

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

May 23, 2023

Virtual Board Meeting – Video conference and audio offered via Zoom

Tuesday, May 23, 2023

Chairman Greg Erny called the meeting to order at 8:35 a.m.

Board members present: Gregory Erny (Chairman), William Snyder (Secretary/Treasurer), Ann Fleming, George Garlock, James Mickey and Tina Wichmann. Daniel Coletti, Nathaniel Waugh and Marie Wikoff were excused.

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

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 21, 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
 - 5. March 2023 Budget Report
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
 - 1. Altitude Design Office
 - 2. Office of Architecture and Design, LLC
 - 3. Origin Architecture
 - 4. Plata Design
- F. Firm Registration Approval Requests
 - 1. LBA Nevada
 - 2. Axiom Architecture, LLC

Architects: Registration by Reciprocity

9149	Christopher T. Upton	9162	Kevin Charles Curry	9175	Matthew Churchill
9150	James David Bryant	9163	Kahyun Lee	9176	Andrew Witlin
9151	Matthew Honegger	9164	Greta Anderson	9177	Andrew Adams Seaton Volckens
9152	Kim Vandegrift Vierheilig	9165	Kristen Michelle DeGreeff	9178	John H. McKelvey Jr.
9153	Matthew Christian O'Boyle	9166	Michael David Watkins	9179	Travis D. Wiegand
9154	Kelly P. Harris	9167	Mark Steven Dwyer	9180	Jeffrey Spires Skilling
9155	Kyle Dean Stephens	9168	Shawn Charles Basler	9184	Veronika W. Diffley
9156	Wesley D. Baker	9169	Willard E. Williams Jr.	9185	Charlene Dekker
9157	A. Scot Clark	9170	Peter David Cavaluzzi	9187	Richard J. Clutter
9158	David R. Cheney	9171	Katherine Baker	9188	Corey A. Johnson
9159	Matthew Thomas Collins	9172	Gale S. Grant	9189	Kevin Allen Clark
9160	Guilford A. Rand	9173	Christopher C. Davis	9190	Matthew A. Erdman
9161	Kimberly Rosentel	9174	Daniel Puzak		

Erny said Scott Corridan, respondent in Agenda Item 11, asked for a continuance for health reasons. Erny said he will move the item to the August board meeting unless there are objections from the board. There were no objections.

Erny said he will move Kreg Mebust, Agenda Item 7, and Jim Wadhams, Agenda Item 8, to earlier in the meeting as they have conflicts later in the day.

AGENDA ITEM 8 Discussion and possible action regarding the 2023 Legislative Session – Jim Wadhams

Wadhams updated the board on the status of the 2023 Legislative Session.

AGENDA ITEM 2 Approval of consent agenda

Mickey requested 2E-3 be pulled from the agenda for further discussion.

Motion: Garlock moved to approve the consent agenda, Items 2A through 2E-2, and 2E-4 through 2F-2. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 7 Update from TMCC regarding the BArch program – Professor Mebust

Kreg Mebust, Dean of Technical Sciences at TMCC, updated the board on the BArch program. He said the fourth-year curriculum of the five-year program will launch in Fall 2023. The Architectural Progress

Report (APR) was recently submitted to NAAB and was approved. There is a virtual site visit scheduled in November. Erny is the Licensing Advisor for TMCC. Mebust is working on a community college NCARB project to identify the knowledge, skills and abilities a second-year community college student would need going into the third year of an architectural program.

Mebust requested the board schedule a review of the Residential Design program. He said the program is generally reviewed every two to three years. Erny said this should be a future agenda item.

Ann Fleming left the board meeting.

AGENDA ITEM 2E-3 Firm name approval request: Origin Architecture

Andrew Martin, owner of Origin Architecture, was present to answer board member questions.

Mickey explained that he pulled this item from the consent agenda because there is an approved firm name that is similar, Origin8 Architecture. He thinks the firm names are too similar. He said that if he proposed a firm name such as “Gensler 44 Architecture,” Gensler Architecture would likely have a problem with it. He asked staff for clarification. Erny said he had similar concerns.

Ling read NAC 623.740.8:

The Board will approve or deny an application for a name based upon the protection of the general public, which may include, without limitation, the denial of an application if the Board determines the proposed name is potentially false, deceptive or misleading to the general public.

Ling advised the board that if they decide to deny the application, they must make a finding that the proposed name is false, deceptive or misleading.

Erny said having two firms with similar names was confusing to the public.

Martin said he thinks the names are different. He stated Origin8 is pronounced “originate.” When deciding on a firm name, he searched the firm name “Origin Architecture.” The only firm with a similar name is in New Zealand. He said he is in Las Vegas and is currently only planning local projects. He stated Origin8 and his firm are in different markets (Reno versus Las Vegas). He did not think the public would be confused because clients don’t usually search for a specific name, unless they are looking for that specific firm. He believes potential clients would search for an architect in their location.

Erny stated that the locality could change any time. Martin said he understands that and that he is not trying to mislead the public.

Garlock said the board approves firm names for use throughout the state. He thinks Mickey’s example of using “Gensler” is appropriate. He said the board should protect firm names the board has already approved. He does not think the name should be approved.

Wichmann said she does not think the board should be making judgements about marketing and the proposed name is not harmful to the public. She added that if it’s confusing it might affect Martin’s success. She would approve the firm name.

Ling restated that the board's standard for denying a firm name is if it is false, deceptive or misleading. He said the name is not false as there is no representation in the term "origin." He said the terms "deceptive" and "misleading" imply that the firm name was chosen with the intent to mislead. Mickey's example of "Gensler44" could fall under that. Ling said the applicant has stated that he does not intend to deceive or mislead, and he thinks the names are distinguishable.

Ling cautioned the board that the US Supreme Court indicated in its decision with the North Carolina Dental Board that boards comprised of market participants cannot engage in anticompetitive behavior. The board cannot manage competition. Ling stated that the board would have to find this name is deceptive or misleading, and that "similar" is not deceptive or misleading.

Erny said it did not register in his mind that "Origin8" was pronounced "originate." He asked if Martin would consider amending the firm name to "Origins" to give it more distinction.

Martin declined to add an "s" to the name.

Garlock asked if board staff ever contacts the firm with a similar name. Harrison said no, that is not part of the process. Garlock said it is the board's responsibility to protect registrants and firms.

Ling said it is not the board's job to protect registrants. It is the board's job to protect the public. He said it is not the board's job to protect registrants from competition from other registrants.

Motion: Snyder moved to approve the firm name approval request of "Origin Architecture." Motion seconded by Wichmann.

Vote: Snyder and Wichmann in favor. Erny, Garlock and Mickey against. Erny said it is close enough to the other firm name that it is misleading to the public. Motion fails.

AGENDA ITEM 11A Residential Designer Report – Update of the Residential Designer Examination

Erny reported that the committee is meeting tomorrow to begin creating the second form of the exam.

AGENDA ITEM 11 Public Member Report

Wagh was not present. There was no report.

AGENDA ITEM 16 Public Information Report

The CEU Seminar committee met and outlined potential topics for the November seminar. A speaker on accessibility has been confirmed. Hatfield is working on confirming other speakers. Outreach since the last board meeting included a career fair at Las Vegas High School, presenting at ASID Student Career Day, and presenting at Somerset Academy Career Day. She discussed some options for future outreach. Additional information is included in the board e-books, FYI.

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

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

Snyder swore-in the following individuals as architects:

- 1. Jesus Diaz..... 9181
- 2. Rui Yao 9182
- 3. Ria Lyn Sardo Smith..... 9183
- 4. Stephanie Vuong 9186

Motion: Mickey moved to approve the registration of the above referenced individuals as architects.

Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 3B Deliberations/Action on Applications for Registration: Residential Designer

Snyder swore-in the following individuals as residential designers:

- 1. Justin Matthew de Leon 432-RD
- 2. Lori A. Phariss 433-RD
- 3. Mohammad A. Abutarboush..... 434-RD

Motion: Snyder moved to approve the registration of the above referenced individuals residential designers. Motion seconded by Mickey.

Vote: All in favor. Motion passes.

AGENDA ITEM 3C Deliberations/Action on Applications for Registration: Registered Interior Designers

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

- 1. Leslie Schultz..... 297-ID
- 2. Juan Jose Medrano Robles 301-ID
- 3. Ann MacFadyen 302-ID
- 4. Katie Elizabeth Romero 303-ID

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

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 congratulated the new registrants for achieving licensure on behalf of AIANV. 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 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. Residential designers said that those who used REVIT on the graphic exam had to take quite a bit of time to set up and draw the necessary symbols and notations. They suggested the exam could be improved if families were provided.

Larry Tindall, former residential designer board member, presented the Dewey Jones Residential Design Award and Scholarship to Justin de Leon. De Leon passed all four sections of the exam on the first attempt.

AGENDA ITEM 4 **Firm name approval request: H/L Workroom LLC**

Motion: Mickey moved to approve the firm name approval request of “H/L Workroom LLC.” Motion seconded by Wichmann.

Vote: All in favor. Motion passes.

AGENDA ITEM 5 **Formal Contested Administrative Hearing – In the matter of Scott Corridan and Scott Corridan Design, consideration, and adjudication of the Complaint (Case No. 23-020N)**

Erny said this item is continued, at the request of the respondent, to the next board meeting.

AGENDA ITEM 6 **Consideration and possible action regarding pay recommendations for board approval: Bach, Harrison, Hatfield, Hernandez and Quenga**

Motion: Mickey moved to go into closed session pursuant to NRS 241.030 because the discussion may involve a staff member’s character, alleged misconduct, professional competence, or similar items.

Motion seconded by Snyder.

Vote: All in favor. Motion passes.

The board went into closed session.

Motion: Mickey moved to return to open session. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Motion: Snyder moved to approve increases for all staff. Motion seconded by Wichmann.

Vote: All in favor. Motion passes.

The board discussed the evaluation of Executive Director Harrison.

AGENDA ITEM 9A-1 Case No. 23-021N in the matter of Alvaro Velasco

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 an anonymous complaint on the Respondent that he was preparing drawings for a homeowner to be submitted as owner builder. A review of the database revealed he was not registered. Further investigation found that the Respondent had completed numerous commercial and residential projects in the past three years.

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 and an Administrative Penalty of \$12,700 with Investigative Costs in the amount of \$2,300.

Staff recommends approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-2 Case No. 23-029N in the matter of Su Huang and Curtis Su Associates

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

Staff received an email from the Clark County Building Department asking if an engineer could stamp architectural plans. Included in the email was a snip of the title block which showed Curtis Su Associates as the consultants. Further investigation revealed that the Respondent was a principle at the firm and neither her nor her partner were registered in Nevada.

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 \$10,000 with Investigative Costs in the amount of \$1,700.

Staff recommends approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-3 Case No. 23-033N in the matter of Kathy and Ken Wheadon and CRSA

The Respondents are alleged to have violated NRS 623.360.1 (a) and (b) by holding themselves out as being architects without having a certificate of registration issued by this board.

Staff received a complaint from registrant David Triplett that the Respondents had issued a proposal for a project in Caliente, Nevada without having a Nevada architect on the team.

The Respondents were sent a Notice of Charges concerning this matter. 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 was negotiated incorporating a Guilt clause and an Administrative Penalty of \$2,500 with Investigative Costs in the amount of \$1,500.

Staff recommends approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-4 Case No. 23-037N in the matter of Robert Welker and Hoefler Welker

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

Staff received a reciprocity file for Kevin Berman of Hoefler Welker. During the phone interview it was discovered that a proposal had been issued and drawings had been prepared for a mixed-use project at UNLV. The applicant was not charged as he did not prepare the drawings or sign the contract. The firm principal, Respondent Robert Welker, was charged for the violations.

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 \$12,500 with Investigative Costs in the amount of \$1,500.

Staff recommends approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 9A-5 Case No. 23-040N in the matter of Vincent Oles and Oles Design Studio

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

Staff received a reciprocity application from the Respondent. During the interview the Respondent said that a proposal and drawings were issued. After reviewing the proposal and drawings staff sent a notice of charges and settlement agreement.

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 and an Administrative Penalty of \$3,700 with Investigative Costs in the amount of \$1,300.

Staff recommends approval of the settlement agreement.

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

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:

23-030R 23-032N 23-034R 23-035N

Motion: Mickey 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 9C Enforcement Report

Bach requested a future agenda item regarding solar submittal requirements.

AGENDA ITEM 10A Architect Report – Review, discussion and potential action related to the NCARB Draft Resolutions that will be discussed at the Annual Business Meeting in Tampa, Florida in June

Erny said the draft resolutions have been submitted and are in the board books. Harrison shared a video from NCARB regarding Resolution 2023-05. Board members discussed the resolution. Board members said they were concerned with the automatic ascension from Secretary/Treasurer to Vice President.

Ann Fleming rejoined the board meeting.

AGENDA ITEM 10B Architect Report - FYI: NCARB Special Edition Fast Facts – April 2023

This information was presented to the board in the board meeting e-book.

AGENDA ITEM 10C Architect Report - FYI: NCARB Update – March and April 2023

This information was presented to the board in the board meeting e-book.

AGENDA ITEM 12A **Registered Interior Designer Report – FYI: Interior Designers Impact on HSW – 3D Tool**

Fleming introduced the board to the 3D Tool and shared a legislative update.

AGENDA ITEM 14 **Executive Director Report**

Harrison reported the board’s contract with Jim Wadhams was approved and renewed for three more years. She said the August Residential Design Exam will be offered in Reno and Las Vegas. She thanked Bob Diaz at CSN for his partnership with hosting the graphic exam at CSN. Harrison reported future meetings will be August 22 at TMCC (including an informal meet and greet with students), October 18 via Zoom, and January 17, 2024 in Las Vegas. She said the CEU audit is complete. Five registrants were not in compliance and were assessed a penalty.

Board members requested a future agenda item regarding if board meetings should be in person or virtual.

AGENDA ITEM 13 **Board Counsel Report**

Ling had nothing to report.

AGENDA ITEM 15 **Items for Future Agenda**

- Location of future board meetings (virtual or in-person)
- Language access plan
- Solar submittal requirements
- TMCC Residential Design Program review

AGENDA ITEM 16 **Public Comment**

There was no public comment.

Chairman Erny adjourned the meeting.

Monica Harrison, Executive Director

William Snyder, Secretary/Treasurer