

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

**June 15, 2011**

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

**Wednesday, June 15, 2011**

Chairman Bill Snyder called the meeting to order at 8:10 a.m.

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

Also in attendance: Gina Spaulding, Executive Director; Louis Ling, Legal Counsel; Betty Ruark, Chief Investigator; Laura Bach, 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: March 16, 2011
- C. Secretary/Treasurer Report
  - 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
  - 2. Bank of America, Wells Fargo and Smith Barney monthly/quarterly statements and March 2011 Quarterly Report
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
  - 1. ENCOMPASS STUDIO LLC
  - 2. Jeffrey Freund Architect LTD
  - 3. OLSON-OLSON ARCHITECTS, LLP
  - 4. RPM ARCHITECTURE LLC
  - 5. William E Snyder FAIA LLC
  - 6. Raintree Design Group, LLC
  - 7. generationAC
  - 8. Vida Design Studio LLC
  - 9. Tandem Studio Architecture Interiors Planning, PC
  - 10. Chesnik Scott Design, LLC
  - 11. Chipman Design Architecture Inc.
- F. Firm Registration Approval Requests
  - 1. FWA USA, Inc.

**Architects: Registration by reciprocity**

6650	Steven M. Drucker	6662	Chris A. Hudson	6676	Allen W. Johnson
6651	John P. Grom	6663	James H. Pope	6677	Michal Sedlacek
6652	Keenon S. Rayner	6664	Louis W. Vandeloecht	6678	Buddy D. Webb
6653	Joanne A. Christy	6666	Derek J. Metson	6679	Kevin C. Gore
6654	Kurt P. Wagenknecht	6667	Stephen C. Newson	6680	Gregory W. Kelley
6655	Bane Gaiser	6668	Roberto G. Pinon	6681	Mark S. Salopek
6656	Michael E. Lambert	6669	Adele J. Willson	6682	James A. Goring
6657	Diana M. H. Brenner	6670	Paul H. Masse	6683	Karl H. Heitman
6658	Michael B. Klein	6671	Jeffery J. Mathis	6684	Gregory H. Peirce
6659	Daniel L. Cline	6672	Douglas W. Hocking	6685	John P. Plageman
6660	Mark A. Davis	6673	Joseph Pinzone	6686	Jack K. Snow
6661	John T. Friedman	6674	Janet Tebbenkamp		

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

**Motion:** Henry moved to approve the consent agenda, items 1A through 1E-8, 1E-10 and 1E-11. Motion seconded by Tindall.

**Vote:** Snyder recused himself from item 1E-5. All others in favor. Motion passes.

**AGENDA ITEM 1E-9 Firm name approval request: Tandem Studio Architecture Interiors Planning, PC**

**Motion:** Klai moved to approve the firm name request for “Tandem Studio Architecture Interiors Planning, PC.” Motion seconded by Garlock.

Board members expressed concern because the architectural portion of ownership is small (1.5 percent). Board members said both owners need to be cautioned that only the architect may hold himself out as being able to provide architectural services. They want to be sure that he understand he is fully responsible for any architectural work performed by the firm.

Board members directed Spaulding to caution the owners in the approval letter. Board members should be carbon copied on the letter.

**Vote:** Ciesynski, Erny, Henry, Klai, Oppenheimer Gore, Snyder, Tanner and Tindall in favor. Garlock opposed. Motion passes.

**AGENDA ITEM 1F-1 Firm registration approval request: FWA USA, Inc.**

**Motion:** Garlock moved to approve the firm registration request for “FWA USA, Inc.” Motion seconded by Klai.

Board members said the firm needs to be cautioned that those who are not registered in Nevada cannot hold themselves out as being able to provide architectural services in the state.

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

**AGENDA ITEM 2 2011 Legislative session update/debrief**

Spaulding said that she provided the bill tracking list in the board books. She noted that some bills are in enrollment and have not yet been signed by the governor.

Spaulding highlighted bills that will affect the board.

**AGENDA ITEM 3 Discussion and possible decision regarding Linda Clark’s application for registered interior designer registration pursuant to NRS 623.192.1(d)(3)**

**Motion:** Tanner moved to approve Linda Clark’s application for registered interior designer registration. Motion seconded by Ciesynski.

Spaulding stated that the committee recommended approval of Ms. Clark’s application. Ms. Clark answered board member questions.

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

**AGENDA ITEM 5D**      **Discussion and possible decision whether to take Elias Abboud off probation pursuant to the terms of his settlement agreement for Case Nos. 07-038R, 07-059R and 07-060R**

Spaulding reminded board members that this item was on the agenda three meetings prior. At that time the board decided that since Mr. Abboud was overseas and not practicing in Nevada, it would wait until he was back in the state and could appear personally before the board and request to be taken off probation.

At the last board meeting this meeting date was changed from June 8 to June 15. Mr. Abboud was aware of the June 8 meeting date and made arrangements to be in the United States and Nevada for that date. Because the date was changed, Spaulding and Snyder met with Mr. Abboud and his peer reviewer, Bob Fielden, on June 8.

Spaulding updated board members on Mr. Abboud's activities. She also reported that Mr. Fielden's opinion was that he should be taken off probation. Snyder added that Mr. Abboud has completed all terms of his probation.

**Motion:** Garlock moved to take Elias Abboud off probation, pursuant to the terms of his settlement agreement for Case Nos. 07-038R, 07-059R and 07-060R. Motion seconded by Oppenheimer Gore.

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

**AGENDA ITEM 4A**      **Deliberations/Action on applications for registration: Architectural**

Henry swore in the following individual as an architect:

1. Brian Miller ..... 6687

**Motion:** Garlock moved to approve the registration of the above referenced individual as an architect. Motion seconded by Tanner.

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

**AGENDA ITEM 4B**      **Deliberations/Action on applications for registration: Residential design**

Henry swore in the following individuals as residential designers:

1. Judith Edwards ..... 309-P
2. Jacob McFarlane..... 310-P

**Motion:** Henry moved to approve the registration of the above referenced individuals as residential designers. Motion seconded by Klai.

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

**AGENDA ITEM 4C**      **Deliberations/Action on applications for registration: Registered interior design**

Henry swore in the following individuals as registered interior designers:

1. Linda Clark..... 190-ID
2. Maria-Celeste Flemington ..... 191-ID
3. Jamie Moss ..... 192-ID
4. Heather Soto ..... 193-ID

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

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

Snyder asked new registrants if they had any comments regarding the registration process or any questions. A new registrant said that everyone was very helpful.

**AGENDA ITEM 5A-1 Case No. 09-004N – In the matter of Kris Londahl, Edward Albers and King Retail Solutions**

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

The respondents are alleged to have violated NRS 623.360.1(a)(b)(c) by holding themselves out as being qualified to practice registered interior design and architecture, and by engaging in the practices of registered interior design and architecture, for multiple projects located in Nevada, without having certificates of registration issued by the board.

Staff received a phone call from a registrant asking what the procedure was for submitting plans prepared by an unlicensed design firm. After an explanation to the registrant, he was asked to forward a copy of the drawings he received from the respondents. Further investigation revealed that the respondents had provided services that fall under the practice of registered interior design for multiple grocery stores in Nevada.

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 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 \$20,000 and investigative costs in the amount of \$2,300. Staff recommends approval of the settlement agreement.

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

**AGENDA ITEM 6A-2 Case No. 09-010N – In the matter of Lionel Ohayon and ICRAVE International**

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

Garlock said he had a previous business relationship with ICRAVE, but would vote on this matter because he can be impartial on this matter.

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 multiple projects located in Nevada, without having a certificate of registration issued by the board.

Staff discovered an article in *Las Vegas Business* magazine naming the respondent as the designer for the Sushi Samba restaurant in the Palazzo Shops. Further investigation, including a review of the ICRAVE website, revealed multiple projects showing the respondent as the designer, with no disclosure of the Nevada architect of record.

The respondent was sent a Notice of Charges concerning these projects and a letter of response was received. The respondent's case was discussed with Chief Investigator Ruark and the decision was made to offer the respondent an opportunity to settle the 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, an administrative penalty

of \$29,000 and investigative costs in the amount of \$2,000. Staff recommends approval of the settlement agreement.

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

**AGENDA ITEM 5A-3 Case No. 11-017N – In the matter of Scott Theobald, Kent Craven, Dennis Adderley and Architectural Design West**

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

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

The respondents submitted a Statement of Qualifications to the Elko County School District in response to a Request for Qualifications for architectural services the school district disseminated for an elementary school project in Wendover, Nevada.

The respondents were sent a Notice of Charges concerning the project and a letter of response was received. The decision was made to offer the respondents 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:** Erny recused himself. All others in favor. Motion passes.

**AGENDA ITEM 5A-4 Case No. 11-026N – In the matter of Chris Layton and Chris Layton Associates**

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

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

Staff received a call from a registrant asking if he could stamp prototypical plans prepared by a non-registrant. Further investigation revealed that the respondent had prepared a site plan, floor plans and elevations, which were site adapted prior to a Nevada registrant being involved.

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 and confession of judgment were negotiated. The settlement agreement incorporated a No Contest Clause, an Effect on Licensure Clause, an administrative penalty of \$10,000 and investigative costs in the amount of \$1,500. Staff recommends approval of the settlement agreement.

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

**AGENDA ITEM 5A-5 Case No. 11-030N – In the matter of Amy Kim and AK Design Network**

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

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

A search of the internet revealed various articles quoting and/or listing the respondent as the designer for The Gallery nightclub located in the Planet Hollywood Hotel and the Chateau nightclub located in the Paris Hotel. Further investigation revealed the respondent also disseminated proposals and/or entered into agreements directly with the clients to provide design services that fall under the practices of architecture and registered interior design. The respondent prepared conceptual through design development drawings for The Chateau nightclub.

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 matter informally rather than face a disciplinary hearing before the board. A settlement agreement was negotiated incorporating a Guilt Clause, an administrative penalty of \$12,500 and investigative costs in the amount of \$1,800. Staff recommends approval of the settlement agreement.

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

**AGENDA ITEM 5A-6      Case No. 11-031N – In the matter of Curtis Miner and Curtis Miner Architecture, LLC**

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

The respondent is alleged to have violated NRS 623.360.1(c) by preparing architectural drawings for a custom home located in Las Vegas, Nevada without having a certificate of registration issued by the board.

During the standard reciprocity interview the respondent realized that he stepped over the line by giving his client a proposal and preparing preliminary drawings for a custom home to be located in the community of Spanish Trails in Las Vegas, 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 \$5,000 and investigative costs in the amount of \$1,000. Staff recommends approval of the settlement agreement.

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

**AGENDA ITEM 5B      Discussion and possible decision regarding closure of enforcement cases**

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

10-008N	10-014N	10-023N	10-032R	11-010N
11-020N				

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

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

**AGENDA ITEM 5C      Enforcement report**

There was no report.

## **AGENDA ITEM 6**

### **Board review and decision regarding continuing education question**

Spaulding said she received a question asking, “Can a registrant, who is a board member and past president of the Taliesin Fellows on Alumnus Organization of the Frank Lloyd Wright School of Architecture, attend a six-hour meeting and claim credit for structured units per NAC 623.634.1 rather than for a self-directed unit per NAC 623.632.1(a)?”

Board members said yes, but the meeting must be on health, safety and welfare issues, whether it is being counted for self-directed or structured units.

## **AGENDA ITEM 7A**

### **Discussion and possible decision regarding the NCARB Resolutions to be acted upon at the 2011 Annual Meeting and Conference**

Spaulding led board members through the draft NCARB Resolutions.

Resolution 2011-01: Spaulding said this is NCARB’s first attempt to create uniformity in CEU regulations. Board members said Snyder should listen to arguments made at the annual meeting, but they would probably not support the resolution.

Resolution 2011-02: Spaulding said this is another change to model regulation. Board members said they support this resolution.

Resolution 2011-03: Spaulding said this is a clarification to language in the BEA requirements. Board members did not express opposition to this resolution.

Resolution 2011-04: Spaulding said this is a change to the BEFA program. Board members said they do not support the BEFA program.

Resolution 2011-05: Spaulding said this is clarification to language in the *Handbook for Interns and Architects*. Board members said they support this resolution.

Resolution 2011-06: Spaulding said this is clarification to language in the *Handbook for Interns and Architects*. Board members said they support this resolution.

Resolution 2011-07: Spaulding said this is clarification to language in the *Handbook for Interns and Architects*. Board members said they support this resolution.

Resolution 2011-08: Spaulding said this is NCARB’s attempt to increase dues. Board members said they want to hear the justification to see why the increase is necessary.

Resolution 2011-09: Spaulding said this is a bylaw amendment to create an audit committee. Board members said they support this resolution.

Resolution 2011-10: Spaulding said this is a bylaw amendment to change the treasurer’s responsibilities. Board members said they support this resolution.

Resolution 2011-11: Spaulding said this is a bylaw amendment with committee descriptions. Board members did not express opposition to this resolution, but wondered why there needs to be a permanent continuing education committee.

Resolution 2011-12: Spaulding said this is a bylaw amendment to create a method for reinstatement. Board members said there should be a cap or some other way that would make it possible for jurisdictions to rejoin NCARB.

Resolution 2011-13: Spaulding said this makes numerous “housekeeping” changes to the bylaws. Board members said they support this resolution.

**AGENDA ITEM 7B**      **FYI: 2011 NCARB Communication regarding the Continuing Education Resolution to be acted upon at the 2011 Annual Meeting and Conference**

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

**AGENDA ITEM 7C**      **Discussion and possible decision regarding the proposed changes to the NCARB Education Standard**

Board members had no comments on this proposed change.

**AGENDA ITEM 7D**      **Discussion and possible decision regarding the proposed changes to the NCARB IDP Program**

Board members were concerned about the watering-down of IDP. They said the issue should be watched, but that a letter did not need to be sent.

**AGENDA ITEM 7E**      **FYI: NCARB Fast Facts, May 2011 Issue**

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

**AGENDA ITEM 7F**      **FYI: NCARB News Clips: NCARB Grant**

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

**AGENDA ITEM 7G**      **FYI: NCARB Communication regarding new CEO, Michael Armstrong**

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

**AGENDA ITEM 8A**      **Discussion and decision regarding NCIDQ Ballot to remove Georgia and Illinois from Council membership due to nonpayment of dues**

Spaulding said board members must take action to give Tanner direction for his vote as the board’s delegate.

**Motion:** Erny moved to support the proposed NCIDQ ballot to remove Georgia and Illinois from Council membership due to nonpayment of dues. Motion seconded by Klai.

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

**AGENDA ITEM 8B**      **Discussion and decision regarding NCIDQ Ballot to add Mississippi to the Council of Delegates**

Spaulding said board members must take action to give Tanner direction for his vote as the board’s delegate.

**Motion:** Klai moved to support the proposed NCIDQ ballot to add Mississippi to the Council of Delegates. Motion seconded by Henry.

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

**AGENDA ITEM 8C**      **Discussion and possible decision regarding the NCIDQ Call for Resolutions for the 2011 Council of Delegates meeting**

Board members said they did not have any issues for resolutions at this time.

**AGENDA ITEM 8D**      **Update and background materials regarding the NCIDQ Delegates Webinar on May 25, 2011**

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

**AGENDA ITEM 8E**      **FYI: NCIDQ press release regarding Florida deregulation issue**

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

**AGENDA ITEM 8F**      **FYI: NCIDQ Board of Directors meeting minutes: March 2011**

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

**AGENDA ITEM 9**      **Discussion and possible decision to convene a committee of the board to compare new CIDA standards with current RID application for alternate paths to licensure**

Snyder formed a committee to review the standards. Committee members are Ciesynski, Erny and Tanner. Tanner will chair the committee.

**AGENDA ITEM 10**      **Residential design issues**

Tindall said he is trying to get feedback from all residential designers for a new stamp. Board members said they would have to decide who would bear the cost of any new stamp: registrants or the board. Spaulding said the board should have the responsibility of sending the new stamp to registrants, whether or not the board is covering the costs. That way we know the registrants have the new stamp and the building departments will know they should not accept the old stamp.

Tindall reported that he has heard that the computer system at UNLV is causing some candidates issues in the graphic exam because the computers are not typical of what residential designers use in their offices.

**AGENDA ITEM 11**      **Review and possible update of the Registration/Renewal Form to add additional registrant firm information**

Spaulding said that at the last meeting board members asked if registrants could report firm name use on the registration form each year. Spaulding put this on the agenda for board feedback. This item will be brought back at a future meeting.

**AGENDA ITEM 12**      **Periodic review of NAC Chapter 623 pursuant to NRS 233B.050**

Spaulding led board members in a review of NAC 623.

**NAC 623.810**

Amend as follows:

A registrant **or firm** shall not display, present, exhibit or otherwise show any drawings, models, renderings, photographs or other work in a manner calculated to suggest that the work was performed by the registrant or his or her firm unless:

1. The registrant performed or had responsible control of the performance of the work; and
2. The architect, **registered interior designer**, residential designer **and firm** ~~or registered interior designer~~ of record is identified in the drawing, model, rendering, photograph or other work.

Board members said this will make sure that there is proper disclosure of who worked on projects, and make sure firms receive credit as well.

**NAC 623.820**

This can be deleted because it is not relevant.

**NAC 623.830**

No changes necessary at this time.

**NAC 623.840**

Delete the phrase, "in a contractually independent relationship."

Board members said that the interpretation of this regulation has changed over time, as the profession of registered interior design has matured. They said registered interior designers can contract directly with the other design professionals.

**NAC 623.850**

No changes necessary at this time.

**NAC 623.860 through 623.885**

Spaulding said that Rule of Conduct 5.5 (from Architect ROC and Residential Designer ROC) should be added to the Rules of Conduct for Registered Interior Designers. Board members agreed.

The text to be added is:

**A registered interior designer shall not make misleading, deceptive, or false statements or claims.**

**NAC 623.900 through 623.950**

No changes necessary at this time.

**AGENDA ITEM 13**      **Executive director report**

Spaulding reported that Hatfield will be leaving the board in July. She is not planning to fill the position in the immediate term and will distribute Hatfield's tasks to the staff and also have Hatfield continue the *Focus* newsletter on an hourly basis. Spaulding also reported that former board counsel, Dianna Hegeduis, passed away last month.

Spaulding asked that the next board meeting be moved to August 16 to accommodate a formal hearing. Board members concurred.

Spaulding said that they initially planned to try electronic board books at the August board meeting, but suggested they implement that initiative in January instead. Board members agreed.

Spaulding reported she was appointed to the NCARB Governance Task Force. She also reported she spoke to the newly-formed Interior Design Society on May 20.

**AGENDA ITEM 14**      **Public information report**

Hatfield said the last issue of *Focus* is in the agenda books. She said the next issue would go out in July.

**AGENDA ITEM 15**      **Items for future agenda**

- Discuss NRS 623.349
- Continued NAC 623 review
- Review of new CIDA standards and possible update of RID Substantially Equivalent application
- Firm name retention policy
- Review of registration/renewal form

**AGENDA ITEM 16**      **Public comment**

*There was no public comment.*

Acting Chairman Henry adjourned the meeting at 3:35 p.m.

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Larry Henry, Secretary/Treasurer

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Gina Spaulding, Executive Director