

REVISED AND APPROVED AT THE AUGUST 22, 2018 BOARD MEETING

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

March 02, 2016

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

Chairman George Garlock called the meeting to order at 9:30 a.m.

Roll Call: George Garlock, Chairman; James Mickey, Secretary/Treasurer; Kimberly Ciesynski; Greg Erny; Ann Fleming; John Klai; William Snyder; Larry Tindall; Nathaniel Waugh

Also in attendance: Gina Spaulding, Executive Director; Louis Ling, Legal Counsel; Monica Harrison, and Laura Bach, staff

AGENDA ITEM 1 Approval of Consent Agenda

Consent agenda included the following:

- A. Approval of Agenda
- B. Approval of Minutes: January 13 & 14, 2016
- C. Secretary/Treasurer Report
 - 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
 - 2. Wells Fargo Bank Statements
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
 - 1. Marcantel Architecture
 - 2. The Richardson Design Partnership, LLC
 - 3. Boulder Associates, Inc.
 - 4. HA Architects, PLLC
- F. Firm Registration Approval Requests
 - 1. CB Two Architects, LLC
 - 2. Glass & Leinard Interior Design Associates
 - 3. SM2HE Architects

Architects: Registration by Reciprocity

| | | | |
|------|---------------------|------|-----------------------|
| 7379 | Eric J. Zuziak | 7398 | James S. Lohmeyer |
| 7380 | Federico Chiappina | 7399 | Christopher B. Morris |
| 7381 | Stephen M. Dorsett | 7400 | Joseph L. Remick |
| 7382 | Russell E. Myers | 7401 | William T. Stone |
| 7383 | Robert J. Marcantel | 7402 | Kirk R. Sund |
| 7384 | Rebecca L. Olson | 7403 | Aaron R. Terpening |
| 7385 | Harold R. Sachs II | 7404 | Peter T. Theodore |
| 7386 | Lynne R. Wasinger | 7405 | Forrest W. Huisman |
| 7387 | Joseph M. West | 7406 | James M. Damato |
| 7388 | Justin M. Alexander | 7407 | Agusta Barone |

| | | | |
|------|------------------------|------|-------------------------|
| 7389 | James Richard Blissett | 7408 | George W. Gray |
| 7390 | Nicholas A. Deitch | 7409 | Edward Lucero |
| 7391 | Michael P. Harris | 7410 | Jeffrey P. Nelson |
| 7392 | Christine B. Larson | 7411 | Daniel Olic |
| 7393 | Gregory A. Shunick | 7412 | Martha T. Seng |
| 7394 | Richard S. Walker | 7413 | Mark A. Spatz |
| 7395 | Eldrick J. Alexander | 7414 | Richard J. Smith |
| 7396 | Jeffrey D. Jennings | 7415 | Enrique Wallace |
| 7397 | Christopher D. Lawton | 7416 | Christopher E. Lamberth |

Residential Designer: Registration by Reciprocity

340-RD William R. Mahar

Board members requested agenda items 1E-2 and 1E-4 be pulled from the consent agenda.

Motion: Klai moved to approve the consent agenda items 1A through 1E-1, 1E-3, and 1F-1 through 1F-3. Motion seconded by Tindall.

Vote: All in favor. Motion passes.

Agenda Item 1E-2 The Richardson Design Partnership, LLC

Motion: Klai moved to approve the firm registration request for "The Richardson Design Partnership, LLC." Motion seconded by Waugh.

Board members were concerned with approving the firm name "The Richardson Design Partnership, LLC" because of the existence of a previously approved firm name, "The Richardson Partnership, Inc."

Spaulding explained that the firm name "The Richardson Design Partnership, Inc" had been dissolved with Nevada Secretary of State. She said that Harrison had contacted Steven Richardson, the firm's principal, and he confirmed that he no longer uses the firm name "The Richardson Design Partnership, Inc."

Vote: All in favor except Erny. Motion passes.

Agenda Item 1E-4 HA Architects, PLLC

Motion: Snyder moved to approve the firm registration request for "HA Architects, PLLC." Motion seconded by Mickey.

Spaulding clarified the roles and responsibilities of the employees of the firm as listed on the application.

Vote: All in favor. Motion passes.

Agenda Item 2A

**Deliberations/Action on Applications for Registration:
Architect**

Mickey swore in the following individuals as architects:

- 1. Anthony Yue.....7417
- 2. Jeffrey Current.....7418
- 3. Lisa Guiang.....7419
- 4. Ilon Kielson.....7420

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

Vote: All in favor. Motion passes.

Agenda Item 2B

**Deliberations/Action on Applications for Registration:
Registered Interior Design**

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

- 1. Rachel Andersen.....228-ID

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

Vote: All in favor. Motion passes.

After the board conducted the swearing-in and registration ceremony, Garlock introduced Randy Lavigne, Honorary AIA, Executive Director of AIA Nevada and AIA Las Vegas.

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

Garlock congratulated the new registrants and told them that the swearing-in ceremony is a very momentous occasion for the board and hopes that it is for them also. He invited the registrants to give feedback regarding their paths to licensure so that the information could be used to make decisions on bettering the process.

One new registrant said that while he has witnessed NCARB's growth and dramatic improvement of its processes over the last few years, he felt its customer service department was still in need of improvement.

Spaulding addressed the new registrants said that the registration ceremony is an opportunity for them to meet their board and the board's staff. She urged them to contact the board office with any questions they have concerning a project before beginning it. Spaulding stressed the importance of researching the laws in other jurisdictions prior to pursuing projects in them and recommended that they become NCARB certified immediately in order to facilitate timeliness of licensure by reciprocity in other jurisdictions.

Agenda Item 11A

Discussion and Possible Decision Regarding Draft Investment Strategy

At its January 2016 board meeting, the board instructed Mickey and Spaulding to draft a banking investment strategy for review at the board's next meeting. The "Draft Board Financial Investment Strategy" was presented in the board eBook as follows:

2/23/16

Draft Board Financial Investment Strategy

1. *The goal of the investment strategy will be low risk with low fees to cover inflation costs and to generate income that will help offset the merchant fees being encumbered by the board due to online registrant license renewals.*
2. *All investments must be in insured accounts (e.g., FDIC, SIPC).*
3. *Investment timing shall be from June to June of each year.*
4. *During the first board meeting of the year, the Secretary/Treasurer will make a presentation to the Board regarding the status of the board's investments and get Board consensus regarding how the investments are being handled for the coming year. Revisit investment policy as needed.*
5. *Must have Board approval for investment changes and reinvestment strategies.*
6. *Have the board accountant independently review the investment mix and give opinion on the risk/reserves/portfolio mix.*
7. *The minimum threshold of the investment portfolio will be set at \$400,000. At no time shall the maximum threshold of the investment portfolio exceed 75% of the board's reserves.*
8. *The signature policy for changes to the investment portfolio shall consist of the Board Chair, Secretary/Treasurer and the Executive Director.*

Mickey said the draft explains how NSBAIDRD's reserves will be monitored and controlled in a simple format with the goal being to keep funds secure. He said the draft presented requires yearly review of investments and board approval for investment changes and reinvestment strategies.

The board discussed the draft and agreed upon amendments.

Motion: Snyder moved to approve NSBAIDRD's "Financial Investment Strategy" as amended. Motion seconded by Erny.

Vote: All in favor. Motion passes.

Agenda Item 4

Discussion and Possible Decision Regarding Banking Investment Strategies – Investment Proposal Submitted by Mass Mutual

Steven Lloyd and Freddy Lopez explained investment strategies available to NSBAIDRD through Mass Mutual.

The board discussed the investment strategies available through Mass Mutual versus those available through Morgan Stanley as presented to NSBAIDRD at its January board meeting.

Motion: Erny moved to instruct Spaulding to speak with Benjamin Herman of Morgan Stanley to find out what would change from Morgan Stanley's original investment proposal after considering NSBAIDRD's finalized Investment Strategy, the net of fee amounts, and if the investments would be secured through the Securities Investor Protection Corporation (SIPC). Motion seconded by Klai.

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

Agenda Item 3

Discussion and Possible Decision Regarding the Application of Robert Little for Architect Reciprocal Registration Pursuant to NAC 623.410

Spaulding reminded board members that it is board policy that applications for reciprocal registration in which the applicant has disciplinary action in another jurisdiction be presented to the board for review and decision.

She said Little faced disciplinary action in his base state of Pennsylvania for continuing to practice architecture while his certificate was lapsed. Little paid the necessary fines and has been in good standing since 2003. Spaulding said Little disclosed the disciplinary action to both NCARB and NSBAIDRD.

Motion: Klai moved to approve the Little's application. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Agenda Item 5

Review of NRS 623, Discussion about the Legislative Process, and Possible Decision Regarding Whether to Submit any Bill Draft Requests for the 2017 Legislative Session

Spaulding recommended that the board not submit any bill draft requests (BDRs) for the 2017 legislative session due to the combination of there being nothing urgent to submit and the risk involved in opening statute.

She said that at its January 2016 meeting the board had discussed submitting a BDR to adopt NCARB's Mutual Recognition Agreement (MRA) for reciprocal registration of architects between the United States and countries represented by other regulatory organizations. She urged the board to reconsider and not adopt the program.

Spaulding explained that NSBAIDRD, by mistake, received the application of candidate applying for registration by reciprocity through NCARB's MRA program. After reviewing the records submitted, Spaulding noticed that there was a lack of documented information proving that the applicant had met the equivalency of the minimum requirements of education, experience, and examination required by NSBAIDRD. She emphasized that it is NSBAIDRD's statutory obligation to make sure its registrants meet the requirements of registration in order to protect the health, safety, and welfare of the public.

Agenda Item 6 **Discussion and Possible Decision Regarding Whether to Amend NAC 623**

Spaulding reminded the board of the discussion it had at its January meeting concerning the addition of an expiration date to registrants' stamps in order to aid in the elimination of registrants practicing without a current certificate of registration.

Spaulding provided the board with a copy of the stamp that the Nevada State Board of Landscape Architecture uses, as it includes an expiration date. She feels it is important that NSBAIDRD add an expiration date to its registrants' stamps for protection of the public.

The board decided that a Regulation Committee should be formed to further review the need for an expiration dates on registrants' stamps and the best way to implement placing expiration dates on the stamps.

Snyder, Erny, and Fleming volunteered to serve on the committee. Harrison and Bach will staff the committee.

Waugh inquired about the status of updating the firm name registration and firm name approval fee. Spaulding stated that these changes needed a regulation change. She also stated that another way to fix the issue was to rename the firm name registration and firm name approval application to simply "firm registration forms" for consistency and that this change wouldn't need any regulation or legislative change. Erny added that this would also be the perfect opportunity for staff to review all previously approved firms to make sure these names are still current and maybe start requiring firm annual renewals in the future. Spaulding said that annual firm renewals would need a statutory change of NRS 623.021. Waugh asked if we could add some type of language to NAC 623.740 that says that if at any time a firm name is no longer current with the Nevada Secretary of State, the name will be considered forfeited. Garlock expressed to the Board that we need to be very careful in implementing any of these changes due to the fact that some registrants may have more than one firm name registered. Spaulding recommended that the Board should have a policy on how to handle firms names (e.g., active, defunct).

Spaulding also explained to the Board that staff was still working with GL Suite on creating a database to create a searchable roster to effectively monitor firms. Spaulding suggested the formation of a committee to draft a firm policy to address some of the issues brought up, mainly annual renewals. Ciesynski and Klai emphasized the importance of keeping good records of active firms and identifying the defunct firm names to allow other registrants the use of these defunct names in the future. Garlock asked staff how hard it would be to identify individuals with multiple firm names and Spaulding responded that it was definitely a task that staff is already working on and will continue to do so with the database in the future. Spaulding asked the Board if they would like to change the name of the firm name approval and firm registration application to firm registration and change the fee to \$300 for consistency as it takes staff the same amount of time to process a firm name application vs. a firm registration application. Spaulding stated that this change would be implemented by updating both firm forms (removing the word application) and updating the forms on the board's web site.

Motion: Waugh made the motion to direct staff to amend the firm name application to a firm registration. Motion seconded by Tindall.

Vote: All in favor. Motion passes.

AGENDA ITEM 7A-1

Case No. 16-017N - In the Matter of Caryn M. Bailey and rAd 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 certificates of registration issued by the board.

Staff received a reciprocity application from the respondents on December 4, 2015 which did not indicate that any work had been performed in Nevada. During the phone interview, the respondents indicated that they had executed a contract to do a tenant improvement for an existing client in Nevada and prepared some preliminary drawings. Each requested and received a copy of the respondents' contract (dated January 8, 2016) and preliminary drawings (dated December 16, 2015) consisting of a demolition plan, floor plans, and elevations. The respondents had truthfully answered no to the question on their application which asks if any work has been done. The work and contract were both executed **after** their application was received by the board.

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 Non Admission of Guilt Clause, an Effect on Licensure Clause and an Administrative Penalty of \$12,500 of which \$5,000 is stayed subject to the respondents' compliance with all of the terms and conditions imposed on the settlement agreement plus Investigative Costs in the amount of \$1,000.

Staff recommended approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 7A-1 Case No. 16-022N - In the Matter of Daniel L. Witting

The respondent is alleged to have violated NRS 623.360.1 (a), NRS 623.360.1 (b), and NRS 623.360.1 (c) by holding himself 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 the board.

Staff received a reciprocity application from the respondent on November 9, 2015 which indicated that he had entered into a contract to design a single family residence. During the phone interview, the respondent was asked if he had prepared any drawings and he indicated that he had prepared some preliminary sketches. Bach requested and received a copy of the respondent's contract (dated July 22, 2015) and conceptual drawings (dated October 9, 2015).

The respondent was sent a Notice of Investigation/Notice of Charges concerning this project. The respondent's case was discussed with Executive Director Spaulding 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 Effect on Licensure Clause and an Administrative Penalty of \$8,500 plus Investigative Costs in the amount of \$1,000. Staff recommended approval of the settlement agreement.

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

AGENDA ITEM 7B Discussion and Possible Decision Regarding Closure of Enforcement Cases

The case listed for closure on the agenda was not the correct case number. It was listed as "16-022N" and should have been "16-013N". The case will be presented to the board for closure at NSBAIDRD's June 2016 meeting.

Agenda Item 12C Enforcement Report

Bach said that she had nothing to report at the time.

Agenda Item 8A Review and Discussion of Proposed Draft NCARB Resolutions that will be Discussed at the Regional Summit on March 11-12, 2016

Erny led the board through ten proposed NCARB resolutions.

Agenda Item 8B **NCARB's CEO Update for January 2016**

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

Agenda Item 8C **NCARB's CEO Update for February 2016**

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

Agenda Item 9 **Residential Design Issues**

Tindall reported on the most recent Residential Design Exam results.

Agenda Item 10 **Registered Interior Design Issues**

Ciesynski said she will be speaking with the Council for Interior Design Qualification (CIDQ) concerning the Nevada version of CIDQ's Alternative Application Review Program (AARP) at CIDQ's March 4, 2016 board meeting.

Agenda Item 11B **Discussion and Possible Decision Regarding Draft Employee Compensation**

Spaulding presented a draft document outlining proposed step increases for board staff. The draft included updated position descriptions and salary ranges.

The board discussed the matter at length.

Motion: Erny moved to accept the draft document as a general guideline. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Agenda Item 12 **Public Member Report**

Waugh said that he had nothing to report at the time.

Agenda Item 13 **Executive Director Report**

Spaulding reported that there was a 6 percent decrease in registration renewals from 2015 to 2016.

She said that NSBAIDRD's new website had been launched and that an email blast was sent out to registrants announcing the new web address.

Spaulding announced that 2016 marks the twentieth anniversary of the registered interior design legislation.

She also announced the speakers scheduled thus far for the 2016 NSBAIDRD AIA Continuing Education Seminar and said that one more speaker was needed. Ling volunteered to be a speaker.

Agenda Item 14 **Board Counsel Report**

Ling said he would be speaking at NCARB's Regional Meeting the following week.

Agenda Item 15 **Public Information Report**

There was no public information report as Hahn was absent.

Agenda Item 16 **Items for Future Agenda**

- further discussion of NCARB's Mutual Recognition Agreement (MRA)
- second investment proposal presentation from Benjamin Herman of Morgan Stanley

AGENDA ITEM 23 **Public Comment**

There was no public comment.

Chairman Garlock adjourned the meeting at 3:47 p.m.

Gina Spaulding, Executive Director

James Mickey, Secretary/Treasurer