MINUTES FOR BOARD MEETING OF THE NEVADA STATE BOARD OF ARCHITECTURE, INTERIOR DESIGN AND RESIDENTIAL DESIGN (NSBAIDRD) January 19, 2022

Virtual Board Meeting – Video conference and audio offered via Zoom

Wednesday, January 19, 2022

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

Roll Call: Gregory Erny (Chairman), Kimberly Ciesynski (Secretary/Treasurer), Ann Fleming, George Garlock, James Mickey, John Morelli, William Snyder, Nathaniel Waugh and Tina Wichmann.

Also in attendance: Monica Harrison (Executive Director), Louis Ling (Legal Counsel), Laura Bach (Chief Investigator), and Stacey Hatfield (Public Information Officer).

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."

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: August 18, 2021 and October 20, 2021
- 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 list below)
- E. Firm Name Approval Requests
 - 1. ADA Architects, Inc.
 - 2. Fox Architecture, PLLC
 - 3. Skyterra Design
 - 4. Design LACED, PLLC
 - 5. Vincent Molluzzo Architect, PLLC
 - 6. NMZ ATELIER LLC
 - 7. Land to Living

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F. Firm Registration Approval Requests

Architects: Registration by Reciprocity

Christine C. Rajpal

Arthur Bruce Playle

Valerie A. Ward

Mark S. Kim

1. Lee & Sakahara Architects, Inc.

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8758	Mark Tiscornia	8770	Andrew Richard Roehl	8782	Andrew Liu
8759	Atilio G Leveratto	8771	John Richard Medina	8783	Anthony Garrett
8760	Jeffrey J. Potts	8772	Charles Arthur Matthews	8784	David N. Marlatt
8761	Lance Crannell	8773	Aaron William Lengyel	8785	Alfred Pagano
8762	Jacob Rivard	8774	John P. Sparano	8786	Thomas P. Rowland
8763	John Patrick Maniscalco	8775	Kolby M. Harpstead	8787	Bradley Charles
8703	John I atrick Maniscalco	6113	Koloy W. Halpstead	0/0/	Hammerstrom
8764	Lettie Helen Harrell	8776	Kelly W. Smith	8788	Eric David Milberger
8765	Bane Gaiser	8777	Randall M. Lindemann	8789	Jay W. Cox

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Majid Rais Yasami

Michael J. Bennett

David W. Triplett

Megan Elisabeth Blaine

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Patrick J. Mixdorf

Richard Neil Garcia

Scott D. Hall

Residential Designers: Registration by Reciprocity

410-RD Timothy Giles

Motion: Ciesynski moved to approve the consent agenda items 2A through 2E-7. Motion seconded by

Garlock.

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Vote: All in favor. Motion passes.

AGENDA ITEM 2F-1 Firm registration approval request: Lee & Sakahara Architects, Inc.

Garlock asked staff to explain ownership of the firm. Harrison reported that page 129 includes the breakdown of ownership, with over 67 percent of ownership being held by Nevada registrants as required by statute. Mr. Sakahara was a registrant but is now retired. Harrison said staff would follow up to make sure that his retired status is listed on the firm letterhead.

Erny suggested a future agenda item regarding NAC 623.740.3(a) in which the board can discuss if retired members should be noted on the firm website or other public communications. Current regulations only mention letterhead.

Motion: Garlock moved to approve the firm registration request of "Lee & Sakahara Architects, Inc."

Motion seconded by Morelli.

Vote: All in favor. Motion passes.

AGENDA ITEM 14A Residential Designer Report: Update of the residential design exam

Morelli reported that the graphic exam retake was administered in October. Five candidates took the exam and two passed. All sections of the exam will be administered on February 17-18, with three

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candidates in Reno and three in Las Vegas. Morelli and Kreg Mebust are revising the graphic test and will have revisions to the committee by the end of the week.

Morelli reported that a group of residential designers met to discuss the future of the profession, based on recommendations from the last board meeting. The group issued a survey to Nevada residential designers. This group is not a board committee.

AGENDA ITEM 14B Residential Designer Report: Update of the residential design writing committee

Harrison reported that the contract with NCARB for assistance with test writing was approved by the state and was forwarded to NCARB. She recruited two additional people to serve on the writing committees.

Morelli asked if the board could use the test as a revenue stream if other states consider licensing residential designers. This board has invested a lot of time and money into the practice analysis and exam rewrite. Ling said he would have to look at the agreement with NCARB to see if the ownership issue is addressed. Harrison said that the board has ownership of the exam. Morelli said if other states use the same test it could help with reciprocity issues.

Morelli said that a potential residential designer candidate from Louisiana called him. He said the person does not anticipate practicing in Nevada; he just wants the license on his resume. Garlock asked if Morelli referred the applicant to staff. Morelli said staff referred the caller to him. He said that the applicant wanted additional information and staff couldn't answer his questions. The candidate wanted to take the test remotely and Morelli told him he could not. Garlock asked Ling if candidates should be talking to board members or staff. Garlock said these questions are best handled at the staff level and if staff needs guidance, they can reach out to a board member and get back to the candidate. Garlock said there would be no record of a conversation between a board member and applicant if a question came up later. Harrison said she did not refer the candidate to Morelli. Ling said if an application came to the board, any board member who spoke to an applicant about the application would likely have to recuse themselves. Morelli said the candidate told him he had talked to the state board. Morelli wasn't sure if the applicant got his number from the website. Morelli said after he answered the applicant's questions about taking the test remotely, he referred the applicant back to the board staff.

AGENDA ITEM 3A Deliberations/Action on Applications for Registration: Architects

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

Ciesynski swore-in the following individuals as architects:

 1. Landon Baker
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 2. Marco Davis
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 3. Ryan Perdue
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 4. Pornpavee Mungrueangsakul
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Motion: Waugh moved to approve the registration of the above referenced individuals as architects.

Motion seconded by Morelli. **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. Kathleen Stachowiak280-ID
- 2. Sheryl Gordon......281-ID

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

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.

Carlos Fernandez, Executive Director of AIA Las Vegas and AIA Nevada, congratulated the new registrants for achieving licensure. He said that the new registrants would be receiving a certificate of achievement in the mail and invited them to join AIA.

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

Larry Tindall, former residential designer board member, joined the board meeting to present the Dewey Jones Residential Design Exam Award to David Blay. Blay, who took the exam prior to establishment of the award, is recognized for passing all sections of the exam on the first attempt.

AGENDA ITEM 4 CE Seminar briefing and discussion about reallocating funds accrued from previous seminars

Harrison reported that the CE Seminar has been very successful and thanked AIA for the continuing partnership. She said that when the COVID restrictions forced the seminar to a virtual format, attendance increased significantly, with 585 attending in 2021. The costs associated with providing the seminars decreased because there are no travel, room rental, audio visual, or food and beverage costs. The board's portion of the funds were collected to spend on future seminars, and those costs have gone down recently. Staff has been discussing with AIA staff different ways to use this surplus.

Fernandez presented an overview of the seminar to date. It was suggested that the current surplus be split between future seminars, outreach, and diversity programs. It was proposed that the future split of funds be 75/25 (AIA NV/Board) since the board cannot collect or spend any money from the seminars.

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Hatfield said that she is a member of the AIA Education Outreach Committee and has been attending high school career fairs as a member of the committee. The committee needs banners, table clothes, handouts, and other items for these outreach events. Harrison asked Ling what is allowed.

Ling said that this program was not meant to generate funds; the fact that there is currently a surplus is happenstance due to COVID-19. The board can only budget money from licensing fees. Waugh reminded other members that the Sunset Subcommittee showed concern about the seminar fee, which the board explained only helped to cover the costs of the event.

Board members discussed the issue. It was decided that the funds should first be put towards improving the program, such as better speakers or better technology. Harrison and Hatfield will meet with the Continuing Education Committee and report back at a future meeting.

AGENDA ITEM 4 Review and possible approval of the Master Calendar for FY 2021 – 2022 and FY 2022 – 2023

Harrison presented the current and future master calendars. She reminded board members that the June board meeting has been moved to May to accommodate the early NCARB Annual Meeting.

Board members did not express any conflicts or issues with the proposed calendars.

AGENDA ITEM 13A Architect Report – Discussion and possible decision regarding which board members and staff will attend the 2022 Regional Meeting in March.

Mickey and Erny plan to attend. Garlock said he will attend if it is in person. Ciesynski said she will let Harrison know at a later time. Harrison said she and Hatfield will attend.

AGENDA ITEM 13B Architect Report - NCARB and CIDQ Report

This information was presented to the board in the board meeting eBook.

AGENDA ITEM 13C Architect Report - FYI: NCARB Fast Facts November 2021

This information was presented to the board in the board meeting eBook.

AGENDA ITEM 13D Architect Report - FYI: NCARB Data by Jurisdiction - Nevada - December 2021

This information was presented to the board in the board meeting eBook.

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AGENDA ITEM 13E Architect Report - FYI: BOD Brief September 2021

This information was presented to the board in the board meeting eBook.

AGENDA ITEM 13F Architect Report - FYI: NCARB Update November

This information was presented to the Board in the board meeting eBook.

AGENDA ITEM 15A Registered Interior Designer Report – FYI: AIA Board of Directors

supports diversifying the profession and loosening opposition to

interior design licensure

This information was presented to the board in the board meeting eBook.

AGENDA ITEM 16 Public Member Report

Waugh had nothing to report.

AGENDA ITEM 5 Review, discussion and consideration, and potential action regarding

Petition for Dennis Eugene Rusk filed July 1, 2021 and Opposition

filed August 2, 2021

In attendance:

Leo Flangas, Esq., Attorney for Dennis Rusk Dennis Rusk, Petitioner Henna Rasul, DAG and Counsel to the Board Louis Ling, Board Counsel Becky Parker, Court Reporter

The board heard the petition of Dennis Eugene Rusk requesting the board set aside the order of discipline, or alternatively, remit the current discipline imposed on Mr. Rusk. The board also heard the opposition to the petition. The board reviewed submitted documents and exhibits, including Petition of Dennis Eugene Rusk, Opposition to Petition of Dennis Eugen Rusk and Appendix, and Reply to Opposition to Petition of Dennis Eugen Rusk.

Mr. Flangas and Mr. Ling presented oral arguments and addressed questions from board members. Following this, the board deliberated among its members.

Motion: Waugh moved to deny the petition because (1) it is barred by the doctrine of claim preclusion and (2) because Mr. Rusk did not timely renew his license, the petition is moot. Motion seconded by Ciesynski.

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

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AGENDA ITEM 6 Review, discussion, appearance for oral interview, and potential action regarding application for restoration of license by Dennis Rusk

In attendance:

Leo Flangas, Esq., Attorney for Dennis Rusk Dennis Rusk, Petitioner Becky Parker, Court Reporter

Erny invited Flangas and Rusk to present Mr. Rusk's application for restoration of his license. Flangas said that conditions were placed on Mr. Rusk's architecture license as a result of disciplinary action. The conditions were not met and his license was suspended for three years. The license expired in 2016. Flangas said that he is now permitted by law to apply for restoration of his license. He said that Rusk has met the requirement in NAC 623.280 for restoration: submitted applications, submitted fee, submitted certificates of good standing for any state where he currently holds an architecture license (CA, AZ, UT and MT). Rusk said he did not have any comments to add.

Ling said he is advising as board counsel for this matter. He is not prosecuting a case. He stated that Rusk's application for restoration is complete. This is a new application and the board is reviewing the application to determine if the applicant is qualified to receive an architecture license. The board may choose to approve or deny the application. NRS 623.190.8 states "any application to the board may be denied for any violation of the provisions of this chapter." Ling said this is a discretionary judgement for the board.

Ciesynski asked if the action taken under the previous agenda item wiped out all previous board action or if the board can still consider prior disciplinary action. Ling said that the board order is still in effect and can be considered when making this decision to approve or deny the license.

Ciesynski asked Rusk if he is willing to take the classes, pay the fine, and comply with the board order in order to get a license. Rusk said he would not take the classes and not pay the fines for something he was not guilty of doing.

Fleming asked what a potential client would find if they searched for Rusk in the board's licensee database. Ling said Rusk would not show up today as his license is expired. If his license were restored the prior disciplinary action would show.

Board members asked what Rusk has done to stay current and relevant with the industry in the past ten years that he has not been practicing. Rusk and Flangas said that he has taken the California Supplemental Exam, received an NCARB certificate, and has architecture licenses in four states. Rusk has not practiced in the past ten years because he only recently got the licenses. They state Rusk is up to date on current codes because he's read the code books and taken continuing education classes.

Mickey asked why Rusk's website says he is currently licensed in Nevada. Rusk said that his website does not say he is licensed in Nevada. Ling asked what site Mickey was reading. Mikey said it is architectrusk.com. Under "resume" there is a tab for licenses and Nevada is listed as an active license. Flangas said he would look at the site and correct or clarify as needed.

Board members deliberated the application and potential action.

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Motion: Waugh moved to deny Rusk's application for restoration. Rusk may reapply for restoration if he completes the five classes required per the disciplinary action taken in 2011 and arrangements are made to pay the fees and costs assessed by the board at that time. Motion seconded by Morelli.

Board members discussed the motion.

Waugh says he would like to withdraw the motion. The motion dies because no vote is taken. Waugh adds that he hopes there is a genuine appetite for cooperation on how to move forward with this issue. He says that Rusk has not tried to find a way forward and has only sought to overturn the board's order.

Motion: Waugh moved table the matter until the next board meeting. Board directs staff to work with Flangas and Rusk to see if there is a path for Rusk to assure the board that he has addressed the deficiencies outlined in the board's order. Motion seconded by Morelli.

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

AGENDA ITEM 8

Review and possible decision regarding application for architectural reciprocal registration of Donald W. Bain, Jr. pursuant to NRS 623.210 and NAC 623.410

Donald Bain was in attendance for this item.

Harrison said the reciprocity application for Bain is in the board e-books. Because he has a criminal conviction his application is before the board for approval.

Motion: Garlock moved to go into closed session pursuant to NRS 241.030 in order to discuss the character, alleged misconduct, professional competence or physical or mental health of Donald Bain, Jr. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Motion: Waugh moved to go into open session. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Motion: Garlock moved to approve the application for architectural reciprocal registration of Donald W.

Bain, Jr. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 7

Update of the implementation of the bachelor's degree in architecture at TMCC – Presented by Professor Kreg Mebust, Residential Designer

Kreg Mebust, Interim Dean of Technical Sciences at TMCC, updated the board on the proposed implementation of a bachelor's degree in architecture. He said that in February he will meet with Regent Joseph Arrascada to update him on the proposal. Regent Arrascada will present the proposal to the

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Academic, Research and Student Affairs Committee in March. The Board of Regents will meet the first week of March and will either accept or deny the program.

The Board requests Mebust report again at March board meeting.

AGENDA ITEM 10 Review and update of Succession Plan and Strategic Plan

Harrison walked board members through the Strategic Plan and updated them on progress in achieving or maintaining objectives.

Harrison asked for board members direction on two objectives. Snyder and Erny volunteered to assist on Objective 2.1.5, and Ciesynski and Fleming volunteered to assist on Objective 3.2.1.

Harrison reviewed the Succession Plan with board members. She stated that text referring to the position of "executive assistant" will be replaced with "licensing specialist," who will now also be fully cross trained.

AGENDA ITEM 11 Discussion on possible decision regarding Board Notice to Architectural Review Committees and Homeowners Associations

Harrison said the notice was updated at the last board meeting. The original notice was drafted in 2007. When the updated notice was sent after the last board meeting there were many responses from registrants. The written responses are included in the board books.

Garlock said he didn't think the board should be "qualifying expertise." The notice should only say both professions are qualified to design homes. He added that the board should not try to defend one profession and suggested residential designers should seek legal recourse.

Board members agreed with the proposed edit to say, "residential designers and architects are qualified to design homes."

David Blay, a residential designer, said this is a big issue in northern Nevada. He added that the suggested revisions are appropriate. He said that he met with a community that started to not allow residential designers to design in the community. He presented a copy of the board letter along with his resume and portfolio to educate the committee members that residential designers are qualified to design homes. Based on the meeting, that committee is now allowing residential designers to submit for qualification. Erny said it is appropriate for residential designers to use the notice as an education tool.

Board members also said an edit should be made to page 1 to state that the only difference between the two professions is setting, where residential designers are limited to residences and some multi-family.

Garlock said he is not opposed to what the notice says, but he doesn't think the board should be defending one profession, so he will vote against approval.

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The board directed staff to make the edits discussed and post it to the website. An article should also be written for the newsletter to let people who commented after the last board meeting know what the board hopes to accomplish and cannot accomplish based on law.

Motion: Morelli moved to approve the revised notice. Motion seconded by Ciesynski.

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

AGENDA ITEM 12A-1 Case No. 21-052N in the matter of Giovani Rodriguez

The Respondent is alleged to have violated NRS 623.360.1 (c) by engaging in the practice of architecture without having a certificate of registration issued by this Board.

Staff received anonymous information that the Respondent had prepared architectural plans including floor plans and elevations for a single-family remodel. A review of the NSBA database and the Nevada state contractor's board revealed Respondent was neither registered nor licensed with either agency.

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 and an Administrative Penalty of \$1,500 with Investigative Costs in the amount of \$1,200.

Staff recommended the approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 12A-2 Case No. 21-062N in the matter of Jose Gonzalez

The Respondent is alleged to have violated NRS 623.360.1 (c) by engaging in the practice of architecture without having a certificate of registration issued by this Board.

Staff received anonymous information that the Respondent had prepared architectural plans including floor plans and elevations for a single-family remodel. A review of the NSBA database and the Nevada state contractor's board revealed Respondent was neither registered nor licensed with either agency.

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 and an Administrative Penalty of \$1,500 with Investigative Costs in the amount of \$1,300.

Staff recommended the approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 12A-3 Case No. 22-006N in the matter of Amy Beaumont and Knob Design

The Respondent is alleged to have violated NRS 623.360.1 (c) by engaging in the practice of architecture without having a certificate of registration issued by this Board.

Staff received anonymous information that the Respondent had prepared architectural drawings including floor plans, sections and elevations for a single-family remodel. A review of the NSBA database and the Nevada state contractor's board revealed Respondent was neither registered nor licensed with either agency.

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 and an Administrative Penalty of \$1,000 with Investigative Costs in the amount of \$1,200.

Staff recommended the approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 12A-4 Case No. 22-020N in the matter of Joel Berman and Joel Berman Architecture & Design

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

Staff received a reciprocity application for the Respondent who had answered yes 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?" stating that he had issued a proposal. During the interview it was discovered that the Respondent also prepared 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 and an Administrative Penalty of \$6,000 with Investigative Costs in the amount of \$1,500.

Staff recommended the approval of the settlement agreement.

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Motion: Garlock 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:

20-032N	21-033N	22-004N	22-011R	22-012R	22-014N
22-015R	22-016N	22-017R	22-018R	22-019N	

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

Motion seconded by Wichman.

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

AGENDA ITEM 12-C Enforcement Report

Bach had nothing to report.

AGENDA ITEM 17A Executive Director Report: Review and possible approval of NSBAIDRD Board Member Manual

Harrison presented the updated Board Member Manual. Erny said board member qualifications should be updated to include the requirement of three years of experience.

Harrison said the next board meetings will be March 23 and May 25, 2022. She also reported that over 3,000 people have renewed their licenses.

AGENDA ITEM 18 Board Counsel Report

Ling had nothing to report.

AGENDA ITEM 19 Public Information Report

Hatfield said CEU survey responses and other information were included in the board e-books, FYI.

Hatfield attended the career fairs at Western High School and Eldorado High School. Last night she and Ciesynski spoke to the local ASID chapter about registration and the NCIDQ Exam. Next week she will participate in the Valley High School Architecture Bus Tour.

Board members directed Hatfield to work with Harrison to fund items needed for outreach.

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AGENDA ITEM 20 Items for Future Agenda

- Clarification on what is required for retired members of a firm (NAC 623.740.3(a))
- Update from Kreg Mebust on TMCC proposed architecture program

AGENDA	. ITEM 21	Public	Comment

There was no public comment.
Chairman Erny adjourned the meeting at 3:09 p.m.
Monica Harrison, Executive Director
Kimberly Ciesynski, Secretary/Treasurer

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