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

January 15, 2020
The Gina Spaulding Boardroom
2080 East Flamingo Road, Suite 120, Las Vegas, NV 89119

Wednesday, January 15, 2020
Chairman Kimberly Ciesynski called the meeting to order at 8:10 a.m.

Roll Call: Kimberly Ciesynski, Chairman; James Mickey, Secretary/Treasurer; Gregory Erny; George Garlock; John Morelli; William Snyder; Nathaniel Waugh; Tina Wichmann. Ann Fleming was excused from the entire meeting.

Also, in attendance: Monica Harrison, Executive Director; Louis Ling, Board Counsel; Laura Bach, Chief Investigator; Stacey Hatfield, Public Information Officer and Nani Aguada, Executive Assistant.

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 were no public comments.

AGENDA ITEM 2 Approval of Consent Agenda

Consent agenda included the following
A. Approval of Agenda
B. Approval of Minutes: October 23, 2019
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. First Independent Bank Statements
D. Ratification of Reciprocal Licenses (see attached list)
E. Firm Name Approval Requests
   1. Architecture All Forms NV Corporation
   2. Arlee Fisher Architecture, LLC
   3. DTJ, LLC
   4. Kovac Design Ltd.
   5. LEO A. DALY COMPANY
   6. Nelson Design Collaborative
   7. SGPA Planning and Architecture William Stuart Lyle A Professional Corporation
   8. Studio 6 Architecture
   9. TILT 23 STUDIOS LLC
F. Firm Registration Approval Requests
   1. BRPH LLC
   2. IP LLC
3. Lalire March Architects LLP
4. N-Vizion Design, LLC
5. Pfeiffer Partners Architects, Inc.
6. Pi Architects

Architects: Registration by Reciprocity

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<td>8237</td>
<td>Joanna L Reck</td>
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<td>Patrick Fox</td>
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<td>Caitlin Thomas Barnes</td>
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<td>Christine V Smith</td>
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<td>Craig W Bouck</td>
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<td>Richard Prentice Driftmien</td>
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<td>Kenneth Michael Lowery</td>
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<td>Jeffrey Scott Dallenbach</td>
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<td>John Maurer Ford</td>
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<td>Amy R Sjursen</td>
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<td>Barry Alan Byrd</td>
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<td>Michael H Lutsch Jr.</td>
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<td>Brad C Sperry</td>
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<td>Brian K Meister</td>
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<td>James Ryan McLean</td>
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<td>Bruce D Ivins</td>
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<td>James M Otradosky</td>
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<td>Nathan J Sciarra</td>
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<td>Nicholas Bruhn</td>
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<td>Scot Murdoch</td>
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<td>Sharon Louise Johnston-Lee</td>
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<td>Stuart A Young</td>
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<td>Stephen J Hampton</td>
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<td>Renee Sprogis-Marohn</td>
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<td>8253</td>
<td>Shannon Christensen</td>
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<td>David M Field</td>
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Residential Designers: Registration by Reciprocity

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<tr>
<td>383-RD</td>
<td>Adam G Lehner</td>
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<td>384-RD</td>
<td>Michael Sean Higgins</td>
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<td>385-RD</td>
<td>Robert James Williams</td>
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Motion: Garlock moved to approve the consent agenda items 2A through 2E-2, 2E-4, 2E-6 through 2F-2, and 2F-4 through 2F6. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-3 Firm Name Approval Request – DTJ, LLC

Motion: Garlock moved to approve the firm name approval request for “DTJ, LLC.” Motion seconded by Snyder.

Mickey said that staff should send a reminder letter to the firm to ensure that the firm operates and conducts business under the name that is being approved today as the firm was derived from a parent corporation. Harrison stated that staff will include language in final approval letter with information regarding the usage of only the firm name that's approved by the Board and will clarify that they must operate under the Board approved name in Nevada.

Vote: All in favor. Motion passes.
**AGENDA ITEM 2E-5  Firm Name Approval Request – LEO A. DALY COMPANY**

**Motion:** Waugh moved to approve the firm name approval request for “LEO A. DALY COMPANY.” Motion seconded by Erny.

Mickey questioned if this firm name was already approved in Nevada. Bach shared that this firm name was not approved, but in the past, Daly had another firm called “Leo A. Daly and Associates” approved by the board. Mickey asked if the previous firm was still active. Aguada said that she will contact Daly to confirm the status of the firm, “Leo A. Daly and Associates.” Harrison stated that Daly should have included that information on the first page of the firm application and will reach out to Daly to obtain that information.

**Motion:** Waugh amended his motion to approve the firm name request for “LEO A. DALY COMPANY” contingent upon revising the firm name approval application that will include the status of the firm, “Leo A. Daly and Associates,” whether it be active or inactive. Motion seconded by Erny.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 2F-3  Firm Registration Approval Request – Lalire March Architects LLP**

**Motion:** Erny moved to approve the firm name approval request for “Lalire March Architects LLP.” Motion seconded by Waugh.

Erny stated that the application says that the firm name that is being requested for approval today is the same name that was previously approved. Snyder stated that if the firm has a change in ownership then it is the firm’s responsibility to inform the board. Aguada stated that the firm made changes to the ownership and was approved via Firm Name Approval, but now they’ve included new owners who are not Nevada registrants and are requesting approval via Firm Registration.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 5  Review and update of the NSBAIDRD Financial/Budget Reserves Policy**

**Motion:** Waugh moved to approve the update of the NSBAIDRD Financial/Budget Reserves Policy. Motion seconded by Snyder.

Erny asked how the annual reserves budget amount of a 6-month time period is determined. He suggested to have that amount increased to a year instead of 6-months. Ling stated that the amount was determined by the Sunset Subcommittee after reviewing all other state agencies.

Board members discussed what the financially responsible amount to be held in reserves might be and how to determine that number. Erny said that NCARB had recently gone through a study to determine how much money the organization should hold in reserves and directed staff to reach out to NCARB for more information. Board members said this should be an item for future agenda.

**Vote:** All in favor. Motion passes.
AGENDA ITEM 7  Review and possible approval of Mr. Wadhams’s proposal for independent contract with NSBAIDRD for legislative representation services

Motion: Waugh moved to approve Mr. Wadhams’s independent contract with NSBAIDRD for legislative representation services. Motion seconded by Mickey.

Erny asked how the specific amount of $41,249.88 is calculated. Harrison stated that the contract cannot exceed $50,000 and shared that Wadhams has been charging the board the same fee of $1,145.83 since the early 1990’s. Ling state that Wadhams simply calculated his monthly fees times the length of the contract, which is 3 years.

Harrison referred to page 191 of the board eBook to review the two additional proposals as the state required the board to request two proposals for each contract.

Vote: All in favor. Motion passes.

AGENDA ITEM 8  Review and possible approval of Mr. Tveter’s proposal for independent contract with NSBAIDRD for accounting services

Motion: Waugh moved to approve Mr. Tveter’s independent contract with NSBAIDRD for accounting services. Motion seconded by Snyder.

Harrison said that Tveter reduced the monthly charges from $1,000 to $700 due to hiring an efficient bookkeeper. She said that since the hire of the new bookkeeper for the board, Tveter’s reduced his workload, therefore he reduced his fees.

Harrison reported that she received two other proposals for accounting services that charged less, however since Tveter has provided accounting services for the board for many years, is familiar with board operations and have reduced his fees, she recommended to keep a contract with Tveter.

Erny asked if there a policy or requirement for boards to seek proposals periodically. Ling responded that there is a policy with the State of Nevada Budget Division that requires that all contracts be revisited every three years. Harrison stated that the contract with Tveter is for five years. Ling stated that there are exceptions for professional contracts, such as accountants or lawyers, on requests of proposals if boards request to hire specific professionals.

Vote: All in favor. Motion passes.

AGENDA ITEM 4  Discussion regarding the Board’s position on the implementation of the IPAL program at UNLV

Harrison shared that the IPAL Program was introduced to the board in June 2018 by Harry Falconer and Joshua Batkin of NCARB. She said that the IPAL Program allows architect candidates to earn experience, education and complete NCARB examinations while earning their degree. She also said that one of the benefits of the IPAL Program is that it streamlined the path to licensure. She stated that Nevada only has one program that is a NAAB Accredited degree and to offer the IPAL option to students, UNLV would have to integrate it into their program.
Harrison reminded the Board that when NCARB introduced the IPAL Program in 2018, the Board did not declare their position for the program. Ciesynski said there was a long discussion regarding the IPAL Program and that the board supported it but didn’t make any official action. Glenn Nowak, Associate Professor of UNLV School of Architecture, said that UNLV is considering the implementation of the IPAL Program but will need a formal letter of support from the board to move forward. Nowak stated that there are about 26 architecture programs in other jurisdictions who have already implemented the program. He said that the UNLV School of Architecture’s goal is to produce the next generation of design professionals. Nowak shared that he believes that the students are industry ready and competent. He said that the program will help the curriculum and helps to retain students to become more engaged earlier in their academics.

Erny expressed that the IPAL Program is an opportunity for architecture students who are fully focused and dedicated to becoming a design professional. He said that obtaining a letter of support from the board is a requirement for UNLV to provide to NCARB to integrate the IPAL Program. He also said that since the program will integrate education and experience, it creates career opportunities for students. Nowak said the IPAL Program offers a path that the school will encourage students to take but does not guarantee licensure.

Garlock asked what the process would be to change the board regulations if they were to move forward with the letter of support. Harrison said that it would be a regulation change.

**Motion:** Erny moved to authorize the Letter of Support for UNLV to implement the IPAL Program. Motion seconded by Waugh.

**Vote:** All in favor. Motion passes.

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

Mickey swore-in the following individual as an architect:

1. Shannon W Ferguson.......... 8271

**Motion:** Erny moved to approve the registration of Shannon Ferguson. Motion seconded by Garlock.

**Vote:** All in favor. Motion passes.

Snyder swore-in the following individual as an architect:

2. Timothy P Rudloff............. 8272

**Motion:** Mickey moved to approve the registration of Shannon Ferguson. Motion seconded by Garlock.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 3B  Deliberations/Action on Applications for Registration: Registered Interior Designer**

Mickey swore-in the following individual as registered interior designers:

1. Hannah DeHaven............... 256-ID
2. Lina Scally...................... 257-ID
**Motion:** Garlock moved to approve the registration of the above referenced individuals. Motion seconded by Erny.

**Vote:** All in favor. Motion passes.

Nowak presented a UNLV Alumni pin to DeHaven for her accomplishment. He congratulated DeHaven and the fellow new registrants for achieving licensure. He said that he is excited to see the design profession growing in Nevada.

Randy Lavigne, AIA Las Vegas Executive Director, thanked the Board for inviting AIA and give them the opportunity to congratulate the new registrants. She said that she hopes that the new registrants will join AIA and utilize the organization to advocate, promote and support the profession of architecture. Lavigne welcomed and congratulated the new registrants to the profession on behalf of AIA Las Vegas. She provided the new registrants with information regarding membership with AIA.

Ciesynski said that the Nevada is a unique board and different from all other jurisdictions. She encouraged the new registrants to meet the board and to reach out to staff if they have any questions to ensure registrants continue to the right path of their career.

Harrison congratulated the new registrants and reminded them that the board and staff are available to assist them. She informed them that they are exempt from earning CEU credits for the first two years of their registration. She said that if they need assistance finding opportunities to earn CEUs, they can reach out board staff.

Erny expressed the importance of maintaining their NCARB record and encouraged them to obtain and NCARB Certificate. He said the NCARB Certificate facilitates their ability to obtain licensure in other U.S. and International jurisdictions and is a passport for opportunities in their career.

Ciesynski stated that CIDQ is an amazing organization and encouraged the Registered Interior Designers to stay current with their certificate. She informed that CIDQ has an Ambassador Program and encouraged them to become join the program as it will help them in their professional career and to mentor and encourage others to move forward in becoming a Registered Interior Designer.

Mickey stated that Waugh and himself sit on the NCARB Examination Committee and asked for feedback from the newly registered architects regarding the NCARB AREs and their experience. Ferguson said that the she took all portions of the exam in the 5.0 and only hurdle she experienced was the process and time it took for NCARB to send her transmittals to the board. Rudloff said that he had a similar experience with sending his NCARB transmittals but did not have any issues with the testing center. Garlock asked the registrants for feedback regarding their experience with the Board. All registrants said that they all had good experiences and no issues.

Ciesynski asked the Registered Interior Designers for their experience with NCIDQ. DeHaven said that the study materials available and the practice test prepared her very well and she was able to pass all three exams on the first attempt. Scally said that she passed the exam in 2009 when it needed to be hand-drawn, but the experience she gained working at an architectural firm helped her pass the exam.
AGENDA ITEM 6  Continuing Education Report and possible decision regarding increasing the registration fee for future NSBAIDRD/AIA continuing education events

Harrison reported that the last seminar was held on December 5, 2019 in Las Vegas and that there were about 230 attendees. She shared that it was a successful seminar with the highest attendance ever. Harrison also reported that they did not have a sponsor for the Reno seminar, but did for the Las Vegas seminar. She said that the fees for conducting the seminar, such as food and beverage, audio visual and facility fees, have increased. If the CEU Committee is unable to get a sponsor for the seminar, she recommended to increase the CEU seminar fee. She also said that the registrants are requesting for better speakers, which will cost more. Snyder said that the cost of the seminar is worth it and a convenience as the registrants can obtain 8 units all in one day.

Harrison said that the CEU Committee must find a different venue to hold the Las Vegas seminar as the World Market location has become too costly. Hatfield said that there was no negative feedback from last year’s increase to $65 and Erny said that it was a good deal. The board discussed other options to hold the Las Vegas seminar and possible topics and speakers.

Mickey asked how many attendees there were at the Reno seminar and Harrison replied that there were 169. Hatfield said that the attendance decreased due to the switch of having the Reno seminar in May instead of December. Harrison reported that moving forward, the winter seminar will be moved to November instead of December. Hatfield said that it is better for the registrants if the seminar is offered in November so that they will still have at least a month to complete their CEUs if they are not able to attend the seminar in November before their license expires. Harrison suggested to increase the registration fee to $90.

Motion: Erny motioned to increase the CEU seminar registration fee up to $90. Motion seconded by Waugh.

Vote: All in favor. Motion passes.

AGENDA ITEM 9  Review and possible approval of the Master Calendar for FY2020-2021

Motion: Waugh moved to approve the NSBAIDRD Master Calendar for FY2020-2021. Motion seconded by Mickey.

Ling stated that he has a conflict with the October Board Meeting date. Harrison suggested to move it to October 28, 2020 to accommodate Ling’s schedule.

Harrison asked the Board if it is possible to move March board meetings to late March rather than early March. Erny said that the reason for having an early March board meeting is to have a discussion prior to the NCARB Regional Summit. Harrison said that the benefits of moving the board meeting will allow more time between the January board meeting and the March board meeting for staff to obtain more registrants, firm approval requests and enforcement cases. Hatfield suggested that if there are resolutions that needs to be discussed before the Regional Summit, board can schedule a conference call. Harrison said that the March 2020 board meeting will not be changed but suggested to move the March 2021 board meeting to March 24, 2021.

Vote: All in favor. Motion passes.
AGENDA ITEM 10 Consideration and potential action related to comply with AB319

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in chapters 624 and 648 of NRS, a regulatory body shall develop and implement a process by which a person with a criminal history may petition the regulatory body to review the criminal history of the person to determine if the person’s criminal history will disqualify the person from obtaining a license from the regulatory body.

2. Not later than 90 days after a petition is submitted to a regulatory body pursuant to subsection 1, a regulatory body shall inform the person of the determination of the regulatory body of whether the person’s criminal history will disqualify the person from obtaining a license. A regulatory body is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. A regulatory body may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the regulatory body at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the regulatory body.

5. A person may submit a new petition to the regulatory body not earlier than 2 years after the final determination of the initial petition submitted to the regulatory body.

6. A regulatory body may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. A regulatory body may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. A regulatory body may post on its Internet website:
   (a) The requirements to obtain a license from the regulatory body; and
   (b) A list of crimes, if any, that would disqualify a person from obtaining a license from the regulatory body.

8. A regulatory body may request the criminal history record of a person who petitions the regulatory body for a determination pursuant to subsection 1. To the extent consistent with federal law, if the regulatory body makes such a request of a person, the regulatory body shall require the person to submit his or her criminal history record which includes a report from:
   (a) The Central Repository for Nevada Records of Criminal History; and
   (b) The Federal Bureau of Investigation.

9. A person who petitions a regulatory body for a determination pursuant to subsection 1 shall not submit false or misleading information to the regulatory body.

Sec. 2. NRS 622.100 is hereby amended to read as follows:

1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:
   (a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and
   (b) A report that includes:
      (I) For the immediately preceding calendar quarter:
         (1) The number of licenses issued by the regulatory body;
         (2) The total number of applications for licensure received by the regulatory body;
         (3) The number of applications rejected by the regulatory body as incomplete;
         (4) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;
         (5) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and
         (6) The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; and
      (II) The total number of applications for licensure received by the regulatory body;
      (III) The number of applications rejected by the regulatory body as incomplete;
      (IV) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;
      (V) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; and
      (VI) The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; and
      (VII) The number of petitions submitted to the regulatory body pursuant to section 1 of this act;
      (VIII) The number of determinations of disqualification made by the regulatory body pursuant to section 1 of this act; and
      (IX) The reasons for such determinations; and
(2) Any other information that is requested by the Director or which the regulatory body
determines would be helpful to the Legislature in evaluating whether the continued existence of the
regulatory body is necessary.

2. The Director shall:
(a) Provide any information received pursuant to subsection 1 to a member of the public
upon request;
(b) Cause a notice of the availability of such information to be posted on the public
website of the Nevada Legislature on the Internet; and
(c) Transmit a compilation of the information received pursuant to subsection 1 to the
Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at
such other times as directed, shall compile the reports received pursuant to paragraph (b) of
subsection 1 and distribute copies of the compilation to the Senate Standing Committee on
Commerce, Labor and Energy and the Assembly Standing Committee on Commerce and Labor,
each of which shall review the compilation to determine whether the continued existence of each
regulatory body is necessary.

Harrison reported that the Board is being asked by the Legislature to implement AB319. She said that
the bill allows a person to petition the Board to review their criminal history prior to applying to
determine if that person can qualify for licensure based on their criminal history. She also said that a
process must be implemented before a request or petition is placed by the individual. Harrison
referred to page 212 of the board eBook regarding a memo from Ling which provided explanation of
how AB319 applies to licensing boards and referred to page 217 to share the draft policy and language
of how the process of AB319 should be implemented.

Board members discussed the proposed policy.

**Motion:** Waugh moved to approve the implementation of AB319 and include the $50 fee in the policy.
Motion seconded by Erny.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 11 Review and possible approval to seek legal action against Brian Thornton**

Information regarding the approved settlement agreement for Brian Thornton was presented in the
board eBook.

Bach informed the board that the settlement he entered into stayed part of the administrative penalty
and that upon review of Thornton’s social media page, the projects that were included in the
settlement agreement were still posted on his profile. Additionally, Thornton has not paid the majority
amount that is owed to the Board. Bach stated that she suggests seeking an injunction for Thornton to
stop advertising and providing architectural services as an immediate action.

Ling said that he must receive authorization from the Board before taking further legal actions to avoid
a dismissal. With the authorization from the Board, he will seek the injunction and an order for all
unpaid fees, including attorney fees and costs.

Erny asked if there was a possibility that Thornton might ignore the order. Ling said that if the order
was ignored, then Thornton would be held in contempt by the Judge who would have the authority to
fine him or imprison him. Garlock stated that to keep the Board consistent, it is best to proceed and
take legal action.

**Motion:** Waugh moved to approve for the Legal Counsel to move forward and seek legal action
against Brian Thornton. Motion seconded by Garlock.
Vote:  All in favor.  Motion passes.

AGENDA ITEM 12A-1  Case No. 19-032R in the matter of Thomas Wucherer and YWS Architects, LLC

The Respondent is alleged to have violated NRS 623.270.1(f) and Rule of Conduct 4.2 when they engaged in conduct involving a deliberate disregard for the rights of others.

Staff received a complaint from James Hougland of HPA Consulting Engineers regarding the Respondents, alleging that they had been paid in full for their consultants (including HPA) for three separate projects but refused to distribute the funds. Further investigation revealed that while the Respondents were still owed money from the MGM and Caesars, the money owed was for their services and not the consultants. The consultants had been paid in full, from the client, on all three projects but still had not received the funds from the Respondents.

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 No Contest Clause and an Administrative Penalty of $10,000 of which $10,000 is stayed providing that restitution in the amount of $76,025 is paid to HPA Engineering Consultants and the Respondents comply with all terms and conditions of the settlement agreement. It also includes Investigative Costs in the amount of $2,200.

Staff recommended approval of the settlement agreement.

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

Garlock asked what the reasoning behind the restitution is, as opposed to settling without the restitution.  Bach stated that one of the penalty options that the Board can enact against registrants is restitution.  She said that the complaint was based on the consultants that were not getting paid.  She said that Wucherer had the money to pay the consultants but did not pay them and the main purpose of this case was to get the consultants paid.  Therefore, she sought restitution rather than penalizing the registrant with probation or suspension of his license.

Garlock voiced that he does not want this board to be portrayed as collectors.  Ling stated that it is not the Board’s duty to adjust contracts, but the facts given were clear that it was fraudulent.

Mickey asked if there were any issues with the project itself or the quality of their service.  Bach replied that there were no issues that were reported and that the project is already completed with open venues.  She said that this case was based on an ethical issue.

Vote:  All in favor.  Motion passes.

AGENDA ITEM 12A-2  Case No. 19-045N in the matter of Benjie Swenson and Merge, Inc.

The Respondent is alleged to have violated NRS 623.035.1(d) and NRS 623.360.1 (a) (b) and (c) by advertising and engaging in the practice of registered interior design without having a certificate of registration with this Board.
During the investigation of another case, staff discovered the Respondent’s website, www.mergeinc.com, where she was advertising interior and exterior design services. The Respondent is a general contractor but is not allowed to advertise design services as she must also complete the project in order to comply with the contractor’s exemption. Further investigation revealed that the Respondents had specified FF&E in commercial settings without also providing the installation and/or construction services which is a violation of the contractor’s exemption.

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 with an Administrative Penalty of $7,500 plus Investigative Costs in the amount of $1,500.

Staff recommended approval of the settlement agreement.

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

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 12A-4  Case No. 20-006N in the matter of Caitlin Perry and Caitlin Rae Designs**

The Respondent is alleged to have violated NRS 623.360.1 (b) and (c) by advertising renderings of commercial projects without having a certificate of registration issued by this Board.

Staff was investigating another case and discovered the Respondent’s website, www.caitlinraedesigns.com, where she was advertising five Nevada commercial projects. In reviewing other sites staff found a Facebook, Houzz and LinkedIn page as well as another website, www.nobledesigns.com, with the same projects. The Respondent did not have a certificate with the Nevada state fire marshal or this Board. Further investigation revealed that the projects were very old and that she had not contracted with the client but simply used them to highlight her artistic ability. The Respondent has since removed all commercial projects from both websites, Houzz, Facebook and LinkedIn pages.

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 $5,000 of which $5,000 is being stayed provided that the Respondent obtains her fire marshal certificate by June 30, 2020, registers and takes the NCIDQ by December 31, 2020 and remains in compliance with the terms of the settlement agreement in addition to 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 Morelli.

Garlock questioned the logic behind staying upon receiving proper licensure. Bach said that it would better serve the public’s interest rather than just having the respondent pay a fine. She also said that the respondent has already began testing with NCIDQ. Bach stated that if any respondents that are non-registrants, who have avenues and means to become registered with our board, she feels that
they should obtain licensure rather than fining them because its best for the public’s interest. Garlock said that there have been some cases where some are licensable and required them to pay a fine. He stated that his concern is that respondents, who are non-registrant, will not be penalized with a fine if they become registered with our board, should not become a trend of the board. Bach said that it would still be based on a case by case basis. She also said that in this case, the respondent was already licensed in another jurisdiction.

Ciesynski said that she agrees with Bach and is in favor of the direction that this case is taking. She stated that it’s important for people to understand the interior design profession and that they must become licensed to provide certain services. She said that the hefty fine of $5,000 is reasonable and a deterrent to the respondent to step up and go in the right direction.

Garlock asked what the penalty would be if she is not able to obtain a fire marshal certificate by June 30, 2020. Bach said that there shouldn’t be any reason for any delay of her obtaining a fire marshal certificate since she has an accredited degree. She also said that she will follow-up with her within 90-days to ensure that she is on track.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 12A-5 Case No. 20-010N in the matter of Jacinto Raviz Jr. and R2 Concepts LLC**

The Respondent is alleged to have violated NRS 623.360.1 (a) (b) and (c) by holding himself out, putting out a device (drawings) indicating that he was qualified to practice architecture and engaging in the practice of architecture without having a certificate of registration issued by this Board.

Staff received a complaint from Marco Montenegro against Respondent that he is providing services that fall under the practice of architecture. A Notice of Investigation was sent, and a response received. According to the Respondent he had prepared drawings for ten projects on a 1099 basis for contractors. Two of the ten projects were as-builts that do not require registration.

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 of which $7,000 is being stayed if the Respondent remains in compliance with the terms and conditions of the settlement agreement. The remaining $3,000 is being paid as restitution along with 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.

Garlock stated that based on the penalty amount, this was a severe case. Bach said that the respondent had multiple violations and worked with other design professionals, but this case is only regarding contractors. She also said that restitution will be paid along with the investigative cost and that the settlement agreement satisfies the public welfare. Garlock said that it is not the Board’s position to act as a civil court.
Ling said that the subject of the matter is the agreement and negotiation of the settlement. He said that respondents don’t necessarily have to agree with the settlement agreement, but it creates accountability for registrants. Wichmann asked if our board works with the Contractors board so that they are aware of these stipulations and drafting consultants. Bach informed that she has issued 2 letters to the drafting companies and directly to general contractors regarding how they may practice under the exemption. She said that the last letter was issued in 2016 and suggest issuing another letter.

Erny asked if it’s possible to select what information from each case is to be published in Focus to avoid future cases from negotiating to reduce fees and taking advantage. Bach said that only the original fine amount is being posted in Focus and not what is stayed or the restitution. Hatfield said that cases in Focus only shares the cost of administrative penalties and the investigative costs. Harrison stated that the Sunset Subcommittee likes that the board protects the public and gets restitution.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 12A-3**  
Case No. 20-005N in the matter of Jeanne Moller and JM Moller Consulting

Respondent, Jeanne Moller, present.

The Respondent is alleged to have violated NRS 623.360.1 (b) and (c) when she advertised that she provided regulated services on LinkedIn and engaged in the practice of architecture and residential design by preparing drawings for two residences without having a certificate of registration issued by this Board.

Staff received anonymous information regarding Respondent that she is advertising services that fall under the practice of architecture and residential design on her LinkedIn page. Additionally, included with the information was the complete set of construction drawings with the Respondent’s title block. A Notice of Investigation was sent, and the Respondent sent drawings for two residential projects.

The Respondent was sent a Notice of Charges concerning this matter. The Respondent’s case was discussed with Executive Director Harrison and the decision was made to offer the Respondent an opportunity to settle this matter informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a Guilt Clause and an Administrative Penalty of $10,000 which is stayed if the Respondent becomes registered in Nevada as an architect or residential designer by June 30, 2020 and remains in compliance with the terms and conditions of the settlement agreement, with Investigative Costs in the amount of $1,800.

Staff recommended approval of the settlement agreement.

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

Garlock asked what the thought process was on determining that the full administrative penalty fee is stayed. Bach stated that the respondent is a registered architect in Hawaii and Colorado and due to her financial situation, it was decided that it was best for her to pursue licensure in Nevada to protect the public.

**Vote:** Morelli and Garlock abstained, all others in favor. Motion passes.
Moller stated that she never advertised the services and was merely approached by friends who asked for her assistance. Bach replied that Moller advertised the projects on her LinkedIn page.

**AGENDA ITEM 12A-6 Case No. 20-014N in the matter of John Hagler and Seed to Cup Coffee Solutions**

The Respondent is alleged to have violated NRS 623.360.1 (b) by putting out a device (drawings) indicating that he was qualified to practice architecture without having a certificate of registration issued by this Board.

Staff received information regarding the Respondent submitting architectural plans to a public authority that were required to be stamped. The Respondent stated that he had an engineer stamp the plans; however, this was done after the plans were rejected for not being stamped by a design professional.

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 of which $2,000 is being stayed if the Respondent remains in compliance with the terms and conditions of the settlement agreement along with 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 Morelli.

Mickey asked how the project of the pre-manufactured construction was presented and submitted. Bach said that the building department did not ask for stamped drawings and accepted the drawings the way they were. She said that there was an engineer who was familiar with the plans as he was overseeing the project.

Ling asked if the structure is built at the site and Mickey replied that it is built off-site and brought to the property site. Erny said that the modular designer did not take into consideration food service and health department interfaces on this project and created a shell. Ciesynski suggested that the board create a committee to conduct research regarding modular structures for further discussion as a future agenda item.

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 12A-7 Case No. 20-019N in the matter of Anna Noble and Noble Designs Co, LLC**

The Respondent is alleged to have violated NRS 623.360.1 (b) by advertising commercial project on her website and LinkedIn page without having a certificate of registration issued by this Board.

During the investigation of another related case, staff discover the Respondent’s website [www.nobledesigns.co](http://www.nobledesigns.co) and LinkedIn page which were advertising four Nevada commercial projects. The Respondent did not have a certificate with the Nevada state fire marshal or this Board. Further investigation revealed that the projects were six-seven years old and she could no longer produce...
documentation to show they were completed under a design professional. The Respondent has since removed all the commercial projects from her website and revised her LinkedIn page.

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 $4,000 of which $2,000 is being stayed provided that the Respondent remains in compliance with the terms of the settlement agreement plus Investigative Costs in the amount of $1,500.

Staff recommended approval of the settlement agreement.

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

Bach said that the registrant is eligible for licensure when she passes the NCIDQ exams and she will obtain a fire marshal certificate while she pursues licensure with our board. Ciesynski asked how she was able to get so far along without being registered. Bach stated that her husband is a licensed general contractor.

**Vote:** Morelli abstained and all others in favor. Motion passes.

**AGEDNA ITEM 12A-8 Case No. 20-027R in the matter of Alfred Salzano**

The Respondent is alleged to have violated NRS 623.185 (2), NRS 623.270.1(c) and (f) by preparing a drawing without stamping it and giving it to a general contractor to submit under the contractor’s exemption.

Staff received information from the Sparks building department that a drawing had not been stamped by the residential designer who prepared the plans. After speaking with the residential designer, it was discovered that the Respondent had prepared the plan showing the new design which had already been completed. The Respondent stated that he thought the contractor was going to submit them under his license.

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 No Contest Clause and an Administrative Penalty of $2,500 plus Investigative Costs in the amount of $1,300.

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 12A-9  Case No. 20-028N in the matter of Kyle Wuelzer and H&L Custom builders

The Respondent is alleged to have violated NRS 623.035.1(d), NRS 623.360.1 (a) (b) and (c) by working outside of the contractor’s exemption, holding himself out, putting out a device (drawings) and engaging in the practice of architecture by submitting drawings to the a public authority that were not prepared by him or his bona fide employee and without having a certificate of registration issued by this Board.

Staff received a call from the Sparks building department asking what the procedure would be if a contractor submitted a drawing that he hadn't prepared, and the rest of the drawings were prepared by a registrant. Bach contacted the registrant to find out what had happened. The homeowners had made changes to the design and had it built but could not get it permitted without a stamp. Further investigation revealed that a different registrant had prepared the drawing without signing or stamping it and gave it to the contractor to submit under the contractor’s exemption.

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 $2,500 plus Investigative Costs in the amount of $1,300.

Staff recommended 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-11  Case No. 20-033N in the matter of Brad Nederhoff and Verner & Johnson, Inc.

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 prior to having a certificate of registration issued by this Board.

Staff received a reciprocity application from the Respondent on October 29, 2019. When staff called the Respondent for the phone interview on November 20, it was discovered that he had issued a proposal and prepared conceptual drawings despite having answered no to the question that asks, “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?”

The Respondent was sent a Notice of Investigation/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 $5,000 plus Investigative Costs in the amount of $1,300.

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 12A-12  Case No. 20-035N in the matter of Hansen Khater

The Respondent is alleged to have violated NRS 623.360.1 (b) and (c) by issuing a device (drawings) and engaging in the practice of architecture prior to having a certificate of registration issued by this Board.

Staff received a reciprocity application from the Respondent on December 9, 2019. The Respondent had answered yes to the question that asks, “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?” When staff called the Respondent for the phone interview on December 16, it was discovered that she prepared preliminary drawings and performed a site visit.

The Respondent was sent a Notice of Investigation/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 $3,500 plus 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 Garlock.
Vote: All in favor. Motion passes.

AGENDA ITEM 12A-10  Case No. 20-030N in the matter of Daniel Matus and Desired Space, LLC

The Respondent is alleged to have violated NRS 623.035.1(d), NRS 623.360.1 (a) (b) and (c) by working outside of the contractor’s exemption, holding himself out, putting out a device and engaging in the practice of architecture without having a certificate of registration issued by this Board.

Staff received a complaint from the Gutherie’s alleging that the Respondent had provided services that are regulated and require registration. Further investigation revealed that the Respondent holds a general contractor license and prepared a reflected ceiling plan and elevations with only a design contract in place. Additionally, the Respondent provided no services or product and collected over $45,000 from the Gutherie’s.

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 $2,500 plus Investigative Costs in the amount of $2,000.

Staff recommended approval of the settlement agreement.
Motion: Waugh moved to approve the settlement agreement. Motion seconded by Morelli.
Vote: All in favor. Motion passes.

AGENDA ITEM 12B Discussion and possible decision regarding closure of enforcement cases:

Bach recommended the following cases for closure without disciplinary action:

19-046N  20-003N  20-007R  20-009R  20-013R
20-015R  20-016N  20-020N  20-029N

Motion: Waugh moved to approve the closure of the cases listed above without disciplinary action. Motion seconded by Morelli.
Vote: Ciesynski recused herself and all others in favor. Motion passes.

AGENDA ITEM 12C Enforcement Report

Bach had nothing to report for enforcement but proposed to have a discussion on Modular Structures as a future agenda item and discuss engineers providing architect service and residential designers providing engineer services to get clarification.

AGENDA ITEM 13A Architect Report – Discussion and possible decision regarding which board members and staff will attend the 2020 Regional Summit in Cambridge, MA on March 6-8, 2020

Harrison stated the Mickey is funded by WCARB to attend and 2 members of the board can attend as funded delegates. Garlock and Snyder will attend as funded delegates. Ciesynski, Erny and Harrison will attend too.


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


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

Mickey reported that NCARB is moving forward with updating the practice analysis and getting consultants involved. Harrison asked how often it would be updated. Mickey replied that there is a 7 to 10-year time frame for the practice analysis.

AGENDA ITEM 14A Residential Design Report – Discussion and potential action regarding the residential design practice analysis and exam update
Morelli reported that the RD written exam will be offered on February 6, 2020 and currently, there are only 2 candidates who will take the exam in Las Vegas and none in Reno.

Morelli also reported that the exam writing committee has submitted a proposal for the professional practice analysis. He said that the residential design profession is changing and so are the demands and requirements of the building departments. Erny stated that the committee spoke to Jared Zurn from NCARB for assistance on assembling the practice analysis and create an outline to stay on track. He said that the practice analysis can be used to modify and enhance the RD Exam moving forward. Erny reported that the cost of NCARB’s assistance is about $53,000 which covers all costs including travel expenses.

Board members discussed the importance and necessity of doing the practice analysis. They agreed funds could be pulled from reserves for this unanticipated expense.

**Motion:** Waugh motioned to approve moving forward with the residential design practice analysis and the exam update. Motion seconded by Erny

**Vote:** All in favor. Motion passes.

**AGENDA ITEM 15 Registered Interior Design Report**

Ciesynski reported that she was invited to speak to WCARB regarding the interior design profession. She said that she will have a presentation to share and discuss the exam process for interior designers. Mickey said that some jurisdictions of Region 6 are battling to better define interior design and understand the credentialing.

Hatfield reported that NCIDQ is issuing a new exam blueprint and asked if it’s a new version of the exam. Ciesynski said that the new exam blueprint is the practice analysis and NCIDQ is slightly shifting the exam.

**AGENDA ITEM 15A Registered Interior Design Report – CIDQ Winter 2020 Q Connection**

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

**AGENDA ITEM 16 Public Member Report**

Waugh reported that he is excited to have the upcoming Examination Committee Meeting in San Diego and looking forward to discussing what future testing will look like. He also shared that this board meeting is his 5th anniversary of his very first board meeting.

**AGENDA ITEM 17 Executive Director Report**

Harrison reported that the NCIRC Committee met on November 4th, 2019 at the Contractor’s Board and plan to meet again on January 28th, 2020 to hopefully have the draft of the Blue Book completed. She said that moving forward, each Executive Director can only bring one board member to attend the meeting. She also said that if each board were to bring more than one board member, then an agenda
will need to be posted to avoid violating the open meeting law. Harrison stated that she has already submitted our Board’s changes and will present the final draft to the board at the March board meeting.

Erny said the value of the NCIRC Committee is to have all professions together to resolve issues. He said that now, it’s mostly Executive Directors discussing the issues and the committee has lost its value when professional designers are not present. Morelli said that there should be representation for each discipline.

Harrison reminded that the next board meeting is scheduled on March 4th, 2020. She said that the 2020 renewal season has ended and only 263 registrants have not renewed. She also said that the late renewal fee has already been implemented. Mickey gave praise to board staff for keeping the renewal process organized and streamlined.

Harrison shared that she will be out of town in Washington, DC on March 26-27 to attend NCARB’s Experience Committee.

Harrison reported the office update and said that a new door lock system will be installed due to high traffic and safety. Erny asked if costs will be incurred. Harrison said that since property management won’t cover the cost, it will come out of the board’s funds.

Harrison thanked staff for their hard work. She praised Bach for investigating 12 cases and Aguada for processing numerous firm applications. She also praised Hatfield for her tremendous work.

Erny inquired for the status on the database update. Harrison said that there is no update yet and she is considering switching databases and having NCARB manage the database. Erny said that staff should be more proactive to get a new database put in place for the board to be more efficient.

**AGENDA ITEM 18  Board Counsel Report**

Ling had nothing to report.

**AGENDA ITEM 19  Public Information Report**

Hatfield referred to page 736 of the eBook to share the drafted memo for the newsletter regarding design competitions. Garlock asked if the board agreed on the memo. Hatfield said that based on the discussion at the last board meeting, the impression was to move forward in this direction. Garlock stated that the memo currently says that design competitions must have a registrant involved to take responsible control. Bach said that having a registrant to take responsible control of the competition protects the public and the candidates submitting their designs.

Garlock referred to sentence in the memo that reads, “*It is immaterial if the project is hypothetical and not to be built.*” He asked what if an academic instructor was to ask their graduate students to design a building at a specific location, how are students able to do that. Mickey said that it would depend on if the design is a classroom exercise or a for a competition. He asked what the distinction is between a competition versus a classroom exercise. Bach said that a classroom exercise is for a grade and a competition is for a reward. She also said that if the design competition is Nevada site specific, then there should be a registrant involved to supervise and take responsible control. Garlock said that the
last sentence of the first paragraph in the memo should be removed. Hatfield said that she will revise the language of the memo and remove the sentence.

Hatfield reported that she did a release regarding Wichmann being appointed to the Board and it was picked up in the Review Journal’s On the Move section. She said that there are photos in the eBook from the ASID Newsletter that she attended with Bach. Hatfield shared that this past November, she visited North Valley high school and Incline Village high school which are both technical schools. She also visited TMCC and spoke to Kreg Mebust’s class. She said that she had a good discussion with the students and found that some of the students plan to transfer to an architecture program. In December, she visited Southwest Technical Academy here in Las Vegas, which is the only school that offers an interior design program.

Hatfield shared her calendar outline with the board to show her upcoming outreach. She said that she scheduled to visit ATEC to speak with students it the ACE (Architecture, Construction and Engineering) Mentoring Program on January 21, 2020. On January 28th, 2020, She said that Bach and herself will be speaking to students in Eric Strain’s Design Practice Management class. She also shared the content calendar for the Board’s social media and the recent Focus Newsletter.

**AGENDA ITEM 20**

**Items for Future Agenda**

- Conduct study of budget
- Modular Structures
- Clarification on what engineering services architect and residential designers can provide

**AGENDA ITEM 21**

**Public Comment**

There was no public present.

Chairman Ciesynski adjourned the meeting at 2:27 p.m.

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Monica Harrison, Executive Director

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James Mickey, Secretary/Treasurer