

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

June 9, 2021

Virtual Board Meeting – Video conference and audio offered via Zoom

<https://us02web.zoom.us/j/81543111378> or 1(346)248-7799 Meeting Code: 81543111378

Wednesday, June 9, 2021

Chairman James Mickey called the meeting to order at 8:30 a.m.

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

Also in attendance: Monica Harrison (Executive Director), Louis Ling (Legal 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 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 24, 2021 and April 26, 2021
- C. Secretary/Treasurer Report (reports and bank statements)
 - 1. Nevada Architect, Registered Interior Designer and Residential Designer Licensing Statistics
 - 2. Wells Fargo Bank Statements
 - 3. Bank of Nevada Statements
 - 4. First Independent Bank Statements
 - 5. March 2021 Budget
- D. Ratification of Reciprocal Licenses (see below)
- E. Firm name approval requests
 - 1. ATELIER GESELL ARCHITECTURE, PC
 - 2. Aurora Interiors
 - 3. CNOBG DESIGN GROUP PC
 - 4. Franklin Studios Architecture Corp
 - 5. Le Architecture, Inc.
 - 6. LBL Architects, Inc.

7. Shelter Planners of America
 8. RKA PLLC
 9. TJM Studios L.L.C.
- F. Firm registration approval requests
1. M+H Architects
 2. PRG Design, LLC
 3. Rouge ADS LLC
 4. Valentiner Crane Brunjes Onyon Architects, L.L.C.

Architects: registration by reciprocity

8621	Grant James Seaman	8640	Amat K. Tajudin
8622	Eric Grigel	8641	C. Cannon Reynolds
8623	Christopher R. Stress	8642	Carlton W. Shartle
8624	Rogelio Hurtado	8643	James W. Schmidt
8625	Ralph C. Bagley IV	8644	Binh Tien Dang
8626	Steven Reynolds	8645	Jarod Hall
8627	Matthew D Mosey	8646	Marc Jenefsky
8628	Carlos Elenes	8647	David Tyler Thayer
8630	Gregory G. Landry	8648	Brian D. Oliver
8631	Eric H. Olsen	8649	Cody A. Bowman
8632	Kristi W. Hanson	8650	Ermias Ephrem
8633	Jeremy J. Bentley	8651	Jason Nishan Jorjorian
8634	Kimberly Matteson	8652	Bryant Mazzetti
8635	Jacob Perry Augenstein	8653	Daniel W Dunzik
8636	Nelson J. Arave	8654	Jeanne K. Gang
8637	Mark W. Rios	8655	Maurice Lombardo
8638	Dean S. Sakamoto	8656	Bridget Irene Herdman
8639	Robert G. Hale Jr.		

Residential designers: registration by reciprocity

404-RD Steven Frank Parker

Harrison noted the Item 2E-5 should read, “Le Architecture.”

Motion: Erny moved to approve the consent agenda items 2A through 2D, 2E-2 though 2E-9, and 2F-2 through 2F-4. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-1

Firm name approval request: ATELIER GESELL ARCHITECTURE, PC

Erny asked if the term “Atelier” is a person’s name or means something. Aguada said that “Atelier” means “studio” in French. The applicant provided that information but it was not included in the e-book.

Motion: Erny moved to approve the firm name approval request of “ATELIER GESELL ARCHITECTURE, PC.” Motion seconded by Morelli.

Vote: All in favor. Motion passes.

AGENDA ITEM 2F-1 Firm registration approval request: M+H Architects

Mickey said that the application indicates that one of the owners, Mr. Lawrence, has “all duties and responsibilities.” Mickey said that needs to be changed because Mr. Lawrence is not a Nevada registrant and cannot be in responsible control of Nevada projects.

Motion: Mickey moved to approve the firm registration request of “M+H Architects,” with revisions to the application regarding the non-registrant’s duties and responsibilities. Motion seconded by Snyder.
Vote: All in favor. Motion passes.

AGENDA ITEM 5 Discussion and possible action regarding bills tracked during the 2021 Legislative Session by Lobbyist Jim Wadhams

Jim Wadhams briefed the board on the major events at the 2021 Legislative Session and matters that may affect regulation of professions. He said he would have recommendations for the next board meeting regarding steps the board can take prior to the next regular legislative session.

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

Mickey greeted the attendees and explained the ceremony process.

Snyder swore-in the following individual as an architect:

1. Nicholas Voell-White8629

Moton: Snyder moved to approve the registration of the above referenced individual as an architect. Motion seconded by Morelli.
Vote: All in favor. Motion passes.

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

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

2. Lesley Bosch.....270-ID
3. Patricia Gonsalves.....271-ID
4. Jamie G. Stringham.....272-ID

Moton: Waugh moved to approve the registration of the above referenced individuals as registered interior designers. Motion seconded by Snyder.
Vote: All in favor. Motion passes.

Mickey congratulated the new registrants. He said that Carlos Fernandez, Executive Director of AIA Las Vegas and AIA Nevada, and Glenn Nowak, Graduate Coordinator from UNLV’s School of Architecture, will say a few words to congratulate the new registrants.

Fernandez 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.

Nowak extended congratulations on behalf of the school. He offered a special congratulations to Patricia Gonsalves, a UNLV School of Architecture graduate. Nowak encouraged all new registrants to become involved with the school.

Mickey said that with a license comes new opportunities, but also the responsibility to protect the public. He encouraged registrants to call the board with any questions they have in their professional journey. Other board members offered congratulations and words of advice.

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

AGENDA ITEM 10A-1 Case No. 21-029N in the matter of Julie Perkins and Modavero

The Respondent is alleged to have violated NRS 623.360.1(b) and (c) by advertising and engaging in the practice of registered interior design without having a certificate of registration issued by this Board.

Staff received anonymous information that the Respondent was providing regulated services on a new custom home. Further investigation revealed she was advertising on her website www.modavero.com and Linked In page commercial FF&E and space planning services. Additionally, she provided regulated services to several businesses.

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 \$5,000 with Investigative Costs in the amount of \$1,800.

Staff recommended the approval of the settlement agreement.

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

Vote: Morelli recused himself and all others in favor. Motion passes.

AGENDA ITEM 10A-2 Case No. 21-044N in the matter of Charles Bennett and Premiere Project Management

This item was held until later in the meeting as the attorney for the Respondents is expected to join the meeting.

AGENDA ITEM 10A-3 **Case No. 21-046N in the matter of Bridget Herdman and Herdman Architecture & Design**

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

Staff received a reciprocity file for Respondent who had originally 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?” Staff received a call from the Respondent the next day stating that upon checking her firm had issued a proposal and prepared preliminary plans.

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 Effect on Licensure Clause and an Administrative Penalty of \$7,500 with Investigative Costs in the amount of \$1,500.

Staff recommended the approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 10A-4 **Case No. 21-057N in the matter of Maurice Lombardo and Taylor Lombardo Architects**

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

Staff received a reciprocity file for Respondent who had 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?” During the phone interview it was discovered that the Respondent had issued a proposal and prepared drawings.

The Respondent was sent a Notice of Charges concerning this matter. The Respondent’s case was discussed with Executive Director Harrison and the decision was made to offer the Respondent an opportunity to settle this matter informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a Guilt Clause and an Effect on Licensure Clause and an Administrative Penalty of \$7,500 with Investigative Costs in the amount of \$1,500.

Staff recommended the approval of the settlement agreement.

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

Vote: All in favor. Motion passes.

AGENDA ITEM 10B

Discussion and possible decision regarding closure of enforcement cases

Bach recommended the following cases for closure without disciplinary action:

21-025R	21-026R	21-034R	21-039R	20-040R	21-041N
21-045N	20-051R	21-053N	21-055N	21-056R	

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

Vote: Mickey recused himself and all others in favor. Motion passes.

AGENDA ITEM 10C

Enforcement Report

Bach shared an article from the *Las Vegas Review Journal* that highlighted the recent letter from the Board regarding design professionals serving on HOAs. She added that she received calls from architects and HOAs with questions after the letter was sent. Bach stated the letter was beneficial and shared valuable information with the community. Mickey said he received calls about the letter from residential designers and architects in northern Nevada.

AGENDA ITEM 10C-1

Discussion and possible action whether the work of graphic illustrators should be considered the practice of architecture

Bach asked if the work of graphic illustrators should be considered the practice of architecture.

Board members discussed where the line between artwork and something more substantial lies. Bach said she usually looks to see if the project is site specific and if it is dimensioned or scaled. Board members agreed that site specific drawings are more likely to be the practice of architecture.

Board members said this is an item to keep an eye on as available software is making it easier to produce drawings and plans. They said decisions would currently have to be made on a case by case basis, looking at the specifics of the case.

AGENDA ITEM 4

Discussion and possible action regarding the Board’s position on the implementation of the bachelor’s degree in architecture from TMCC – Presented by Kreg Mebust

Kreg Mebust, Professor of Architecture, Landscape Architecture and Residential Design at Truckee Meadows Community College (TMCC) presented a proposal for an architecture degree at TMCC. The program would culminate in a B.Arch. and would include 150 credits in five years. The proposed program would expand on the current AA Architecture.

Board members discussed the proposal with Mebust. Mebust highlighted that the school serves underserved populations. The focus is on workforce readiness. Almost all students in the current two-year program would prefer to stay in northern Nevada. Many have families and/or jobs and cannot relocate to continue to a NAAB-accredited degree.

Mebust has a meeting with a member of the Board of Regents to discuss the proposal next week. He would like to present the proposal to the full Board of Regents this fall and roll out the program in Fall 2022. He is working with NAAB on the proposal currently. He does not see this program as competing with the UNLV architecture program; he believes they would compliment each other.

Motion: Erny moved to support TMCC’s efforts to establish a NAAB-accredited Bachelor of Architecture program, as presented by Kreg Mebust. The board will also write a letter of support that can be included in the proposal being presented to the Board of Regents. Motion seconded by Snyder.
Vote: All in favor. Motion passes.

AGENDA ITEM 10A-2 Case No. 21-044N in the matter of Charles Bennett and Premiere Project Management

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 a reciprocity file for the Respondent who had 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?” During the phone interview, the Respondent was asked if he had issued a proposal or prepared any drawings and he said he had prepared a site plan. Bach requested and received the drawing.

The Respondent was sent a Notice of Charges concerning this matter. The Respondent’s case was discussed with Executive Director Harrison and the decision was made to offer the Respondent an opportunity to settle this matter informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a Non-Admission of Guilt Clause and an Effect on Licensure Clause and an Administrative Penalty of \$3,000 with Investigative Costs in the amount of \$1,500.

Staff recommended the approval of the settlement agreement.

Attorney Richard Bryan for the Respondent appeared. Board members had no questions for him. Mr. Bryan thanked board staff for their assistance in the matter.

Motion: Erny moved to approve the settlement agreement. Motion seconded by Waugh.
Vote: All in favor. Motion passes.

AGENDA ITEM 6 Review and possible approval of the NSBAIDRD Succession Plan

Harrison presented the revised NSBAIDRD Succession Plan, originally presented at the March board meeting. The changes suggested are highlighted in the board meeting eBook.

Board members said it should be reviewed annually at the January board meeting when the strategic plan is reviewed.

Motion: Snyder moved to approve the NSBAIDRD Succession Plan. Motion seconded by Garlock.
Vote: All in favor. Motion passes.

AGENDA ITEM 7 **Discussion and possible decision regarding a new hybrid approach for future board meetings**

Mickey opened the discussion by reminding board members that a legislative committee suggested the board hold virtual meetings to reduce travel costs. Harrison said that virtual meetings are here to stay, but the personal interaction at board meetings is valuable for staff and board members. She recommended two in person meetings a year, with the remaining three virtual.

Ling advised the board that the Open Meeting Law is back in effect as of June 1, 2021. If the board is going to hold a virtual meeting, there must be a physical location where members of the public can attend and connect to the virtual meeting. Harrison asked if the public can call in telephonically, as in the past. Ling said that is acceptable if the board meeting is only held in a physical location, however, if any board member is on Zoom, the same platform must be offered to the public.

Board members discussed the issue. They agreed that the flexibility to attend virtually is attractive, but the face-to-face interaction is the most effective for the board. They also agreed that a virtual option might be attractive for swearing in ceremonies so family can attend if they cannot fly to the meeting location. Harrison reminded board members that the board does not currently have the technology in place to host a hybrid meeting.

Board members agreed that in person meetings should be held in August in Reno and October in Las Vegas. Meanwhile, staff should research setting up the conference room for virtual meetings, with the goal of a virtual option available for the January 2022 meeting.

Motion: Mickey moved to start in person meetings in August, with the possibility of offering a hybrid option beginning in January 2022. Motion seconded by Morelli.
Vote: All in favor. Motion passes.

AGENDA ITEM 8 **Discussion and potential clarification regarding reproduction of documents pursuant to NAC 623.770**

Bach said that she has received calls asking who retains ownership of drawings when an architect leaves a firm. She said that she tells callers that the firm retains ownership unless there is a clause in the employment contract that says the architect retains ownership. Board members agreed with this statement. Ling added that this can be a term of employment with professionals.

Bach asked the board for an interpretation of NAC 623.770.2 “If the approval is granted, the Board may make special provision for the stamping of the documents and any modification of the documents it deems necessary.”

Board members discussed the issue. Bach said this is only an issue if the original architect does not release the drawings. Board members said it would likely have to be on a case by case basis, assessing the circumstances of the case. They advised Bach to bring any unclear cases to one board member for review. That board member could advise if the case needs to come before the whole board for a special

provision. This is similar to how some enforcement cases are handled. Board members said they did not want to make a client/owner wait for a board meeting if it wasn't necessary.

AGENDA ITEM 11A **Architect Report - FYI: Resolution 2021-01 passed 52-0**

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

AGENDA ITEM 11B **Architect Report - FYI: NCARB Fast Facts April 2021**

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

AGENDA ITEM 11C **Architect Report - FYI: NCARB Update April 2021**

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

AGENDA ITEM 11D **Architect Report - FYI: NCARB Board Brief April 2021**

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

AGENDA ITEM 12A **Residential Design Report – Briefing of the residential design practice analysis – Final Report of Phases 1-4**

Morelli reported that they have moved into the knowledge, skills and abilities (KSA) portion of the practice analysis. They hope to have a report in August. Harrison reported that two members of the committee had to drop out and will need to be replaced.

AGENDA ITEM 12B **Residential Design Report – Update of the residential design exam in August**

Morelli reported that the Residential Design Exam will be offered August 19 and 20 in Reno and Las Vegas. There are currently 10 candidates: two taking graphic only, two taking written only and six taking written and graphic.

AGENDA ITEM 13A **Registered Interior Design Report – FYI: Q Connection April 2021**

Flemming reported that the annual meeting will be held November 12-13, 2021 in Minneapolis, MN. The spring testing pass rates were between 55 and 60 percent. Further information was provided in the board meeting eBook.

AGENDA ITEM 14 **Public Member Report**

Waugh reported that he was appointed to the NCARB Ethics Task Force.

AGENDA ITEM 15 **Executive Director Report**

Harrison reminded board members whose terms are expiring and who want to be reappointed, that they should apply to the Governor’s office. She reported that she should hear by August if the contract to switch databases will be approved. Harrison said that the board will need to schedule a hearing, likely in October, to make the temporary regulation allowing the IPAL option permanent. She said the next board meeting will be August 18 in Reno. Finally, Harrison reported that the continuing education audit is complete. Two registrants were fined for not being in compliance.

AGENDA ITEM 16 **Board Counsel Report**

Ling had nothing to report.

AGENDA ITEM 17 **Public Information Report**

Hatfield reported that she presented to the fifth graders at Mabel Hoggard Elementary School with architect Brett Robillard. She added that she will start a new social media series exploring “Firm FAQs.” Other information was presented FYI in the board meeting eBook.

AGENDA ITEM 18 **Items for Future Agenda**

There were no items suggested for future agendas.

AGENDA ITEM 19 **Public Comment**

There was no public present for comment.

AGENDA ITEM 9 **Consideration and possible action regarding pay recommendations for board approval: Aguada, Bach, Harrison, Hatfield, Hernandez and Quenga**

Motion: Erny 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 Ciesynski.

Vote: All in favor. Motion passes.

The board went into closed session.

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

Vote: All in favor. Motion passes.

Motion: Erny moved to approve the Executive Director's recommendations for COLA and merit increases for staff. Motion seconded by Morelli.

Vote: Ciesynski opposed; all others in favor. Motion passes.

The board discussed Harrison's performance. Board members lauded Harrison's performance, especially during the past year through the COVID pandemic and related shutdown. Mickey said all evaluations expressed that her performance was exemplary.

Chairman Mickey adjourned the meeting at 1:45 p.m.

Monica Harrison, Executive Director

William Snyder, Secretary/Treasurer