

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

June 7, 2017

The Gina Spaulding Boardroom

2080 East Flamingo Road, Suite 120, Las Vegas, NV 89119

Wednesday, June 7, 2017

Chairman James Mickey called the meeting to order at 8:36 a.m.

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

Also in attendance: Monica Harrison, Executive Director; Louis Ling, Legal Counsel; Laura Bach, Chief Investigator; Ana Goins, Executive Assistant; Terylle Kanani Aguada, Executive Assistant; Ginger Hahn, Public Information Coordinator.

AGENDA ITEM 1 Public Comment

There was no public comment.

AGENDA ITEM 2 Approval of Consent Agenda

Consent agenda included the following:

- A. Approval of Agenda
- B. Approval of Minutes: March 1, 2017 and April 28, 2017
- C. Secretary/Treasurer Report (reports and bank statements)
 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
 2. Wells Fargo Bank Statements
 3. March 2017 Quarterly Report Statement
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
 1. ARCäDESMA Architecture LLC
 2. Bloc9 Architecture, LLC
 3. Carol Faccinetti Interior Design LLC
 4. Christina Marabella Smith Architecture LLC
 5. JLS Design, Inc,
 6. Katterra Architecture IV LLC
 7. LM Architecture, L.L.C.
 8. MAGNIN ARCHITECTURE, LLC
 9. MANICA Architecture
 10. RAD Studio, LLC
 11. Robert Krone Architect P.C.
 12. WNV Architecture, LLC
- F. Firm Registration Approval Requests
 1. CORE Architecture, P.C.
 2. GLSD Architects, LLC
 3. SSOE Architects, PLLC
 4. TWINSTEPS NATIONAL, INC.

Architects: Registration by Reciprocity

7603	James M. Perry	7633	Patricia M. Thornton
7604	Alison N. Poole	7634	Damaris P. Hollingsworth
7605	David S. Williams	7635	Chad Edward Pollock
7606	Fred T. Wilson, Jr.	7636	David D. Bieberly
7607	John Wallace Lee	7637	John Paul Frank
7608	Christopher Pak	7638	Jeffrey K. Griffin
7609	Robert J. Svedberg	7639	David J. Semproch
7610	Gregory Carl Green	7640	John Andrew Simones
7611	Erik Oliver Jertson	7641	Deborah Lee Sylva
7612	Riddhi Sanghvi	7642	Louise M. Schlatter
7613	Owen F. Slagle III	7643	Denise M. Breunig
7614	Joel Loren Sherman	7644	David L. Manica
7615	Jon Merrill Anderson	7645	Michael B. Randall
7616	Ross Earl Deckman	7646	John F. Schlagetter
7617	Howard S. Ellman	7647	Eric T. Shephard
7618	Jack D. Price Jr.	7652	Clint Edd Evans
7619	Michael D. Quinn	7653	Norman B. Golinkin
7620	Jay M. Strabala	7654	Stephen J. Kennedy
7621	Steven D. Wynn	7655	Jonathan Mallie
7622	Donald P. Kinyon	7656	Michael James Turner
7623	Scott Douglas, Wurl	7657	Michael Dale Wetzel
7624	Gary Daniel Clough	7658	Marcus Eric Batte
7625	Michael W. Conder	7659	Kelly, Kerns
7626	Patrick Dean Edwards	7660	David J. Mollenkopf
7627	Stephen D. Fiskin	7661	David Charles Ports
7628	Matthew A. Gorman	7664	Russell M. Baumann
7629	Helmut J. Hammen	7665	Edward Carruth Flato
7630	Philip F. Luchner	7666	Christ J. Kamages
7631	Charlotte M. Patterson	7667	Jason Y. Ro
7632	Joseph D. Sekley III		

Residential Designers: Registration by Reciprocity

351-RD	Scott D. Plante	352-RD	Benjamin L. Hertz
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Motion: Garlock moved to approve the consent agenda items 2A through 2D, 2E-2, 2E-4 through 2E-8, 2E-11, 2F-2, and 2F-4. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Agenda Item 2E-1 **ARCäDESMA Architecture LLC**

Motion: Waugh moved to approve the firm name approval request for "ARCäDESMA Architecture LLC". Motion seconded by Snyder.

Erny asked if the middle "a" in the firm name was intentionally lowercase or if it was a typographical error. It was confirmed that the "a" was intended to be lowercase.

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

Agenda Item 2E-3 Carol Facinetti Interior Design LLC

Motion: Waugh moved to approve the firm registration approval request for "Carol Facinetti Interior Design LLC". Motion seconded by Waugh.

Erny pointed out that the Nevada State Business License that was presented with the firm name approval request was expired. Goins said that the applicant had renewed the license which reflects an expiration of 08/31/2017.

Vote: All in favor. Motion passes.

Agenda Item 2E-9 MANICA Architecture

Motion: Garlock moved to approve the firm registration approval request for "MANICA Architecture". Motion seconded by Waugh.

Item 2E-9 was pulled due to possible violation of NRS 623 by the applicant.

David Manica was registered by reciprocity as an architect in the state of Nevada on May 5, 2017. The firm name approval request for "MANICA Architecture" listed David Manica as 100% owner of the sole proprietorship of MANICA Architecture.

Garlock said renderings of the Las Vegas Raiders stadium project had been seen on local television news and in the local publications for over a year with credit given to MANICA Architecture. Garlock requested that the matter to be looked into further.

Erny said that he supports Garlock's request based on the timing of professional services performed.

The board further discussed the matter and decided that a case would be opened.

Vote: All in favor. Motion passes.

Agenda Item 2E-10 RAD Studio, LLC

Motion: Klai moved to approve the firm registration approval request for "RAD Studio, LLC". Motion seconded by Waugh.

Klai noticed that the firm name approval request listed "197 Californian Suite 300" for the physical and mailing address of the firm. He questioned if there was a California Street in Las Vegas or if the applicant worked out of the California Hotel and Casino.

Goins confirmed the existence of a California Street in Las Vegas.

Vote: All in favor. Motion passes.

Agenda Item 2E-12 WNV Architecture, LLC

Motion: Klai moved to approve the firm registration approval request for "WNV Architecture, LLC". Motion seconded by Waugh.

The completed firm name approval request form explained that WNV is an acronym for Ralph Woolpert Nevada, a previous owner that passed away in 1970. Klai asked if Woolpert was ever licensed in Nevada.

Harrison said that Woolpert was not registered in Nevada and that is why his last initial, rather than last name, was used.

Vote: All in favor. Motion passes.

Agenda Item 2F-1 CORE Architecture, P.C.

Motion: Klai moved to approve the firm registration approval request for "CORE Architecture, P.C.". Motion seconded by Snyder.

Klai asked if "CORE" was used as an acronym or a word. Harrison said it was used as a word. She said "CORE Architecture + Design Pc" was approved in 2010 for use by the applicants, and both names would be active.

Vote: All in favor. Motion passes.

Agenda Item 2F-3 SSOE Architects, PLLC

Motion: Garlock moved to approve the firm registration approval request for "SSOE Architects, PLLC". Motion seconded by Snyder.

Klai pointed out that although the applicant says that "SSOE" is not an acronym, the explanation indicates that it is an acronym.

The explanation on the firm registration approval request stated:

In 1969 a corporation of engineers and architects was formed called Samborn, Steketee, Otis and Evans, Inc. In 1984 the corporation changed its name to SSOE, Inc. All of the persons named in 1969 (Samborn, Steketee, Otis and Evans) are now deceased. Since that time additional companies have been formed, all using the name of SSOE. SSOE is not an acronym, but the corporation's actual name. SSOE Architects PLLC was formed to include only architects and the PLLC is owned by the three architects that we have listed on our application.

Vote: All in favor. Motion passes.

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

Klai swore in the following individuals as architects:

1. Robert Hersh.....7648
2. Nathaniel Hudson.....7649
3. Joseph Miller.....7662
4. Frank Moore.....7650
5. Kevin Quan.....7651

6. Joshua Zint.....7663

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

Vote: All in favor. Motion passes.

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

Ciesynski swore in the following individuals as registered interior designers:

- 1. Jeanine Deary.....233-ID
- 2. Pamela Niemann.....234-ID
- 3. Bryan Taylor.....235-ID

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

Vote: All in favor. Motion passes.

Mickey introduced Randy Lavigne, executive director of the American Institute of Architects (AIA) Nevada and AIA Las Vegas.

Lavigne told the new registrants that the AIA is a professional association that offers support and resources for those in the design profession. She welcomed them into the profession on behalf of the all AIA members across the country and presented each of them with a Certificate of Recognition.

Klai congratulated the new registrants. He commended Joseph Miller for being the youngest registered Nevada architect to date at the age of 24. Miller was registered 13 months after completing the education requirement, passing all divisions of the Architect Registration Examination (ARE) in 6 months.

Mickey congratulated the new registrants and welcomed them to the profession. He told them that the board conducts the registration ceremony to commemorate the accomplishment of becoming registered and so that they can meet the board and staff. Mickey said the board is always available to assist them and should be considered resources for guidance. He told them that the Nevada board has a tremendous amount of knowledge among its members, consisting of architects, registered interior designers, a residential designer, and a public member.

Mickey said the board was honored that Gregory Erny, NSBAIDRD board member, would be inaugurated as the president of the National Council of Architectural Registration Boards (NCARB) in June.

Erny encouraged the new architects to become NCARB certified, saying that NCARB is another valuable resource for them as they grow in their profession and expand to other regions and countries. He also stressed the importance of researching the laws in other jurisdictions prior to pursuit of any projects in those jurisdictions.

Ciesynski congratulated the new registrants. She told the registered interior designers that she is excited to have sworn-in three new registered interior designers and acknowledged that two of them were from out-of-state. She said that Nevada is special in that it recognizes the profession of registered interior design and stressed the importance of trying to get as many states as possible to do

the same. Ciesynski said that the Council for Interior Design Qualification (CIDQ) is working toward reciprocity for the profession. She encouraged the registered interior designers to maintain their National Council for Interior Design Qualification (NCIDQ) certification and to join CIDQ's Ambassadors Program which assists those on the path to certification.

Mickey invited the registrants to comment about their paths to registration.

Niemann, registered interior designer, asked if it was true that the NCIDQ Examination would be changing in 2017, and if so, how one would prepare to take the test.

Ciesynski said it would be changing this October by way of The Practicum Exam being computerized. She said the exam would be delivered via a user-friendly testing platform, not a design platform, so no prior software experience would be required to take the exam. She said becoming an Ambassador would allow access to online resources that would be valuable in assisting pre-professionals.

One of the architects said that he was caught up in developing his performance at work rather than working on getting registered. He finally decided to become registered due to limitations in moving up the ladder without registration.

Another architect said the development of the ARE 5.0 was a much needed change to the examination.

Erny told the new registrants that they are exempt from Nevada's continuing education requirement the year they become registered and the following year, but that he wanted to make them aware of the annual NSBAIDRD/AIA Nevada Continuing Education Seminar. He said the seminar, hosted in Las Vegas and Reno each year, provides all 8 of Nevada's health, safety, and welfare continuing education units in one day at a low cost.

Klai added that the seminar is relevant for all 3 professions regulated by NSBAIDRD.

One of the new registrants asked how continuing education audits were conducted in Nevada.

Harrison responded that between February and March a percentage of registrants that renewed for the current year are randomly selected for audit of continuing education units (CEUs) claimed. She said the CEUs must be completed prior to registration renewal.

Glenn Nowak (Nevada architect and Associate Professor, Graduate Coordinator of UNLV School of Architecture) congratulated the new registrants. He told Frank Moore and Robert "RJ" Hersh that they, as well as all UNLV alumni that move into the profession, are a real source of pride for the UNLV School of Architecture. Nowak said UNLV appreciates seeing its graduates move into the ranks of architects, landscape architects, and registered interior designers. He thanked Hahn for continuously inviting him to attend the board meetings.

Agenda Item 4

Review and Possible Decision Regarding Application for Residential Design Registration of Amy Finchem Pursuant to NAC 623.820 and NRS 623.260

Harrison said Amy Finchem (248-RD, originally registered in 2007) allowed her license to lapse in 2012, and was now requesting reinstatement of her residential design registration.

Motion: Waugh moved to approve the application of Amy Finchmen for residential design registration upon the condition that she completes three years' worth of continuing education units. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

Agenda Item 5 NSBAIDRD /AIA Continuing Education Report – May 2017

Harrison said the fifth annual 2017 NSBAIDRD/AIA Continuing Education Seminar was held on Thursday, May 25 in Las Vegas and that each of them were provided a copy of the feedback from attendees. She reported that there were 178 attendees at the event. Overall, the evaluations reflected that the seminar was successful and appreciated by the attendees.

Harrison said the seminar would be held again in Reno on Thursday, December 7 at Silver Legacy Hotel & Casino and that the sessions would remain the same with the exception of the Clark County Department of Building and Fire Prevention's presentation being replaced by a presentation from Dan Holly, Building and Safety Manager of the City of Reno Community Development.

Mickey requested that board members be on the lookout for potential speakers and sponsors for the 2018 seminar.

Agenda Item 10A Discussion and Possible Decision of the Final Resolutions for 2017 NCARB Annual Business Meeting in Boston, MA

Mickey said that NCARB had no final resolutions and no contested elections.

Erny said the one draft resolution that had been presented at the NCARB Regional Summit was omitted because it was decided that the issue was not in need of addressing. The draft resolution concerned how NCARB would handle the issue of jurisdictional boards who were unable to remit payment of membership dues to NCARB.

Agenda Item 10B Review and Discussion of AIA's Introduction and Support of the New Terms "Architectural Associate" or "Design Professional" for Individuals Pursuing Licensure

Harrison reported that the American Institute of Architects (AIA) had released a publication regarding their introduction and support and of the terms "architectural associate" and "design professional."

She said NCARB sent out a letter to all jurisdictions asking if these terms were in conflict with their laws or regulations. Harrison told board members that she had Hahn draft a notice stating that the terms are in conflict with NRS 623 and sent it to all Nevada registrants, NCARB, faculty of UNLV School of Architecture, and AIA Nevada.

NOTICE

April 28, 2017

Re: Nevada Law Does Not Allow the Use of the Title "Architectural Associate" or "Design

Professional" for Interns

The Nevada State Board of Architecture, Interior Design and Residential Design (NSBAIDRD) is issuing this notice to ensure that its registrants and those on the path to registration in Nevada understand that the use of the title "architectural associate" or "design professional" by interns is a violation of Nevada law per [NRS 623.180](#), [NRS 623.360](#), and [NRS 40.623](#).

In the past few weeks there has been discussion in regard to The American Institute of Architects' (AIA) introduction and support of the two titles. The terms, addressing "prelicensure titling," were presented by the AIA in the most recent version of its Directory of Public Policies and Position Statements. The AIA supports three titles for those on the path to becoming architects.

The first title, "intern," refers to an individual who is pursuing education and experience simultaneously. The other two titles, "architectural associate" and "design professional," are reserved for an individual who has completed the education requirement and is in the process of fulfilling the experience requirement.

Again, the NSBAIDRD cannot support use of the title "architectural associate" or "design professional" by anyone other than a registered professional. The terms "architect" and its derivatives (architects, architecture, architectural) are protected terms under [NRS 623.180](#) and [NRS 623.360](#). "Design professional" is protected by [NRS 40.623](#). Anyone found in violation of the aforementioned statutes may be subject to disciplinary action.

The NSBAIDRD asks that you share this information, as it relates to your profession, with your colleagues, interns, and/or students.

Please direct questions or concerns regarding this notice to the NSBAIDRD staff at (702) 486-7300 or nsbaidrd@nsbaidrd.nv.gov.

The issue was also brought to attention in the most recent issue of the NSBAIDRD newsletter.

Garlock asked what NCARB's position was on the matter. Erny said that NCARB has no position on people that are not licensed and leaves titling up to the jurisdictions and firm owners.

Agenda Item 10C FYI: NCARB Staff and Volunteers Elevated to AIA College of Fellows

The board congratulated Erny on his elevation to the College of Fellows of the American Institute of Architects. Erny thanked them.

Agenda Item 10D FYI: NCARB Candidate Announcements for the 2016-17 Board of Directors

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

Agenda Item 10E FYI: NCARB Update March and April 2017

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

Agenda Item 10F FYI: NCARB Fast Facts April and May 2017

Erny said he will be re-assembling a task force which will address the issue of "interior architecture" titling because it has become a problem in some jurisdictions.

**Agenda Item 11A Update Regarding the Graphic Residential Design Exam
Content and Update from the Committee**

Morelli reported that the Graphic Residential Design Exam Committee had met earlier in the year and would meet once more that afternoon to complete the modification of the exam. The updated exam would be administered in August.

Klai asked how the residential design candidates are made aware of examination dates. His concern was that the group (residential design candidates) the board is trying to reach is not as easily identifiable as those on the path to becoming architects and registered interior designers. Harrison said that the dates are posted on the NSBAIDRD's website.

Garlock said he had a conversation with one of the new registrants, who is an instructor at Truckee Meadows Community College (TMCC), about the strong residential design program that existed at TMCC many years ago. Garlock suggested that staff invite the appropriate representative from TMCC to the board's August board meeting in order to discuss the matter with them and offer support in bolstering the credibility of the schools residential design program.

**Agenda Item 12A Update Regarding the Nevada Alternative Review Process
and Applicants**

Harrison reported that the first candidate to use CIDQ's Nevada Alternative Review Process had submitted the educational portion of the application about a month ago. She said she had been working closely with CIDQ Executive Director Thom Banks on the process.

Harrison said the next step would be review of the applicant's experiential background to determine which education competencies were met as a result of interior design practice experience. The review would be conducted by Subject Matter Expert (SME) evaluators.

Fleming said she would serve on the CIDQ committee as an SME evaluator. The committee meetings would be conducted via conference call.

**Agenda Item 12B FYI: Announcement - Accepting Applications for the 2018 CIDQ
Board of Directors**

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

Agenda Item 13 Public Member Report

Waugh said he had been appointed to the NCARB Examination Committee.

He also reported that he had been appointed as the Chief of Staff of the Undergraduate Student Government at UNLV and thanked his fellow board members on behalf of the students for their continued support of the UNLV School of Architecture.

Agenda Item 14 Executive Director Report

Harrison announced that the 78th Nevada Legislative Session had just ended. She said Senate Bill 69 would have an impact on NSBAIDRD. The bill limits the terms of board members to a maximum of twelve years total. She said board members should start thinking about succession planning.

She reported that Bach would be visiting building and planning departments in Northern Nevada, as well as the Nevada State Board of Professional Engineers and Land Surveyors, in August.

Harrison said that the Continuing Education audit for 2017 registration had been completed and that all registrants that had been audited were now compliant. The audited registrants that were not initially in compliance with Nevada's continuing education regulation would be audited again in 2018.

Harrison said the Residential Design Exam would be administered on August 3 and 4 in Las Vegas at CSN and in Reno at TMCC.

She told board members that they should plan to be in Reno on August 15 for the August 16 board meeting to be held at the Grand Sierra.

Harrison reported that the board's reciprocity process had been streamlined to be completed in 30 days or less upon receipt of all completed required documents and fees from the applicant.

Harrison introduced new staff member, Terylle Kanani Aguada, who would be filling the executive assistant position upon the departure of Ana Goins. Harrison thanked Goins for doing a great job in training Aguada.

She reported that staff had been doing a great job: meeting deadlines, very busy in enforcement, processing a large amount of reciprocity and firm name applications, and keeping up with education outreach

Agenda Item 15 Board Counsel Report

Ling reported that he would become an independent contractor with the board, rather than an employee, due to Assembly Bill 328.

He said the Rusk hearing was held on May 22 and that Bach, Harrison, and Mickey attended. Ling said that there was no order from the judge as of yet, and he would provide a copy of the order to Harrison as soon as he received it.

Ling said the hearing ended up focusing on whether or not he had committed any acts of prosecutorial misconduct, and ultimately the judge will be deciding if he will be granting Rusk's request to have a new hearing.

Ling said that he believes that the case will be appealed regardless of which way the judge rules. If appealed, the matter will go to the Supreme Court. Costs from this could range from \$3,000 to \$5,000.

Agenda Item 16 Public Information Report

Hahn reported that she spoke with the Interior Architecture + Design Student Organization at UNLV, consisting of about twenty 3rd and 4th year students, in March. She said there was good discussion

about the sequence of getting CIDQ certified, titling prior to registration, and illegal practice. Hahn said she clarified to the students that the title of the program, Architecture and Interior Design, they were enrolled in would not allow them to practice as architects.

Hahn said that while she was updating the slides for the presentation, she realized that the CIDQ website no longer mentioned the Interior Design Experience Program (IDEP). She researched and found out that CIDQ stop administering it about 2013/2014 and had just removed it from their website this year. CIDQ does not offer an experience program.

Hahn said she spoke with Glenn Nowak (Nevada architect and Associate Professor, Graduate Coordinator of UNLV School of Architecture) and that he is planning a field trip for his students to attend the October board meeting.

Hahn told the board that she sent a press release to all of the professional interior design organizations (IIDA, ASID, idc, CIDQ) and the UNLV School of Architecture announcing CIDQ's Alternative Review Process earlier that month.

She said she sent out the latest edition of *Focus* the day prior. It was sent to 3,363 people and opened by 30% of those recipients.

Hahn said she spoke with Joseph Miller after the swearing in ceremony and he agreed to speak with her in the near future concerning his story of becoming the youngest architect registered in Nevada. Erny asked that the information be shared with NCARB.

Agenda Item 6 2017 Legislative Session Report – Jim Wadhams, Board Lobbyist

Wadhams addressed the board and summarized the 2017 Nevada Legislative Session.

He reported that the passage of Senate Bill 69 will have an impact on NSBAIDRD as it limits the term of board members.

Wadhams said the passing of Assembly Bill 328 will not allow NSBAIDRD to hire legal counsel as an employee unless the legal counsel is employed by only one regulatory board. The bill does allow legal counsel to contract with more than one regulatory board if the legal counsel acts as an independent contractor.

Agenda Item 8 Board Financial Investment Report – Secretary/Treasurer's Update Regarding First Independent Bank Investment Funds

Harrison told board members that the information concerning NSBAIDRD's account with First Independent Bank was included in the board e-Book. She went over the information and said the Board Financial Report would be reviewed again in January 2018.

Ciesynski requested that the investment report be included in the each board meeting e-Book.

AGENDA ITEM 9A-1 Case No. 16-008N - In the Matter of Brian G. Thornton and Brian G. Thornton Designs, LLC

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

Staff located an article in the *Las Vegas Business Press* stating that the respondents had just designed the Stratosphere pool. Further investigation revealed that since 2011 the respondents had issued 43 proposals and prepared drawings and specifications for multiple projects at over eight different venues without working under the responsible control of a registrant.

The respondents were sent a Notice of Charges concerning these projects. The respondents' case was discussed with Executive Director Harrison 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 and confession of judgment were negotiated. The settlement agreement incorporates a Guilt Clause along with an Administrative Penalty of \$20,000; of which \$5,000 is stayed as long as the respondents remain in compliance with the terms of the settlement agreement plus Investigative Costs in the amount of \$2,000.

Staff recommended approval of the settlement agreement.

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

Vote: Klai recused himself. Garlock opposed. All in favor. Motion passes.

AGENDA ITEM 9A-2 Case No. 17-008N - In the Matter of Karen Gravlin

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

Staff received anonymous residential drawings which showed they were prepared by the respondent and being submitted as owner builder. Further investigation revealed that the respondent had prepared drawings for two general contractors as a 1099 contract employee for seven other small residential projects.

The respondent was sent a Notice of Charges concerning this matter. The respondent's case was discussed with Executive Director Harrison and the decision was made to offer the respondent an opportunity to settle this matter informally rather than face a disciplinary hearing before the board. A settlement agreement and confession of judgment were negotiated. The settlement agreement incorporates a Guilt Clause and an Administrative Penalty of \$4,000 plus Investigative Costs in the amount of \$1,500.

Staff recommended approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-3 Case No. 17-031N - In the Matter of Michael Franck and Spacesmith, LLP

The respondent is alleged to have violated NRS 623.360.1 (a) and (b) by holding himself out as being qualified to practice architecture and disseminating a proposal prior to having a certificate of registration with this board.

Staff received the respondent's reciprocity application and noticed that he had stated that his firm had issued a proposal for the Nevada project he was getting registered for. Staff asked if he had prepared any drawings and the respondent stated that his firm was going to do the construction drawings and were waiting to receive the design drawings from a firm in France, so they had not prepared any drawings. A copy of the proposal was obtained which had the respondents' signature on it.

The respondent was sent a Notice of Investigation/Charges concerning this project. The respondent's case was discussed with Executive Director Harrison and the decision was made to offer the respondent an opportunity to settle this matter 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 \$2,500 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 Ciesynski.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-4 **Case No. 17-033N - In the Matter of Peter Kudrave and Kudrave Architects**

The respondent is alleged to have violated NRS 623.360.1 (a) and (b) by holding himself out as a Nevada registered architect in a statement of qualifications prior to having a certificate of registration with this board.

Staff received a call from a registrant stating that he was in possession of a statement of qualifications as an expert witness from the respondent showing that he was a registered architect in Nevada. A copy of the qualifications was obtained. Shortly afterward staff received the respondent's reciprocity application and informed him that he was stating in his qualifications for expert witness that he was registered in Nevada. The respondent was previously registered in Nevada but allowed their registration to lapse December 31, 1990.

The respondent was sent a Notice of Investigation/Charges concerning this matter. The respondent's case was discussed with Executive Director Harrison and the decision was made to offer the respondent an opportunity to settle this matter 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 \$1,500 plus Investigative Costs in the amount of \$1,000.

Staff recommended approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-5 **Case No. 17-039N - In the Matter of Adrienne Faulkner and Faulkner Design Group, Inc.**

The respondent is alleged to have violated NRS 623.360.1 (a), (b), and (c) by holding herself out and engaging in the practice of architecture and registered interior design prior to having a certificate of registration with this board.

Staff received an application for registration for registered interior designer from the respondent on August 4, 2015. During the processing of the application the respondent's assistant had mentioned that the respondent had already performed work in Nevada despite attesting to the fact that they hadn't on their application. Staff called the respondent four times and left messages but never received a return call. On February 7, 2017 staff received a reciprocity application for the respondent which did include a list of projects. Staff called and spoke to the respondent's assistant to inform him that the respondent could not apply through reciprocity. Additional information on the projects was also requested at that time. Further investigation revealed nine Nevada projects over the past five years.

The respondent was sent a Notice of Investigation/Charges concerning this matter. The respondent's case was discussed with Executive Director Harrison and the decision was made to offer the respondent an opportunity to settle this matter 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 \$25,000 plus Investigative Costs in the amount of \$2,000.

Staff recommended approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-6

Case No. 17-041N - In the Matter of John Vierra and Delta Buildings, Inc.

The respondent is alleged to have violated NRS 623.360.1 (b) and (c) by holding himself out and engaging in the practice of architecture prior to having a certificate of registration with this board.

During a reciprocity interview staff asked the respondent if he had issued a proposal or prepared any drawings for a Nevada project. The respondent stated that he had prepared a master plan and a proposal. The respondent also performed a site visit. Staff obtained a copy of the drawing which was not dated and the proposal (dated January 20, 2017). The respondent's application for reciprocity was not received until March 30, 2017.

The respondent was sent a Notice of Investigation/Charges concerning this matter. The respondent's case was discussed with Executive Director Harrison and the decision was made to offer the respondent an opportunity to settle this matter informally rather than face a disciplinary hearing before the board. A settlement agreement was negotiated incorporating a No Contest Clause, an Effect on Licensure Clause, and an Administrative Penalty of \$1,500 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 Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-7

Case No. 17-043N - In the Matter of Kirstin Balzano and Bar Napkin Productions, LLC

The respondent is alleged to have violated NRS 623.360.1 (a), (b), and (c) by holding herself out and engaging in the practice of architecture and registered interior design prior to having a certificate of registration with this board.

Staff received the respondent's reciprocity application and performed a search of her website which revealed four Nevada projects. The respondent had not disclosed doing any work in Nevada on her application. During the phone interview, staff asked if she had done any work in Nevada and she replied no. Staff mentioned the four projects on her website and she said they were done under a Nevada architect. Further investigation revealed that although a Nevada architect took responsible control over three of the four projects, there was no disclaimer on their website, Facebook, Twitter, Pinterest and Instagram feeds. Moreover, the fourth project which consisted of a rendering was not completed under the responsible control of a Nevada registrant.

The respondent was sent a Notice of Investigation/Charges concerning this project. The respondent's case was discussed with Executive Director Harrison and the decision was made to offer the respondent an opportunity to settle this matter 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 \$5,000 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 Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-8

Case No. 17-045N - In the Matter of Daniel E. Heifetz and Heifetz Architecture, Inc.

The respondent is alleged to have violated NRS 623.360.1 (b) and (c) by putting out a device (a proposal) indicating to the public that he was qualified to practice architecture and engaging in the practice of architecture prior to having a certificate of registration with this board.

Staff received the respondents' reciprocity application on March 27, 2017. During the phone interview, staff asked if he had issued a proposal or prepared any drawings. The respondent stated that he had prepared a proposal and a preliminary floor plan. Staff obtained copies of both.

The respondent was sent a Notice of Investigation/Charges concerning this project. The respondent's case was discussed with Executive Director Harrison and the decision was made to offer the respondent an opportunity to settle this matter 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 \$2,500 plus Investigative Costs in the amount of \$1,000.

Staff recommended approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-9 Case No. 17-022N - In the Matter of Orlando Diaz and With Pride Construction

The respondents are alleged to have violated NRS 623.035.1 (d), NAC 623.0195, and NRS 623.360.1 (b) and (c) by working outside of the contractor's exemption and engaging in the practice of architecture without having a certificate of registration with this Board.

Staff received a complaint regarding contractor (respondents) using an unlicensed individual to prepare the architectural plans for the complainant's project, Lidet Café & Bakery. The unlicensed individual was a residential designer (case 17-023R) working outside of his scope of registration. Further investigation including emails back and forth between the RD and the contractor revealed that respondents did not prepare their own plans for their own construction activities.

The respondents were sent a Notice of Charges concerning these projects. The respondents' case was discussed with Executive Director Harrison and the decision was made to offer the respondents an opportunity to settle this matter informally rather than face a disciplinary hearing before the board. A settlement agreement and confession of judgment were negotiated. The settlement agreement incorporates a Guilt Clause and an Administrative Penalty of \$5,000 plus Investigative Costs in the amount of \$2,000

Staff recommended approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 9B Discussion and Possible Decision Regarding Closure of Enforcement Cases

Bach recommended the following cases for closure without disciplinary action:

15-025N 17-011N 17-036N 17-037N 17-040N 17-042N 17-044N

Motion: Waugh moved to close the above-referenced case. Motion seconded by Erny.

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

AGENDA ITEM 9C Enforcement Report

Bach reported that she would be visiting building and planning departments and various agencies in Northern Nevada on August 14 and August 15. She passed out a copy of her itinerary which displayed that she would be visiting the Tahoe Regional Planning Agency; Douglas County Building Division; Nevada State Fire Marshall Division; Carson City Building Division; Nevada State Public Works Division; Washoe County Department of Building and Safety; City of Reno Building, Planning and Engineering Divisions; City of Sparks Building and Safety Division; Nevada State Board of Professional Engineers and Land Surveyors; and the Storey County Building and Planning Department.

At NSBAIDRD's March 1, 2017 board meeting, Bach had presented a report of the results from a questionnaire she had sent to the building departments. The survey asked if the departments accept "for reference only" plans without a stamp and what the protocols are for accepting specialty plans and plans from roofing consultants. Due the variance in responses, the board suggested that staff write a letter to the building departments informing them of best practices in the matters addressed.

Bach presented the draft letter. The letter was in regard to the protocol of acceptance of plans from specialty designers (kitchen, dental, and medical) and roofing consultants by building and planning departments as applicable to NAC 623.766.

NAC 623.766 Contents of plans, specifications and certain other documents submitted to public authority. ([NRS 623.140, 623.185](#))

1. *Plans submitted to a public authority must include:*
 - (a) *The name, address and telephone number of the firm that submits the plans;*
 - (b) *The name and location of the project for which the plans are submitted;*
 - (c) *The date the plans were issued for printing; and*
 - (d) *A statement that indicates whether the plans are preliminary or final.*
2. *Each sheet submitted to a public authority must bear the date, the original or electronic seal and signature of the registrant who provided the responsible control under which the work indicated on the sheet was performed.*
3. *Each set of specifications submitted to a public authority must include a table of contents or cover sheet that:*
 - (a) *Indicates the professional discipline that is the source of each specification; and*
 - (b) *Contains the stamp of, and is signed and dated by, each registrant who provided the responsible control under which the work in that professional discipline was performed. The seal, signature and date may be in original or electronic format.*
4. *Each report, study, test result, certification or calculation that is submitted to a public authority must be stamped, signed and dated by the registrant who provided the responsible control under which that report, study, test result, certification or calculation was submitted. The seal, signature and date may be in original or electronic format.*
(Added to NAC by Bd. of Architecture, Interior Design & Residential Design by R113-99, eff. 12-4-2000; A by R120-01, 3-4-2002; R230-03, 4-30-2004; R012-06, 5-4-2006)

Ling suggested that the board update the language of NAC 623.766 to specifically state which plans do need to be stamped and which ones do not need to be stamped by registrants that are licensed pursuant to NRS 623.

Erny requested that this matter be discussed at the first convening of the Nevada Construction Industry Relations Committee (NCIRC) in preparation of the next version of The Blue Book. Garlock agreed with Erny and added that the design and construction industry, as a whole, has an issue with stamping and that the problem should be solved collectively.

The board decided not to send the letter that Bach presented until NAC 623.766 was revised.

Harrison said the first meeting would probably be in December and that she would bring the issue to the committee.

Ciesynski requested that Harrison ask that the gray area concerning the interior design license that is offered by the Nevada State Fire Marshall Division be clarified within the next version of The Blue Book. She said that there are designers that hold this license and advertise that they can do commercial work while they are only able to do a portion of commercial work.

Agenda Item 17

Items for Future Agenda

- Discussion with Truckee Meadows Community College concerning Residential Design Program

- Discussion of the use of the words “architecture, architects, architect” outside the practice of architecture (e.g. software companies, marketing companies, investment management companies)
- Update and refreshment of NSBAIDRD’s Strategic Plan

AGENDA ITEM 18

Public Comment

There was no public present.

Chairman Mickey adjourned the meeting at 2:15 p.m.

Monica Harrison, Executive Director

Kimberly Ciesynski, Secretary/Treasurer