-071N
07-045N	08-018R	08-066R	08-072N
07-068N	08-022N	08-067N	08-090N
07-071R	08-027N	08-068N	09-015N

Motion: Parker moved to close the above-referenced cases. Motion seconded by Henry.

Vote: All in favor. Motion passes.

AGENDA ITEM 11D-2 Northern Nevada building department trip report

Ruark said the trip report was in the board members' agenda books.

The board adjourned for lunch.

AGENDA ITEM 11D-1 Letter from Joyen Vakil at MGM Design Group

Ruark told board members that this letter stemmed from an enforcement case. Board members said they were concerned about the MGM properties that do not use MGM Design Group and are not under Mr. Vakil's control. They directed staff to find out who is in charge of design at the other properties and educate them about Nevada law.

AGENDA ITEM 1E-10 Firm name approval request: SGH Inc.

Garlock recalled the item, tabled earlier in the meeting. Spaulding gave board members the updated corporate paperwork.

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

AGENDA ITEM 11C Discussion and possible decision regarding board interpretation of NRS 623.330(1)(d) and NAC 623.0195

Ruark told the board that staff is starting to hear of many instances of contractors going out of business and not completing construction of projects they have also designed. Some building departments have asked this board how to handle these scenarios since the plans, which were prepared under the contractor's exemption in NRS 623.330(1)(d), have already been approved and construction is underway. Building departments want to know if a second contractor can build from the approved plans, or if he must submit new plans.

Board members said that the exemption (NRS 623.330(1)(d) and NAC 623.0195) is very restrictive and specific in its intent. Board members went on to say that the phrase "for his own construction activities" means the entire project, not only portions thereof. Board members said that the exemption is strictly construed and is not transferable to another contractor.

Board members said that the client is taking a risk if he hires a contractor to design and build his project. They said if a client has a partially built project that was designed by a contractor under the contractor's exemption, regardless of the percent completed, he has two options for proceeding. First, the client may hire an architect or residential designer to design the un-built portions of the project, and then hire a new contractor to complete the construction. Second, the client can hire a new contractor to redesign the entire project (built and un-built) and then build it, as allowed in NRS 623.330(1)(d).

Board member said that it is important to get this information out to the public, especially consumers who may be considering design-build projects. They suggested adding a question in the *2009 Blue Book*.

Motion: Snyder moved to interpret NRS 623.330(1)(d) to say that it is strictly construed and not transferable to another contractor.

Motion seconded by Fermoile

Vote: All in favor. Motion passes.

AGENDA ITEM 13A **FYI: NCARB press release regarding the six-month rule for interns who begin an NCARB Record on or after July 1, 2009**

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

AGENDA ITEM 13B **FYI: NCARB Fast Facts October 2008**

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

AGENDA ITEM 14A **Discussion and possible decision regarding board positions on the proposed NCIDQ bylaw revisions to be voted on at the 2008 Council of Delegates meeting on November 14-15, 2008**

Spaulding said the two proposed bylaw revisions are benign. The first revises the definition of "provincial board." The second makes changes to comply with other sections of the bylaws.

Board members had no comments on the proposed revisions.

AGENDA ITEM 14B **FYI: NCIDQ 2008 board nominees' CVs for November 2008 Council of Delegates meeting in Kansas City**

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

AGENDA ITEM 14C **FYI: BOD meeting minutes for June 2008 and July 2008; Council of Delegates teleconference meeting minutes for September 2008**

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

AGENDA ITEM 14D **FYI: NCIDQ Council of Delegates meeting, November 14-15, 2008, Kansas City**

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

AGENDA ITEM 15 **Executive director report**

Spaulding said the legislative town hall meeting scheduled for northern Nevada is October 29. Northern Nevada board members should plan to attend.

Spaulding said that the letter requesting reappointment of board members Erny, Garlock and Klai was in the board agenda books. She said she spoke to the governor's staff member recently and he said the decisions for reappointments would be forthcoming.

Spaulding reported that staff is currently tracking 69 bill draft requests. The list is in the agenda books.

Spaulding said that at the last meeting, the board requested a letter be sent to churches regarding hiring a licensed design professional. The draft is now before the board for feedback. Board members offered suggestions and edits. A revised draft will be presented at the January board meeting.

Spaulding suggested a date be set for a committee meeting regarding NAC 623.840. The committee members are Erny, Fermoile, Garlock and Parker. A tentative meeting was set for November 18.

AGENDA ITEM 16 Public information report

Spaulding gave the report, as Hatfield was not in attendance. She said that the board agenda books include the latest copy of *Focus* newsletter, message tracking for the newsletter, a copy of the Ohio board’s newsletter (with a reprint of the “Don’t be a shill” article) and the latest column in *Builder/Architect* magazine.

AGENDA ITEM 17 FYI: Thank you card from Yvonne Lewis to the board

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

AGENDA ITEM 18 Election of officers

Motion: Henry moved to elect George Garlock to be NSBAIDRD Chairman and Bill Snyder to be NSBAIDRD Secretary/Treasurer. Motion seconded by Parker.

Vote: All in favor; motion passes.

Chairman Garlock adjourned the meeting at 5:00 p.m.

* * * * *

Wednesday, October 15, 2005

Chairman Garlock called the meeting to order at 9:05 a.m.

Roll Call: Judith Fermoile, George Garlock, Larry Henry, John Klai, JoAnn Oppenheimer Gore, Derrell Parker and Bill Snyder. Greg Erny and Larry Tindall were excused.

Also in attendance: Gina Spaulding, Executive Director; Betty Ruark, Chief Investigator; Dianna Hegeduis, Legal Counsel; Monica Harrison, staff.

AGENDA ITEM 6: Items carried over from Tuesday, October 14, 2008

Garlock said that items 1E-1, 1E-4, 1E-6 and 1F-3 were carried over from yesterday. He said those items would trail Agenda Item 7.

AGENDA ITEM 7A Deliberations/Action on applications for registration: Architectural

Snyder swore in the following individuals as architects:

- 1. Paul A. Cavin..... 6284
- 2. Eduardo Cervanted 6285
- 3. Craig H. Lucas..... 6286
- 4. Jagandeep Singh 6287
- 5. Christopher A. Teachman..... 6288
- 6. Duan H. M. Tran 6289
- 7. Catherine Wines 6290

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

Vote: All in favor. Motion passes.

AGENDA ITEM 7B Deliberations/Action on applications for registration: Registered interior design

Snyder swore in the following individuals as registered interior designers:

1. Ramona K. Burns 155-ID
2. Kimberly A. Daoust..... 156-ID
3. Ja E. Haddad..... 157-ID
4. Kara M. Lohrengel 158-ID
5. Joseph Sacco..... 159-ID
6. Andrea Volf..... 160-ID
7. Christina C. dos Santos. 161-ID
8. Sheila M. Glennie 162-ID

Motion: Parker moved to approve the registration of the above referenced individuals as registered interior designers. Motion seconded by Henry.

Vote: All in favor. Motion passes.

Garlock asked if the new registrants had any comments about the registration process. No comments were offered.

AGENDA ITEM 1E-1 Firm name approval request: Andrea Volf Interiors

Motion: Henry moved to approve the firm name “Andrea Volf Interiors.” Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 1E-4 Firm name approval request: Js Interiors Group

Motion: Klai moved to approve the firm name “Js Interiors Group.” Motion seconded by Fermoile.

Vote: All in favor. Motion passes.

AGENDA ITEM 1E-6 Firm name approval request: KML Designs

Motion: Parker moved to approve the firm name “KML Designs.” Motion seconded by Fermoile.

Vote: All in favor. Motion passes.

AGENDA ITEM 1F-3 Firm registration approval request: TANDEM NEVADA INC.

Motion: Klai moved to approve the firm registration “TANDEM NEVADA INC.” Motion seconded by Snyder.

Spaulding cautioned that the registrant must be in responsible control of the regulated work.

Vote: All in favor. Motion passes.

AGENDA ITEM 8 **Presentation of audit results for Fiscal Year End 2008 – Christy Andersen, CPA, Bradshaw, Smith & Co., LLP**

Christy Andersen, accountant for Bradshaw, Smith & Co., LLP, presented the FY 2007-08 audit results to the board.

Motion: Oppenheimer Gore moved to accept the audit results for Fiscal Year End 2008. Motion seconded by Fermoile.

Vote: All in favor; motion passes.

AGENDA ITEM 5 **Public hearing regarding LCB file R154-08, possible adoption of regulations pertaining to NAC 623 regarding continuing education requirements**

A public hearing was held to solicit comments on proposed adoption of regulations pertaining to NAC 623 regarding continuing education requirements. Spaulding said the workshop for these proposed changes was held on October 14, 2008.

There was no public present to offer comments, nor were any written comments received prior to the public hearing.

Motion: Klai moved to approve LCB file R154-08. Motion seconded by Oppenheimer Gore.

Vote: Fermoile, Garlock, Klai, Oppenheimer Gore, Parker and Snyder. Henry opposed. Motion passes.

AGENDA ITEM 10 **Discussion and possible decision regarding application of Robert Brown for architectural reciprocal registration**

Spaulding said this is a case where there has been disciplinary action taken against the applicant, as well as possible character issues. Mr. Brown appeared before the board and answered questions about the disciplinary and court actions.

Mr. Brown answered board member questions regarding his previous disciplinary and court actions. All actions have been resolved satisfactorily. Mr. Brown holds and NCARB certificate, as well as architectural licenses for Arizona, Colorado and Texas. After thoroughly reviewing Mr. Brown's application and receiving acceptable answers to their questions, the board members accepted his application for licensure in Nevada.

Motion: Parker moved to approve the reciprocal registration for Robert Brown. Motion seconded by Fermoile. **Vote:** All in favor. Motion passes.

AGENDA ITEM 12

Formal contested administrative hearing – In the matter of Nolan Carl, Case Nos. 06-028N and 07-046N, consideration and adjudication of the complaint alleging violations of NRS 623.023, NRS 623.360 and NRS 623.365

A formal hearing was held in the matter of Nolan Carl, Case Nos. 06-028N and 07-046N. Mr. Carl does not have a certificate of registration issued by this board. The respondent was alleged to have violated NRS 623.360(1)(a) by holding himself out to the public or soliciting business as an architect in Nevada, NRS 623.360(1)(b) by advertising or putting out a device to the public that he was an architect, or that he was otherwise qualified to engage in the practice of architecture, and NRS 623.360(1)(c) by engaging in the practice of architecture. All violations are alleged on four separate projects.

In attendance:

David Newton, Counsel to the Board
Dianna Hegeduis, Prosecuting Attorney

Witnesses for the prosecution:

Richard Threlfall
Valery Volostnykh
Laura Bach, NSBAIDRD Investigator

The counts brought against Nolan Carl are as follows:

Dolphin Court Day Spa

By holding himself out to the general public as if he is qualified to practice architecture, soliciting business as an architect, and practicing architecture without a certificate of registration issued by the board, respondent has violated NRS 623.360(1)(a)(b) and (c).

Testimony was heard and evidence was introduced into the record, which substantiated the allegations against Respondent Nolan Carl.

Motion: Klai moved that the State had proven allegations 9 through 14 of the complaint. Motion seconded by Parker.

Vote: All in favor. Motion passes.

Paseo Verde Project

By holding himself out to the general public as if he is qualified to practice architecture, soliciting business as an architect, and practicing architecture without a certificate of registration issued by the board, respondent has violated NRS 623.360(1)(a)(b) and (c).

Testimony was heard and evidence was introduced into the record, which substantiated the allegations against Respondent Nolan Carl.

Motion: Klai moved that the State had proven allegations 15 and 17 through 20 of the complaint. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Stetson Ranch Project

By holding himself out to the general public as if he is qualified to practice architecture, soliciting business as an architect, and practicing architecture without a certificate of registration issued by the board, respondent has violated NRS 623.360(1)(a)(b) and (c).

Testimony was heard and evidence was introduced into the record, which substantiated the allegations against Respondent Nolan Carl.

Motion: Klai moved that the State had proven allegations 16 through 20 of the complaint. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Maryland Parkway at Levi Project

By holding himself out to the general public as if he is qualified to practice architecture, soliciting business as an architect, and practicing architecture without a certificate of registration issued by the board, respondent has violated NRS 623.360(1)(a)(b) and (c).

Testimony was heard and evidence was introduced into the record, which substantiated the allegations against Respondent Nolan Carl.

Motion: Klai moved that the State had proven allegations 21 through 24 of the complaint. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Motion: Klai moved to impose an administrative fine of \$40,000 (\$10,000 per project). Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Motion: Klai moved to refer the matter to the District Attorney's Office for criminal prosecution. Motion seconded by Parker.

Vote: All in favor. Motion passes.

Motion: Klai moved to refer the matter to the Attorney General's Office for pursuit of an injunction and to order Mr. Carl to pay all costs and fees associated with the investigation and hearing. Motion seconded by Oppenheimer Gore.

Vote: All in favor. Motion passes.

AGENDA ITEM 19 Items for future agenda

- Future implementation of IDEP
- Discussion on how to best protect the public against unlicensed individuals doing residential design and regulated areas of residential interior design

AGENDA ITEM 20 Public comment

There was no public comment.

Chairman Garlock adjourned the meeting at 3:05 p.m.

William Snyder, Secretary/Treasurer

Gina Spaulding, Executive Director