

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

August 17, 2022

Virtual Board Meeting – Video conference and audio offered via Zoom

Wednesday, August 17, 2022

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

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

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: May 25, 2022
- 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 below)
- E. Firm Name Approval Requests
 - 1. EGA Architects, P.C.
 - 2. SEA Studios, PC
 - 3. Structurepoint Design, Inc.
 - 4. FSP NV LLC
 - 5. CMS Architecture
 - 6. McLaughlin Design Co.

- F. Firm Registration Approval Requests
1. ANGELENO ASSOCIATES, LLC
 2. BH NV PLLC
 3. Dale Partners Architects, PA
 4. JIVE Architecture LLP
 5. MKM architecture + design, inc.
 6. Tetra Tech Architecture, P.C.

Architects: Registration by Reciprocity

8926	Alan Barton Hucaby	8943	Dominic Dunn	8959	Jerome T. Nix
8927	Jonathan M. Massey	8944	Francisco Alvarado	8960	Matthew D. Sparling
8928	Angela Marie Odom	8945	Geoffrey L. Clarkson	8961	Stephanie Pielich
8929	Derek A. Anger	8946	David S. Adriaanse	8962	Bradley Williams
8930	Christina Chiwan Lin	8947	Michael L. MacGregor	8963	Matthew Bens
8931	Tiffany Ann Triepke	8948	Nolan Sit	8964	Gary P. Lira
8932	Douglas Alan Livingston	8949	John Marc Tolson	8965	Thomas G. Lueck
8933	David Kelley	8950	Christopher Aronson	8966	Joshua T. Higginbotham
8934	Jered Michael Plouzek	8951	Joseph Ahmadi	8967	Christopher M. Huckabee
8935	Glen P. Oxford	8952	Roger W. Baker	8968	Michael J. Stone
8936	Jason T. Fitzgerald	8953	Frank Martin Schmidt	8969	Anne-Flore P. Dwyer
8937	Zahra Andalsi	8954	James T. Pappas	8970	Eric R. Scott
8938	Peter D. Pappas	8955	Dodd M. Kattman	8972	Monica Lynn Fenderson
8939	Sanford Epstein	8956	Michael John Flanagan	8973	Stephen D. Hockman
8940	Jesse Luke Voss	8957	Shahrzad Sheena Habibian	8974	Peter M. Stuhldreier
8941	James T. Kirschman	8958	Kurt M. Broeckelmann	8975	Bruce Corey Jones
8942	Jerry Wayne Robinson				

Residential Designers: Registration by Reciprocity

415-RD	Robin E. Goldbeck	417-RD	Richard Kenneth Stockton
416-RD	Peter J. Mokler	418-RD	Josh Cuthbertson

Motion: Snyder moved to approve the consent agenda, items 2A through 2E-6, 2F-2, and 2F-4 through 2F-6. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 2F-1 Firm registration approval request: ANGELENO ASSOCIATES, LLC

Garlock requested clarification of ownership percentages. Harrison explained ownership percentages, including the ownership held by Angeleno Associates, Inc.

Motion: Mickey moved to approve the firm registration approval request of “ANGELENO ASSOCIATES, LLC.” Motion seconded by Garlock.

Vote: All in favor. Motion passes.

AGENDA ITEM 2F-3 Firm registration approval request: Dale Partners Architects, PA

Mickey said he pulled the item because the owners were on the reciprocity list.

Motion: Mickey moved to approve the firm registration approval request of “Dale Partners Architects, PA.” Motion seconded by Wichmann.

Vote: All in favor. Motion passes.

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 individual as an architect:

- 1. Scott W. Davis8971

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

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. Mike Dominguez288-ID
- 2. E. Anne Wilkinson.....289-ID
- 3. Dezirae Bruni290-ID

Motion: Mickey 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.

Bradley Carlson, the President of 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.

Glenn Nowak, Graduate Coordinator from UNLV's School of Architecture, extended congratulations on behalf of the school. He congratulated the UNLV graduate, Davis. He encouraged all new registrants to become involved with the school.

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.

AGENDA ITEM 4 **Review and possible approval of the firm registration and firm name of BAMO NV, Inc.**

Motion: Mickey moved to approve the firm registration approval request of "BAMO NV, Inc." Motion seconded by Ciesynski.

Vote: All in favor. Motion passes.

AGENDA ITEM 5 **Review and possible decision regarding application for architectural reciprocal registration of Mr. Shlomo Wygoda pursuant to NRS 623.210 and NAC 623.410**

Shlomo Wygoda was in attendance for this item.

Harrison said the reciprocity application for Wygoda is in the board e-books. His application is before the board for approval because he has a misdemeanor conviction.

Wygoda explained his conviction and board members asked questions. Garlock explained he will not support the application because the board should be considering moral character.

Motion: Snyder moved to approve the application for architectural reciprocal registration of Shlomo Wygoda. Motion seconded by Ciesynski.

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

AGENDA ITEM 7 **Discussion related to the appointment of a committee to review current regulations and proposed changes**

Harrison said the board should review NAC 623. She said that reviewing the regulations during a board meeting is very time consuming. She suggested creating a committee of board members to review the regulations. The committee can present its findings and recommendations to the board for possible action. Ling said permanent regulations can be requested starting October 2023. Requests before that date will be temporary regulations. Workshops can be held prior to October 2023, but not hearings.

Wichmann, Morelli, Snyder and Garlock volunteered to participate on the committee. Harrison, Bach and Hatfield will staff the committee. Ling will be consulted as needed.

AGENDA ITEM 10

Review and potential action regarding proposed amendments of NAC 623.410 and NAC 623.740

Harrison said the board directed staff to draft language to amend NAC 623.410, to change the reciprocity process to allow MRAs, and NAC 623.740, to change the requirements for firm name applications. The LCB draft is in the board e-books for consideration. LCB made changes to the draft created by Ling. The changes were highlighted by Harrison. The board said Harrison should resubmit the language as drafted by Ling.

Board members discussed if MRA candidates should be exempted from subsection (e) “Has acceptable qualifications concerning seismism...” Current reciprocity applicants meet this requirement because they pass the ARE. Board members said (e)(2) should be removed as it is obsolete. Board members said it is important that candidates meet seismism requirements. Harrison said she is aware of some jurisdictions that ask for supplemental information on seismism from MRA candidates. Board members directed Ling to revise NAC 623.410.1(e)(1) to reflect this discussion and delete NAC 623.410.1(e)(2).

Board members discussed the proposed requirement that would require firm names that include the name of a registrant, note the status of a deceased or retired named registrant on all public communications. Harrison said that staff is concerned with the phrase “all public communications” because it is vague. Staff will need direction to enforce this provision. Bach said it will be very difficult to enforce on social media. Waugh agreed with staff concern about enforcing this provision on social media as overly broad. Board members said they want to encompass social media and this will be a tool to police bad public behavior. Ling said if concern is raised in public hearings, the board can consider amending the proposed language.

Board directed staff to submit changes to LCB and schedule a public workshop based on the changes discussed today.

AGENDA ITEM 6

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

Harrison said that Luis Lopez is requesting the board grant him experience credit pursuant to NAC 623.505(11). She said Lopez has between two and three years of education and experience credit, and is requesting the board grant him the remaining credit under this provision to allow him to sit for the Residential Design Exam. Lopez has been a licensed contractor in Louisiana since 2016. NAC 623.505(11) states:

For experience as a licensed general building contractor, with a classification AB or subclassification B-2, who is licensed in this State pursuant to chapter 624 of NRS or who is licensed in another jurisdiction pursuant to requirements that the Board determines are substantially equivalent to the requirements for licensure in this State. The amount of credit allowed will be determined by the Board, based on the quality of experience obtained for projects that have been designed and constructed.

Lopez joined the board meeting and presented his qualifications pursuant to NAC 623.505(11).

Board members discussed Lopez's qualifications. Mickey asked if the qualifications for general contractors in Louisiana are equivalent to those in Nevada. Lopez said Louisiana and Nevada had a reciprocal agreement for contracting licenses until a few years ago. Morelli said that he has many people contact him about sitting for the residential design exam and it is not fair for others who have the years of experience credit. He also said Lopez needs more experience on how projects are designed in Nevada. Snyder said that based on the presentation, Lopez is qualified to take the exam. Ciesynski said she supports Lopez being able to sit for the exam. Wichmann said Lopez is qualified to sit for the exam and does not pose a risk to the health, safety and welfare of the public. Garlock said Lopez demonstrated he has the experience and education to sit for the exam. Waugh said he agrees with Garlock.

Motion: Garlock moved to approve Luis Lopez's application to sit for the Residential Design Examination. Motion seconded by Waugh.

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

AGENDA ITEM 11A-1 Case No. 22-032N in the matter of Mohammed Abutarboush and Studio 27

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

Staff received a complaint from Gabriel Adame a general contractor that he had hired the Respondent as a W-2 employee and gave him a company credit card. Respondent was preparing plans under his firm Studio 27 and invoicing Adame. When Adame didn't pay him, he used his company credit card from Adame to pay his own invoices. Additionally, his LinkedIn page refers to him as an architect and a residential designer. This is the Respondent's second time violating NRS 623.360.1.

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

Staff recommends approval of the settlement agreement.

Bach added that the Effect on Licensure Clause bars the Respondent from taking the Residential Design Exam before February 2023. Additionally, if the Respondent has further disciplinary action, it will be forwarded for criminal prosecution and he will be barred from taking the exam for two additional years.

Board members questioned if Abutarboush would meet the good moral character requirement for becoming licensed. Abutarboush's application for taking the examination has been approved. He cannot be licensed until he passes the exam. Ling said the board can request Abutarboush come before the board, prior to his licensure, to answer questions about his moral character qualifications for licensure. This can be either before or after he passes the exam. Board members agreed with this course of action.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 11A-2 Case No. 22-034N in the matter of Sam Fratantoni and Fratantoni 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 and his firm had prepared plans for a Boulder City residence. Neither the firm nor the Respondent are registered. There was a residential designer involved after the plans had been prepared however there was no contract with the RD. The RD was contracted with the client and the Respondent's name was just printed on the bottom of the contract.

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 \$5,500 with Investigative Costs in the amount of \$1,600.

Staff recommends 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 11A-3 Case No. 22-041N in the matter of Sean Nourani and AP+E

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

Staff received information from the City of North Las Vegas Building Department that the Respondent stamped plans for a storage facility in North Las Vegas with his CA stamp. A review of the database revealed he is not registered with this board.

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 \$3,000 with Investigative Costs in the amount of \$1,600.

Staff recommends approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 11A-4 Case No. 23-001N in the matter of Eric Janes and the RADD company

The Respondent is alleged to have violated NRS 623.360.1 (a) (b) and (c) holding himself out and by 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 he had issued a proposal and prepared drawings. After reviewing the proposal and drawings staff sent a notice of charges and settlement agreement. The Respondent said that the plans were prepared under the responsible charge of a NV civil engineer. Further investigation revealed that there was insufficient evidence that the Respondent did not work under the responsible charge.

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 \$6,000 with Investigative Costs in the amount of \$1,300.

Staff recommends 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 11A-5 Case No. 23-003N in the matter of Jeffrey Zimmerman and Zimmermann & Associates

The Respondent is alleged to have violated NRS 623.360.1 (a) (b) and (c) by holding himself out 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 he had issued a proposal and prepared drawings. After reviewing the proposal and drawings staff sent a notice of charges and settlement agreement. The Respondent prepared drawings for three modular buildings

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 \$7,500 with Investigative Costs in the amount of \$1,500.

Staff recommends approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 11B

Discussion and possible decision regarding closure of enforcement cases

Bach recommended the following cases for closure without disciplinary action:

22-022R 22-040R 22-049N 23-002N

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

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

AGENDA ITEM 11-C1

Enforcement Report – Review and approval of two articles regarding architects and residential designers designing pools, and to NV Real Estate Division

Bach said the board e-book includes two articles drafted by Bach and Hatfield. One is based on discussions from the last board meeting regarding pool design by architects and residential designers. If approved it will be published in *Focus* newsletter. The article states that neither architects nor residential designers can design a pool as a free-standing project, based on the definitions of both professions.

Board members discussed whether architects can design a pool as a free-standing project. Board members said more discussion is needed and directed staff to include this item for discussion at the next board meeting.

The second draft article is for the monthly publication for Realtors. The article addresses property owners selling a property along with plans that were not built. The article states that the plans cannot be included in the sale of property because plans belong to the design professional.

Board members said information should be included to provide guidance to the new owners about hiring a new design professional and maintaining responsible control.

Board members would like to discuss the issue further at the next meeting. The item was tabled.

AGENDA ITEM 8

Update regarding the status of Dennis Rusk’s license restoration and potential action related thereto

Dennis Rusk and Leo Flangas, Esq., Attorney for Rusk, were in attendance. Garlock and Snyder recused themselves from this agenda item.

Erny said that the board e-book includes proposed classes submitted by Rusk to be completed in lieu of the Montana seminar he was unable to attend. Flangas presented the proposal.

Board members discussed the proposed classes. They agreed that the classes were not substantially similar in content and rigor as the Montana seminar, and did not satisfy the concern that Rusk has the current knowledge required in the original board order. Board members discussed the best way to move

forward. It was decided that staff can work with Flangas and Rusk to come up with a new package of proposed classes. Staff can consult with no more than two board members to review classes. Wichmann and Mickey volunteered to work with staff. Board members agreed that a special meeting of the board may be called, prior to the scheduled October meeting.

Classes presented at the May and August meeting can be considered as part of the package. Erny said he does not think the classes presented today are adequate.

Motion: Waugh moved to table matter. Staff is directed to work with Rusk and Flangas to develop list of courses. Staff may consult with no more than two board members in developing the list of courses. Motion seconded by Morelli.

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

AGENDA ITEM 9 **Update from TMCC regarding the BArch program since its implementation - presented by Professor Mebust**

Mebust said the BArch program launched at TMCC. Students who completed the associates degree are starting the fifth semester in Fall 2022. The program applied for NAAB accreditation, and its candidacy was accepted. The first class will graduate in 2025. He is hoping the program will receive NAAB accreditation in 2027.

Mebust said students are asking if they will be able to get licensed in Nevada if they graduate before the program is fully accredited. He asked the board for a letter or position statement he can share with students to address their concerns.

Board members discussed the issue and want to support students starting in the new program. They discussed similar situations with the UNLV School of Architecture when the NAAB requirement started, as well as the CIDA accreditation process at The Art Institute. Ling said he had a similar situation with another board. Additionally, there is precedent in Nevada with a now-defunct law school that was in Reno. Board members said the board may allow students to sit for the ARE, but that does not guarantee they would get an NCARB certificate; that is an issue for NCARB.

Board members directed staff to research if Nevada rules or regulations would need to be amended to allow these students to get licensed in Nevada. They also directed staff to draft a letter to students to review at a future meeting.

Ciesynski said that she is spearheading a committee to look at the possibility of creating an accredited interior design program at TMCC. There may be common courses between the BArch and an interior design program. She is working with Mebust to explore options.

AGENDA ITEM 12A **Architect Report - FYI: NCARB ARE Update ESL Accommodation**

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

AGENDA ITEM 12B **Architect Report - FYI: NCARB Fast Facts – June and July 2022**

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

AGENDA ITEM 12C **Architect Report - FYI: NCARB Update June and July 2022**

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

AGENDA ITEM 13A **Residential Designer Report: Update of the residential design exam**

Morelli reported the exam will be administered to six people on August 18 and 19.

AGENDA ITEM 13B **Residential Designer Report: Update of the residential design writing committee**

Erny reported said that the committee is on schedule to have a new exam administered in February.

AGENDA ITEM 14 **Registered Interior Designer Report**

Ciesynski, Erny, Mickey, Harrison and Hatfield will attend the CIDQ Annual Meeting in November.

Ciesynski announced that October will be her last meeting as she is not seeking reappointment.

AGENDA ITEM 14A **Registered Interior Designer Report – FYI: Summer Q Connection 2022**

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

AGENDA ITEM 15 **Public Member Report**

Waugh has no report.

AGENDA ITEM 16 **Executive Director Report**

Harrison reported that there are 3,373 registrants, which is 32 more than last year. She said the next board meetings will be in Las Vegas on October 19, 2022 and January 18, 2023. Harrison and Jessica Hernandez-Ramos are in Reno to administer the Residential Design Exam.

Harrison said the database migration is ongoing. The first phase roll-out will include online applications and the renewal portal. Phase two will include an online enforcement portal.

AGENDA ITEM 18 **Public Information Report**

Hatfield said there is information included in the board e-books, FYI.

Hatfield and Bach will be speaking to the UNLV Professional Practice class in August. She will be participating in Construction Career Day and the Eldorado High School career fair. She has contacted WCSD to see if there is a career fair calendar of events.

AGENDA ITEM 17 **Board Counsel Report**

Ling had nothing to report.

AGENDA ITEM 19 **Items for Future Agenda**

- Proposed amendments to NAC 623.410 to allow the board to accept MRA candidates
- Proposed amendments to NAC 623.740 regarding what is required for retired or deceased members named in a firm name
- Draft *Focus* article regarding whether architects and residential designers can provide pool design services
- Draft article for NRED regarding sale of property with unbuilt plans
- Letter for TMCC students regarding sitting for the ARE and getting licensed in Nevada
- Update regarding the status of Dennis Rusk's license restoration

AGENDA ITEM 20 **Public Comment**

There was no public comment.

Chairman Erny adjourned the meeting.

Monica Harrison, Executive Director

Kimberly Ciesynski, Secretary/Treasurer