

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

January 17, 2024

The Gina Spaulding Boardroom
2080 East Flamingo Road, Suite 120, Las Vegas, NV 89119

Wednesday, January 17, 2024

Chairman Greg Erny called the meeting to order at 8:30 a.m.

Board members present: Gregory Erny (Chairman), William Snyder (Secretary/Treasurer), Daniel Coletti, George Garlock, James Mickey, Nathaniel Waugh, Tina Wichmann and Marie Wikoff (attending via audio). One registered interior designer position vacant.

Also in attendance: Monica Harrison (Executive Director), Louis Ling (Legal Counsel), Laura Bach (Chief Investigator), Stacey Hatfield (Public Information Officer), Jessica Hernandez-Ramos (Licensing Specialist), and Leilani Quenga (Licensing Specialist / Bookkeeper).

NSBAIDRD Mission Statement:

“The mission of the NSBAIDRD is to promote, preserve, and protect the health, safety, and welfare of the public by regulating architects, registered interior designers, and residential designers to provide competent professional services in the built environment.”

Chairman Erny announced that Ann Fleming, registered interior designer board member, resigned from the board.

AGENDA ITEM 1 Public comment

There was no public comment.

AGENDA ITEM 2 Election of officers

This item was not necessary.

AGENDA ITEM 3 Approval of consent agenda

Consent agenda included the following:

- A. Approval of Agenda
- B. Approval of Minutes: October 18, 2023
- 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. Bank of Nevada Statements
 - 4. First Independent Bank Statements
- D. Ratification of Reciprocal Licenses (see attached list)

- E. Firm Name Approval Requests
 - 1. Earthwise Design
 - 2. Chavez Residential Design, Professional LLC
 - 3. BFD/Key Architecture
 - 4. AKAR INC.
 - 5. Terra Firma Design
 - 6. CoreStates Design, P.C.
 - 7. Studio Carlson Architecture, PLLC
 - 8. B.I.G. Architecture D.P.C.
- F. Firm Registration Approval Requests
 - 1. HAG, P.C.
 - 2. FSB Architecture + Engineers
 - 3. Layers 4045 Design Studio, LLC
 - 4. CDAE P.C.
 - 5. Multistudio LLC

Architects: Registration by Reciprocity

9304	Rober D. Binder	9317	Jason Schroer	9330	Darian Wagner
9305	Hillary Buie Andren-Wise	9318	Ryan Russell Bullock	9331	Daniel E. Koster
9306	Alexandra Ramsey	9319	Jonathan Michael Chamberlain	9332	Dawson, Christohper D.
9307	James R. Fillerup	9320	Christopher J. Harvey	9333	Lee H. Morrissette
9308	Joseph Mark Huberty	9321	James Edward Cary, Jr.	9334	Jeff Renterghem
9309	Garth Irving Sheriff	9322	Carl Lingle	9335	Benjamin Jackson McRae
9310	David S Fuller	9323	Kimberly N. Montague	9336	Juan Enrique Milhouse
9311	Aaron J. Vermeulen	9324	Jeremiah I. Tolbert, II	9337	Adam Boyd Steinbach
9312	Sherri Miller	9325	Reuben Wootton	9338	Christopher Andersen
9313	Anthony G. Rohr	9326	Brian L Crawford	9339	Michael Goslinga
9314	Sean R. Kefferstan	9327	Tina Sanghrajka	9340	Mitchell Hoefer
9315	Trent J. Koci	9328	Michael Leonard Schlager	9341	Richard Munson Miller
9316	James R. Naven	9329	Warren David Rutledge, Jr.	9342	Todd B. Spiegel

Mickey requested 3E-4, 3E-8, 3F-1, 3F-4, and 3F-5 be pulled from the consent agenda for further discussion.

Motion: Snyder moved to approve the consent agenda, except items 3E-4, 3E-8, 3F-1, 3F-4, and 3F-5.

Motion seconded by Waugh.

Vote: All in favor. Motion passes.

AGENDA ITEM 3E-4 Firm name approval request: AKAR INC.

Mickey said this application is from registrants in a national firm that is establishing a Nevada-specific firm. He wants the registrants to receive a letter stating that the work done in Nevada, including contracts and marketing, must be done under the Nevada firm name, not the national firm name.

Motion: Waugh moved to approve the firm registration approval request of “AKR INC.” Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 3E-8 Firm name approval request: B.I.G. Architecture D.P.C.

Mickey said this application is from registrants in a national firm that is establishing a Nevada-specific firm. He wants the registrants to receive a letter stating that the work done in Nevada, including contracts and marketing, must be done under the Nevada firm name, not the national firm name.

Motion: Waugh moved to approve the firm registration approval request of “B.I.G. Architecture D.P.C.” Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 3F-1 Firm registration approval request: HAG, P.C.

Mickey said this application is from registrants in a national firm that is establishing a Nevada-specific firm. He wants the registrants to receive a letter stating that the work done in Nevada, including contracts and marketing, must be done under the Nevada firm name, not the national firm name.

Motion: Waugh moved to approve the firm registration approval request of “HAG, P.C.” Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 3F-4 Firm registration approval request: CDAE P.C.

Mickey said this application is from registrants in a national firm that is establishing a Nevada-specific firm. He wants the registrants to receive a letter stating that the work done in Nevada, including contracts and marketing, must be done under the Nevada firm name, not the national firm name.

Motion: Waugh moved to approve the firm registration approval request of “CDAE P.C.” Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 3F-5 Firm registration approval request: Multistudio LLC

Mickey said this application is from registrants in a national firm that is establishing a Nevada-specific firm. He wants the registrants to receive a letter stating that the work done in Nevada, including contracts and marketing, must be done under the Nevada firm name, not the national firm name.

Motion: Waugh moved to approve the firm registration approval request of “Multistudio LLC.” Motion seconded by Wichmann.

Vote: All in favor. Motion passes.

AGENDA ITEM 8 **Discussion and potential action regarding holding future board meetings in person**

Harrison said the board currently meets two times a year in person and via Zoom three times. The costs to meet in person are included in the board books. Garlock said the majority of meetings should be in person. Waugh suggested in-person meetings in January (start of year) and October (officer elections) in Las Vegas and May/June in Reno. Wichmann said that she travels often for work and a hybrid or virtual option allows her more flexibility. Erny said formal hearings should be in person.

Harrison said that the accommodations made today for Wikoff and a new registrant have limitations. Today’s meeting is not a true hybrid meeting. Wikoff said she has a difficult time hearing what everyone is saying. Ling and Harrison said that holding a hybrid meeting which complies with the Open Meeting Law would require a lot of resources.

Board members discussed Waugh’s suggestion and agreed it was a good starting place. Erny stressed the board needs to be flexible as certain meetings may need to be held in person. Board members said providing accommodation for new registrants unable to attend in person should be maintained.

Motion: Waugh moved to approve the board moving to a three in-person / two virtual meeting schedule. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 9 **Review and possible approval of the Master Calendar for FY2023-2024 and FY2024-2025**

Harrison presented the proposed Master Calendars for 2023-24 and 2024-25. Waugh suggested amending the Master Calendars to hold the January and October meetings in Las Vegas and the May/June meeting in Reno, with the others being virtual. Board members also agreed to move the May 29, 2024 meeting to June 5.

Motion: Waugh moved to amend and approve the Master Calendars as discussed. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 4A **Deliberations/Action on Applications for Registration: Architects**

Erny greeted the attendees and explained the swearing-in process and ceremony.

Snyder swore-in the following individual as an architect:

1. Yang Ding 9343

Motion: Mickey moved to approve the registration of the above referenced individual as an architect. Motion seconded by Waugh.

Vote: All in favor. Motion passes.

AGENDA ITEM 4B Deliberations/Action on Applications for Registration: Registered Interior Designers

Snyder swore-in the following individuals as registered interior designers:

1. Nancy L. Moore 307-ID
2. Jennifer Harpe 308-ID
3. Christine A. vanRooy..... 309-ID

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

Vote: All in favor. Motion passes.

Erny and other board members congratulated the new registrants. Erny encouraged the new registrants to share any comments or concerns on the licensure process.

Harrison encouraged new registrants to reach out to board staff for guidance if they plan to register a firm. She also said that they are exempt from earning continuing education units for the first two years of licensure.

New registrants shared comments on the licensure process. Harpe thanked the board for allowing her to attend virtually.

AGENDA ITEM 5 Public hearing regarding potential adoption of regulation LCB File No. R056-23

Proposed regulation LCB File No. R056-23 was presented in the board meeting eBook.

Erny opened the public hearing for LCB File No. R056-23 at 10:00am.

The board held a hearing for the consideration of public comments regarding LCB File No. R056-23. Notices of this hearing were properly and timely posted and copies of the notice and the regulation have been publicly available in compliance with NRS 233B. The board received no written comments regarding the regulation prior to the hearing.

The purpose of this regulation is to update sections that are redundant, obsolete, and no longer in use by the agency.

Erny opened the hearing for public comment. There was no public comment.

Erny closed the public comment portion of the hearing.

Motion: Waugh moved to adopt LCB File No. R056-23. Motion seconded by Wichmann.

Vote: All in favor. Motion passes.

Erny closed the public hearing.

Wikoff disconnected from audio and was no longer in attendance.

AGENDA ITEM 6

Review and possible approval of Mr. Jeffrey Terry’s request to sit for the Residential Design Exam pursuant to NAC 623.505(11)

Harrison said that Jeffrey Terry is requesting the board grant him experience credit pursuant to NAC 623.505(11). She said Terry has one year of education credit, and is requesting the board grant him the remaining credit under this provision to allow him to sit for the Residential Design Exam. Terry has been a licensed B-2 contractor in Nevada since 2018 and his license is in good standing.

Terry presented his qualifications pursuant to NAC 623.505(11).

Board members discussed Terry’s qualifications.

Motion: Coletti moved to approve Jeffrey Terry’s application to sit for the Residential Design Examination. Motion seconded by Waugh.

Vote: All in favor. Motion passes.

AGENDA ITEM 7C

Formal Contested Administrative Hearing – In the matter of Michael Peterson (Case No. 23-018R)

A formal hearing was held in the matter of Michael Peterson, Case No. 23-018R.

Board members present: Gregory Erny (Chairman), Daniel Coletti, George Garlock, James Mickey, William Snyder, Nathaniel Waugh, and Tina Wichmann.

In attendance:

Matthew Feeley, Counsel to the Board

Louis Ling, Prosecuting Attorney

Laura Bach, NSBAIDRD Chief Investigator

Michelle Gibson, Complainant (attended by audio connection)

Michael Peterson (147-RD), Respondent

The counts brought against Michael Peterson are as follows:

First Cause of Action

The Respondent was incompetent and/or negligent relating to the services he provided to the Complainants, thus he violated NRS 623.270(1)(c)(1).

Second Cause of Action

The Respondent did not act with reasonable care and competence nor apply the knowledge and skill ordinarily applied by residential designers in good standing practicing in Washoe County, Nevada, and thus he violated NRS 623.270(1)(f)(1), NAC 623.900(1)(b), and Section 1.1 of the Model Rules of Conduct published by the National Council of Architectural Registration Boards (July 2023).

Third Cause of Action

In failing to have a written contract with the Complainants, the Respondent violated NRS 623.270(1)(f)(1) and NRS 623.325(1).

Fourth Cause of Action

In making misleading, deceptive, or false statements to the Complainants throughout the course of their dealings, the Respondent violated NRS 623.270(1)(f)(1), NAC 623.900(1)(b), and Section 3.1 of the Model Rules of Conduct published by the National Council of Architectural Registration Boards (July 2023).

Testimony was heard and evidence was introduced into the record.

The prosecution dropped the First Cause of Action based on testimony and evidence presented.

Motion: Waugh moved to find the Respondent violated the Second, Third and Fourth Causes of Action, as substantiated by the evidence presented admitted into record. Motion seconded by Coletti.

Motion to Amend: Waugh moved to remove the Fourth Cause of Action from his motion. The new motion is to find the Respondent violated the Second and Third Causes of Action, as substantiated by the evidence presented admitted into record. Motion seconded by Coletti.

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

Motion: Waugh moved to find the Respondent did not violate the Fourth Cause of Action, as substantiated by the evidence presented admitted into record. Motion seconded by Coletti.

Vote: All in favor. Motion passes.

Motion: Having found the Respondent violated the Second and Third Causes of Action, Waugh moved to impose the following penalties:

- Respondent pays restitution to the Complainant of \$3,000.
- Respondent pays all costs and fees for the investigation and hearing.
- Impose an administrative fine of \$5,000.
- Add two additional years of probation to the current probation period under Cases 23-014R, 23-024R, and 23-025R.

Motion seconded by Snyder.

Motion to amend: Snyder moved to amend the original motion to strike restitution and add a provision that would compel the Respondent to release his drawings to the Complainant and allow them to be redrawn by another design professional.

Snyder withdraws the motion to amend.

Motion to amend: Mickey moved to amend the original motion to attach a condition of probation that all future contracts must be sent to the state board during the period of probation.

Waugh and Snyder agree to the amendment.

Vote: Coletti and Waugh in favor. Garlock, Mickey, Snyder and Wichmann opposed. Motion fails.

Motion: Having found the Respondent violated the Second and Third Causes of Action, Waugh moved to impose the following penalties:

- Respondent pays restitution to the Complainant of \$1,500.
- Respondent pays all costs and fees for the investigation and hearing.
- Impose an administrative fine of \$5,000.
- Add two additional years of probation to the current probation period under Cases 23-014R, 23-024R, and 23-025R.
- During the period of probation, all future contracts must be sent to the state board. Contracts will not be approved by the board.

Motion seconded by Wichmann.

Vote: Coletti, Mickey, Waugh and Wichmann in favor. Garlock and Snyder opposed. Motion passes.

Motion: Waugh moved to require restitution be paid within 30 days, and payment or payment arrangements for the administrative penalty and costs must be made within 90 days. Motion seconded by Mickey.

Vote: All in favor. Motion passes.

Coletti left the meeting and was no longer in attendance.

AGENDA ITEM 10A-1 Case No. 23-047N in the matter of Aryeh Richard Rifkin and SKSI Meadows

The Respondent is alleged to have violated NRS 623.360.1(b) and (c) by holding himself out as being qualified to practice architecture and engaging in the practice of architecture without having a certificate of registration by this board.

Staff received an anonymous complaint which included drawings for a single-family remodel that were on the Respondent's title block. A review of the board's database revealed the Respondent is not registered.

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 was negotiated incorporating a Guilt Clause, an Administrative Penalty of \$4,000, of which \$4,000 is stayed as long as the Respondent remains in compliance with the terms of the settlement agreement, and 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 Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 10A-2 Case No. 24-017N in the matter of Bradley Peterson and Bradley/Collins, LLC

The Respondent is alleged to have violated NRS 623.360.1 (a) (b) and (c) by disseminating a proposal and engaging in the practice of architecture without having a certificate of registration by this board.

Staff received a reciprocity application from Respondent with a “no” answer to the question “Have you or any firm or business at which you practice architecture provided a proposal to a client, entered into a contract or agreement with a client, prepared drawings for a client, or otherwise performed architectural work for a project located or contemplated in Nevada?” During the interview the Respondent said that he had issued a proposal and prepared preliminary drawings.

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 was negotiated incorporating a Guilt Clause, an Effect on Licensure Clause, an Administrative Penalty of \$5,300, and Investigative Costs in the amount of \$1,200.

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 10A-3 Case No. 24-022N in the matter of Christopher Sawaya and Sawaya Architectural Corporation

The Respondent is alleged to have violated NRS 623.360.1 (b) and (c) by disseminating a proposal and engaging in the practice of architecture without having a certificate of registration by this board.

Staff received a reciprocity application from Respondent with a “no” answer to the question “Have you or any firm or business at which you practice architecture provided a proposal to a client, entered into a contract or agreement with a client, prepared drawings for a client, or otherwise performed architectural work for a project located or contemplated in Nevada?” During the interview the Respondent said that he had issued a proposal and prepared a preliminary drawing.

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 was negotiated incorporating a Guilt Clause, an Effect on Licensure Clause, an Administrative Penalty of \$2,000, and 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 Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 10A-4 Case No. 24-023N in the matter of Gary Beryl and BBA Architects

The Respondent is alleged to have violated NRS 623.360.1 (a) (b) and (c) by disseminating a proposal and engaging in the practice of architecture without having a certificate of registration by this board.

Staff received a reciprocity application from Respondent with a “no” answer to the question “Have you or any firm or business at which you practice architecture provided a proposal to a client, entered into a contract or agreement with a client, prepared drawings for a client, or otherwise performed architectural work for a project located or contemplated in Nevada?” During the interview the Respondent said that he had issued a proposal and prepared preliminary drawings.

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 was negotiated incorporating a Guilt Clause, an Effect on Licensure Clause, an Administrative Penalty of \$8,000, and 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 Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 10B Discussion and possible decision regarding closure of enforcement cases

Bach recommended the following cases for closure without disciplinary action:

24-001N	24-007N	24-008N	24-011N	24-012N	24-013N
24-014R	24-015R				

Motion: Waugh moved to approve the closure of the cases listed above without disciplinary action. Motion seconded by Garlock.

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

AGENDA ITEM 7B Formal Contested Administrative Hearing – In the matter of Jeffrey Hagen (Case No. 24-016N)

Board members present: Gregory Erny (Chairman), George Garlock, James Mickey, William Snyder, Nathaniel Waugh and Tina Wichmann.

In attendance:

Matthew Feeley, Counsel to the Board

Louis Ling, Prosecuting Attorney

Laura Bach, NSBAIDRD Chief Investigator

Mark Hutchings, Counsel for Jeffrey Hagen

Feeley stated that the Respondent believes that there is a legal issue to be decided before commencement of the case.

Hutchings, on behalf of Respondent Hagen, made a Motion to Dismiss the charging documents for lack of jurisdiction. Ling responded to the arguments and Hutchings replied.

Motion: Waugh moved to deny the Respondent's Motion to Dismiss. Motion seconded by Wichmann.

Vote: All in favor. Motion passes. Motion to Dismiss is denied.

This case will be heard at the March 20, 2024 board meeting. This meeting will be in Las Vegas, not virtual, as originally scheduled.

AGENDA ITEM 7A Formal Contested Administrative Hearing – In the matter of Jonathan Wirkkala (Case No. 23-031N)

A formal hearing was held in the matter of Jonathan Wirkkala, Case No. 23-031N.

Board members present: Gregory Erny (Chairman), George Garlock, James Mickey, William Snyder, Nathaniel Waugh and Tina Wichmann.

In attendance:

Matthew Feeley, Counsel to the Board

Louis Ling, Prosecuting Attorney

Laura Bach, NSBAIDRD Chief Investigator

The respondent was not present and was not represented by counsel.

The counts brought against Jonathan Wirkkala and High Sierra Drafting are as follows:

Count One

By practicing architecture and residential design without a valid registration, respondents jointly and severally have violated NRS 623.360(1)(c).

Count Two

By holding themselves out as registered interior designers without a valid certificate of registration, the respondents have violated NRS 623.360(1)(a) and/or NRS 623.360(1)(b).

Testimony was heard and evidence was introduced into the record.

Motion: Waugh moved to find the respondents guilty of Count One and Count Two, as substantiated by the evidence presented by the prosecution, including the testimony of the witness and evidence admitted into record. Motion seconded by Snyder.

Vote: Garlock, Mickey, Snyder and Waugh in favor. Wichmann opposed. Motion passes.

Motion: Having found the Respondent violated Count One and Count Two, Waugh moved to impose the following penalties:

- Respondent pays all costs and fees for the investigation and hearing.
- Impose an administrative fine of \$5,000 for each count, for a total fine of \$10,000.

Motion seconded by Garlock.

Vote: Garlock, Snyder and Waugh in favor. Mickey and Wichmann opposed. Motion passes.

AGENDA ITEM 10C Enforcement Report

Tabled to the next board meeting.

AGENDA ITEM 11 Architect Report

Tabled to the next board meeting.

AGENDA ITEM 12 Residential Designer Report

Tabled to the next board meeting.

AGENDA ITEM 13 Registered Interior Designer Report

Tabled to the next board meeting.

AGENDA ITEM 14 Public Member Report

Tabled to the next board meeting.

AGENDA ITEM 15 Executive Director Report

Tabled to the next board meeting.

AGENDA ITEM 16 Board Counsel Report

Tabled to the next board meeting.

AGENDA ITEM 17 Public Information Report

Tabled to the next board meeting.

AGENDA ITEM 18 Items for Future Agenda

Tabled to the next board meeting.

AGENDA ITEM 19 Public Comment

There was no public comment.

Chairman Erny adjourned the meeting.

Monica Harrison, Executive Director

William Snyder, Secretary/Treasurer