

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

**January 19, 2011**

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

**Wednesday, January 19, 2011**

Chairman Bill Snyder called the meeting to order at 9:35 a.m.

Roll Call: Kimberly Ciesynski, Greg Erny, George Garlock, John Klai, JoAnn Oppenheimer, William Snyder Sean Tanner and Larry Tindall. John Klai and Larry Henry were excused.

Also in attendance: Gina Spaulding, Executive Director; Louis Ling, Legal Counsel; Betty Ruark, Chief Investigator; Monica Harrison and Stacey Hatfield, staff.

**AGENDA ITEM 1          Approval of consent agenda**

Consent agenda included the following:

- A. Approval of agenda
- B. Approval of Minutes: October 12, 2010
- C. Secretary/Treasurer Report
  - 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
  - 2. Bank of America, Wells Fargo, Smith Barney monthly statements and December 2010 quarterly report
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
  - 1. Dx Dempsey, Inc.
  - 2. Erik Chudy Architecture, LLC
  - 3. GS&P/NV, P.C.
  - 4. Michael Koch Architect, PC
  - 5. Stacey Crowley Consulting
  - 6. RFT DESIGN
  - 7. Big Trout, Inc.
  - 8. JAM RESIDENTIAL DESIGN & DRAFTING
  - 9. SRSS of Nevada, Inc.
  - 10. rasa, LLP
  - 11. NJRA Architects, Inc.
  - 12. Varnish Design
- F. Firm Registration Approval Requests
  - 1. Dalton, Steelman, Arias & Associates LLC
  - 2. Aria Group Architects, Inc.
  - 3. SH Architecture
  - 4. AVENUE INTERIOR DESIGN

**Architects: Registration by reciprocity**

6605	Thomas L. Hysell	6611	Scott A. Bohning	6617	Katherine A. Ryan
6606	Michele B. Dempsey	6612	Richard D. Johnson	6618	Selvam Rajavelu
6607	Robert D. Henry	6613	Clarence D. Mamuyac, Jr.	6619	Kevin A. Mass
6608	Sean M. Bogart	6614	Benjamin H. Baird	6627	Linda Auriemma-McKay
6609	Robert L. Bostwick	6615	Victor J. Dominelli	6628	Charles R. Green
6610	Ralph S. Gentile	6616	Michael A. Gardner	6629	Raul C. Rakela

Board members requested agenda items 1E-8, 1E-9, 1E-12 and 1F-4 be pulled from the consent agenda.

**Motion:** Tindall moved to approve the consent agenda, items 1A through 1E-7, 1E-9 through 1E-11, and 1F-1 through 1F-3. Motion seconded by Erny.

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

**AGENDA ITEM 1E-8 Firm name approval request: JAM RESIDENTIAL DESIGN & DRAFTING**

**Motion:** Erny moved to approve the firm name request for “JAM RESIDENTIAL DESIGN & DRAFTING.” Motion seconded by Tindall.

Erny said a reminder should be sent with the approval letter cautioning the registrants that they may only provide drafting services for other registrants.

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

**AGENDA ITEM 1E-9 Firm name approval request: SRSS of Nevada, Inc.**

**Motion:** Erny moved to approve the firm name request for “SRSS of Nevada, Inc.” Motion seconded by Tanner.

Erny asked what SRSS means. Spaulding said the firm was originally approved in 1999 and this was merely a change in ownership.

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

**AGENDA ITEM 1F-4 Firm name registration approval request: AVENUE INTERIOR DESIGN**

**Motion:** Erny moved to approve the firm name registration request for “AVENUE INTERIOR DESIGN.” Motion seconded by Tindall.

Erny said a reminder should be sent cautioning the nonregistrants that they should be careful not to hold themselves out as registered interior designers.

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

**AGENDA ITEM 3A-1 Case No. 11-003N – In the matter of Debra Post and Post Design, LLC**

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

The respondent is alleged to have violated NRS 623.360.1(a)(b)(c) by holding herself out as being qualified to practice registered interior design for a retail store located in Las Vegas, Nevada without having a certificate of registration issued by the board.

During the investigation of a related case (11-002N) it was discovered that an unlicensed interior designer, Debra Post, disseminated a proposal and prepared preliminary drawings for a retail store in the Cosmopolitan Hotel. Further investigation revealed that Post also specified the furniture and fixtures and suggested the amount and layout of the fixtures.

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 No Contest Clause, an Effect on Licensure Clause, an administrative penalty of \$5,000 and investigative costs in the amount of \$1,200. Staff recommends approval of the settlement agreement.

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

**AGENDA ITEM 3A-2 Case No. 11-011N – In the matter of Michael Palladino**

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

The respondent is alleged to have violated NRS 623.360.1(b)(c) by engaging in the practices of residential design and architecture without having a certificate of registration issued by the board.

During routine contact with the office of the Summerlin Architectural Review Committee, staff became aware of a set of preliminary architectural drawings that had been submitted for design review by an individual/firm that was not licensed/approved to practice architecture or residential design in Nevada. Staff obtained a copy of the architectural drawings. Further investigation revealed that neither the respondent nor any other individuals within the firm held certificates of registration to practice architecture in Nevada.

The respondent informed staff that he had prepared the preliminary drawings as a favor to his friend's wife, so that she could get a better idea of how the custom home would look. The respondent stated that he never had any intention on practicing architecture in the state of Nevada or being the architect of record. Staff explained to the respondent that his actions constituted the practice of architecture in Nevada.

The respondent was sent a Notice of Charges concerning this project and a letter of 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, an administrative penalty of \$6,000 and investigative costs in the amount of \$2,000. Staff recommends approval of the settlement agreement.

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

**AGENDA ITEM 3A-3 Case No. 11-013N – In the matter of Greg Allen and Hummel Architects**

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

The respondent is alleged to have violated NRS 623.182 and NRS 623.360.1(a)(b) by holding himself out as being qualified to practice architecture for an elementary school project located in Wendover, Nevada without having a certificate of registration issued by the board.

During the standard reciprocity interview the respondent was asked what was bringing him to Nevada. The respondent replied that he talked with the Elko County School District and responded to a Request for Qualifications for architectural services the school district disseminated for an elementary school in Wendover, Nevada.

The respondent was sent a Notice of Charges concerning the project and a letter of 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 Guilt Clause, an administrative penalty of \$2,500 and investigative costs in the amount of \$1,500. Staff recommends approval of the settlement agreement.

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

**AGENDA ITEM 3B      Discussion and possible decision regarding closure of enforcement cases**

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

09-005N                      09-007N                      09-056N                      09-062R

**Motion:** Garlock moved to close the above-referenced cases. Motion seconded by Oppenheimer Gore.

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

**AGENDA ITEM 4      Board review of continuing education waiver requests**

Board discussed how to proceed with waiver requests as this is the first year continuing education was required. Board members said that each request would be discussed on an individual basis. Board members stressed the exemptions granted today are strictly for 2010. Registrants who need an exemption from the CEU requirement for 2011 will need to reapply.

***Request from Mary Kozlowski-Vought, #2407***

Board members read the request from Kozlowski-Vought and discussed its merits.

**Motion:** Oppenheimer Gore moved approve Mary Kozlowski-Vought's request for exemption from the 2010 continuing education requirement, per NAC 623.638, based on illness and undue hardship. Kozlowski-Vought must produce a doctor's note for the exemption to be effective. Motion seconded by Garlock.

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

Snyder held the remained of the item until after new registrants were sworn in.

**AGENDA ITEM 2A      Deliberations/Action on applications for registration: Architectural**

Garlock swore in the following individuals as architects:

1. Michael L. Brown..... 6620
2. Bojidar Bulanov..... 6621
3. Glen K. Curry ..... 6622
4. Sarah B. Mojzer..... 6623
5. Craig S. Palacios..... 6624
6. Michael E. Pipkins..... 6625
7. Thomas W. Wiscombe . ..... 6626

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

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

**AGENDA ITEM 2C      Deliberations/Action on applications for registration: Residential design**

Garlock swore in the following individual as a residential designers:

1. Jason Hoeg ..... 308-P

**Motion:** Tindall moved to approve the registration of the above referenced individual as a residential designer. Motion seconded by Tanner.  
**Vote:** All in favor. Motion passes.

**AGENDA ITEM 2C      Deliberations/Action on applications for registration: Registered interior design**

Garlock swore in the following individuals as registered interior designers:

1. Kirk M. Nix ..... 182-ID
2. Amy E. Strodl..... 188-ID

**Motion:** Ciesynski moved to approve the registration of the above referenced individuals as registered interior designers. Motion seconded by Tanner.  
**Vote:** All in favor. Motion passes.

Snyder asked new registrants if they had any comments regarding the registration process or any questions. There were no comments or questions.

**AGENDA ITEM 1E-12      Firm name approval request: Varnish Design**

**Motion:** Garlock moved to approve the firm name request for “Varnish Design.” Motion seconded by Erny.

This item was held because the owner was sworn-in as a new registrant.

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

**AGENDA ITEM 4      Board review of continuing education waiver requests**

Snyder recalled this item.

***Request from Errol Hill, #0397***

Board members read the request from Hill and discussed its merits.

**Motion:** Erny moved to exempt Errol Hill from the 2010 continuing education requirement, per NAC 623.638. Motion seconded by Tindall.

**Vote:** None in favor. All against. Motion fails.

**Motion:** Garlock moved to deny Errol Hill’s request for an exemption from the 2010 continuing education requirement because the board found Mr. Hill did not meet the requirements of NAC 623.638. Motion seconded by Erny

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

Board members asked Spaulding what the status of Mr. Hill’s license was now that his request was denied. Spaulding explained that none of the registrants with pending requests for exemption from the CEU requirement had had their licenses renewed as she was waiting for the board to make its decision on the exemption requests. She went on to explain that those registrant’s whose requests were denied will have 30 days to comply with the CEU requirement or the license will not be renewed. If a registrant does not complete the requirement and renew his license within those 30 days, he would be assessed any applicable late fees if he chooses to renew later.

Spaulding explained that the exemption form is on the website and there is a deadline of September 30 to submit the exemption. She said that since this was the first year she accepted exemption requests after that date.

***Request from Philip Kroeze, #5307***

Board members read the request from Kroeze and discussed its merits.

**Motion:** Garlock moved to deny Philip Kroeze's request for an exemption from the 2010 continuing education requirement because the board found Mr. Kroeza did not meet the requirements of NAC 623.638. Motion seconded by Tanner.

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

***Request from Gordon P. Rogers, #4550***

Board members read the request from Rogers and discussed its merits.

**Motion:** Garlock moved approve Gordon P. Rogers's request for exemption from the 2010 continuing education requirement, per NAC 623.638, based on illness and undue hardship. Rogers must produce a doctor's note for the exemption to be effective. Motion seconded by Ciesynski.

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

***Request from Ki Suh Park, #4047***

Board members read the request from Park and discussed its merits.

**Motion:** Garlock moved approve Ki Suh Park's request for exemption from the 2010 continuing education requirement, per NAC 623.638, based on illness and undue hardship. Park must produce a doctor's note for the exemption to be effective. Motion seconded by Erny.

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

***Request from Frank Allison, #1710***

Board members read the request from Allison and discussed its merits.

**Motion:** Tanner moved to deny Frank Allison's request for an exemption from the 2010 continuing education requirement because the board found Mr. Allison did not meet the requirements of NAC 623.638. Motion seconded by Ciesynski.

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

***Request from David Termohlen, #0338***

Board members read the request from Termohlen and discussed its merits.

**Motion:** Garlock moved to deny David Termohlen's request for an exemption from the 2010 continuing education requirement because the board found Mr. Termohlen did not meet the requirements of NAC 623.638. Motion seconded by Tindall.

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

Board members discussed how exemption requests would be handled in the future. They said that in clear cases Spaulding can put the requests on the consent agenda for approval/denial. Questionable cases will still come before the board for full discussion.

Board members said that registrants who have requested exemptions should be included in the audit the next time they renew. They also said it should be made clear to registrants that they cannot practice until their license is renewed – this includes those who are waiting for an exemption to be approved or denied.

Erny said the Continuing Education Committee should meet again to see what can be improved now that one renewal cycle has been completed.

**AGENDA ITEM 5**      **Lobbyist update for 2011 Legislative Session – James Wadhams, Esq.**

Wadhams updated board members on top issues for the upcoming legislative session.

*The board adjourned for lunch.*

**AGENDA ITEM 6A**      **Discussion and possible decision whether drawings sealed by a registrant belong to the registrant or the firm**

Ruark asked board members if drawings sealed by a registrant belong to that registrant or to the firm. She said this item came up because an individual wanted to know if a firm was no longer in existence, could the architect of record give permission to the building department to release a copy of the drawings. Ruark also asked if language in NAC 623.770.1 conflicted with NAC 623.780.2.

Board members discussed the issue in detail. They said it depends on the situation. They said the item might be defined in contracts between the firm and the client and the firm and the architect. Board members said who has ownership of the drawings versus who can approve release of copies are two different issues. Board members said that they do not believe there is a conflict between the two cited regulations and that there is not a problem. Board members said it is up to the building departments to decide who/how they will release copies of drawings.

Ling and Spaulding suggested looking at how other states handle this scenario. Board members said staff should research this.

**AGENDA ITEM 6B**      **Discussion and possible decision whether NAC 623.770.1 conflicts with language in NAC 623.780.2 and should be revised**

This item was discussed under Agenda Item 6A.

**AGENDA ITEM 6C**      **Discussion and possible decision whether to revise NAC 623.780.2**

This item was discussed under Agenda Item 6A.

**AGENDA ITEM 6D**      **Discussion whether to revise question #7 on the registration quiz**

This item was discussed under Agenda Item 6A.

**AGENDA ITEM 6E**      **Discussion regarding writing an article in the next *Focus* newsletter about registrants being careful not to violate the law just to get work in Nevada**

Ruark suggested writing an article for the next *Focus* newsletter about registrants being careful and not crossing the line in their efforts to get a commission. She said with jobs being less plentiful there are more cases of people trying to look the best they can and misleading the potential client in the process. Board members agreed this was a good topic for an article.

**AGENDA ITEM 7A**      **Discussion and possible decision regarding who will attend the WCARB 2011 Regional Meeting in Cleveland, Ohio on March 24-26, 2011**

Spaulding asked which board members would attend the regional meeting. She stated that she was not aware if the moratorium on travel was still in place. Board members said it was prudent to remain conservative and send only the board chair and secretary/treasurer to the meeting so that they could represent Nevada.

**AGENDA ITEM 7B**      **FYI: December 2010 NCARB Fast Facts**

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

**AGENDA ITEM 8**      **Periodic review of NAC Chapter 623 pursuant to NRS 233B.050**

Snyder tabled this item until the next board meeting.

**AGENDA ITEM 9**      **Executive director report**

Spaulding reported that renewal notices were sent to registrants at the end of October. She said numbers were down significantly because of the perfect storm of a new CEU requirement and the down economy. Currently, 760 registrants have not renewed their certificates. She predicted that number would decrease after the second letter is sent warning registrants that their licenses have lapsed.

Spaulding said that a registrant called and was concerned about language in NRS 618.957 and the OSHA implications.

*NRS 618.957 "Construction worker" defined.*

1. *"Construction worker" means a person who actually performs physical work at a construction site:  
(a) That results in the construction, alteration or destruction involved in the construction project, including, without limitation, painting and decorating; or  
(b) Who supervises any person engaged in work described in paragraph (a).*

Board members said that they do not "supervise," that is the job of the general contractor; when registrants are involved in construction administration they are "observing."

**AGENDA ITEM 10**      **Public information report**

Hatfield said the last issue of *Focus* was in the agenda books. She said the next issue would go out in February. She said that the statistics are also included for their information. Also included is a current print out of the Facebook page. Hatfield said that when she learns of a new CEU opportunity she posts it on Facebook.

**AGENDA ITEM 11**      **Items for future agenda**

- Discuss NRS 623.349
- Discuss modifiable drawings (NAC 623.780.2)
- Continued NAC 623 review
- Review of new CIDA standards and possible update of RID Substantially Equivalent application

**AGENDA ITEM 12**      **Public comment**

*There was no public comment.*

Chairman Snyder adjourned the meeting at 4:05 p.m.

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Larry Henry, Secretary/Treasurer

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Gina Spaulding, Executive Director