

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

October 23, 2019

The Gina Spaulding Boardroom

2080 East Flamingo Road, Suite 120, Las Vegas, NV 89119

Wednesday, October 23, 2019

Chairman Kimberly Ciesynski called the meeting to order at 8:05 a.m.

Roll Call: Kimberly Ciesynski, Chairman; James Mickey, Secretary/Treasurer; Gregory Erny; George Garlock; John Klai; William Snyder; Nathaniel Waugh. *John Morelli was excused for full meeting, Ann Fleming arrived at 9:45 a.m. and Waugh departed at 11:30 a.m.*

Also, in attendance: Monica Harrison, Executive Director; Louis Ling, Board Counsel; Sophia Long, Deputy Attorney General; Laura Bach, Chief Investigator; Stacey Hatfield, Public Information Officer.

Ciesynski initiated the meeting by stating the Boards' 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 comments from the public.

AGENDA ITEM 2 Approval of Consent Agenda

Consent agenda included the following:

- A. Approval of Agenda
- B. Approval of Minutes: August 21, 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
 - 4. September 2019 Quarterly Report Statement
- D. Ratification of Reciprocal Licenses (see attached list)
- E. Firm Name Approval Requests
 - 1. DWA PLLC
 - 2. Environments for Health (NV), Inc.
 - 3. LJC Architecture P. C.
 - 4. MLH Design of Nevada LLC
 - 5. New Studio Architecture, LLC
 - 6. Pluum Design
 - 7. Tilt 23 Studios LLC
 - 8. Waldron Architectural, LLC
- F. Firm Registration Approval Requests
 - 1. TWINSTEPS Nevada, Inc

Architects: Registration by Reciprocity

8195	William Salvatore Mandara Jr.	8214	David Masters
8196	Ali Celal Höcek	8215	Christopher P. Weiland
8197	Rolf K. Biggers	8216	Steve Waldron
8198	David A. Marr	8217	Kyle R. Marsh
8199	Rosemarie R. Rawson	8218	Bryan Wilson
8200	Michael K. Frazier	8219	Navin Pathangay
8201	Shabnam Vakili	8220	Andrew G. Teng
8202	Jason D. Smith	8221	Jeffrey Dungan
8203	Jeffrey S. Parker	8222	Sarah Elizabeth Kovac
8204	Thomas Robert McCarty Jr.	8223	Gregory Victor Nagel
8205	Stephanie Marian Kingsnorth	8224	Michael David Cox
8206	Christopher M Ryan	8225	John A Marasco
8207	Edward McGonigle	8226	William Murray
8208	John Paul DeFrank	8227	Richard Charles Hatcher Jr.
8209	Casey B. Carlton	8228	David Brininstool
8210	Wayne G. Dietrich	8234	Nolen L Mendenhall
8211	Christen F. Soares	8235	Ryan Christopher Horne
8212	Michael S. Sundermeyer	8236	Charles M Reitzel
8213	Ron C. Ireland		

Residential Designers: Registration by Reciprocity

381-RD	Jennifer Stoll
382-RD	Warren Knight Lloyd

Motion: Garlock moved to approve the consent agenda items 2A through 2E-1, 2E-3 through 2E-6, 2E-8 and 2F-1. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-2 Firm Name Approval Request – Environments for Health (NV), Inc.

Mickey voiced his concern that it seemed unusual that a single individual will hold all ownership and full responsibility for all aspects of this large corporation that is associated with health environments. Erny commented that there must be an understanding of who will ultimately be held responsible in the relationship with Environments for Health (NV) as opposed to the larger corporation that the firm is a part of. Ling said that the firm is requesting approval for the sub-corporation that is part of the parent corporation and that Casey Carlton, the licensee, will be held responsible. Mickey clarified that any plans, proposals, services, etc. for projects in Nevada that are submitted by Environments for Health (NV), Inc., must be stamped by Casey Carlton. He also clarified that the firm may only use the firm name of "Environments for Health (NV), Inc." and no other versions of the firm name or the parent corporation in Nevada.

Motion: Mickey moved to approve the firm name approval request for "Environments for Health (NV), Inc." and to include a notice to the applicant of the roles and responsibilities that the firm must adhere in the state of Nevada. Motion seconded by Erny.

Vote: All in favor. Motion passes.

AGENDA ITEM 2E-7

Firm Name Approval Request – Tilt 23 Studios LLC

This firm name approval request was pulled from the agenda due to an incomplete application as the applicant did not submit a Nevada Certificate of Good Standing for the firm caused, by delays with the Nevada Secretary of State.

Motion: Garlock moved to have the application for the firm name approval request of “Tilt 23 Studios LLC” pulled from the agenda. Motion seconded by Waugh.

Vote: All in favor. Motion passes.

AGENDA ITEM 5

Review and possible decision regarding application for architectural reciprocal registration of Richard Ladrack pursuant to NRS 623.210 and NAC 623.410

Documentation of Ladrack’s application for architectural reciprocal registration was presented in the board meeting eBook.

Motion: Waugh moved to approve the application for architectural reciprocal registration. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

AGENDA ITEM 6

Review and possible decision regarding continuing education hardship request of Jim Berendji

Background information regarding Jim Berendji’s request for exemption from the continuing education unit (CEU) requirements from 2019 to renew his registration for 2020 was presented in the board meeting eBook.

Motion: Waugh moved to approve Berendji’s request for exemption from the continuing education requirements from 2019 for his 2020 registration renewal. Motion seconded by Snyder.

Garlock mentioned that this request was approved for last year’s renewal and it appears that this will be an annual request. He asked if the board has the ability not to receive this type of requests annually. Harrison stated that per statute, the registrants must apply for exemption from CEUs every year.

Erny said that he understands that this request for exemption is due to audio hardship but there are other formats that registrants can obtain CEUs. Mickey agreed with Erny and said that there are available courses that can be taken, such as monographs, presentations, programs with exams, etc., that are structured and offered online.

Ciesynski asked if Berendji is currently practicing architecture. Harrison replied that he may have some projects, but it doesn’t seem like he is very active. Harrison also said that he may be eligible to apply for emeritus status. Ciesynski suggested the board approve his request for this final year and that staff inform Berendji of other opportunities of achieving the CEU requirements that will not challenge his hearing impairment and inform him of the emeritus status.

Motion: Waugh amended his motion to approve Berendji’s request for exemption from the continuing education requirements from 2019 for his 2020 registration renewal, contingent upon staff providing

Berendji notice that this will be the final approval for the CEU exemption due to hearing disability, advise him of alternative forms of obtaining CEUs, and provide information regarding the option of applying for emeritus status. Motion seconded by Snyder.

Vote: Erny opposed, all others in favor. Motion passes.

AGENDA ITEM 15 Public Member Report

Waugh reported that he attended the first meeting of the year for NCARB’s Examination Committee, along with Secretary/Treasurer, Mickey. He said that he looks forward to attending the next meeting in December that will be held in Oklahoma City.

AGENDA ITEM 17 Board Counsel Report

Ling reported that the Nevada Supreme Court ruled in the Board’s favor in the Rusk matter. He said that the case resulted in two things. First, it resulted in publishing an opinion, which is rare, and broke new ground. Second, it resulted in an Order ordering Judge Delany to dismiss the case. Ling also said that Rusk had 18 days to file a motion for reconsideration, which he did. Ling stated that an extremely low percentage of these types of motions are granted. He said that the Supreme Court could issue a one-sentence Order to deny the motion or the Supreme Court could as the Board’s Legal Counsel to file an opposition. Ling also stated that if Rusk’s motion for reconsideration is denied, Rusk may opt for an En Banc Review.

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

Mickey swore-in the following individuals as architects:

- 1. Victoria A Cousino.....8229
- 2. Eric F Gross.....8230
- 3. Charlotte Byrd Hagen-Cazès.....8231
- 4. Andrew Kristian Martin.....8232
- 5. Sean R Miller.....8233

Motion: Waugh moved to approve the registration of the above referenced individuals. Motion seconded by Garlock.

Vote: All in favor. Motion passes.

Kelly Lavigne, AIA Las Vegas Operations Manager, thanked the Board for allowing AIA to be a part of the celebration. She congratulated the new registrants on behalf of AIA Las Vegas and welcomed them to the profession. Lavigne said that she hopes that the new registrants will utilize the organization to advocate, promote and support the profession of architecture. She presented information regarding membership with AIA and encouraged the new registrants to join.

Glenn Nowak, Associate Professor of UNLV School of Architecture, congratulated the new registrants for their accomplishment, especially the UNLV Alumni. He said that three of the newly registered architects are UNLV Alumni and presented them with UNLV pins. Nowak shared that the UNLV School of Architecture graduates are younger each year because they can complete school quickly while gaining great experience and begin their path to licensure.

Ciesynski spoke to the new registrants and acknowledged them for their great achievement. She said that they have taken different paths to become licensed, and with that license comes responsibility. Ciesynski also said that this Nevada Board is unique in many ways. She stated that one of the reasons why this board is unique is because the board requires new registrants of initial licensure to attend a swearing-in ceremony to take an oath before the Board and to have the opportunity to meet the Board Members.

Harrison informed the new registrants that they are exempt from earning continuing education units (CEU) for the first two years of their registration. She mentioned that the board partners up with AIA and offers a CEU seminar twice a year where the registrants can obtain all 8 units in one seminar. Harrison encouraged the new registrants to become NCARB certified to allow them the mobility to obtain licensure in the other jurisdictions. She also informed them to reach out to board staff for inquiries on firm approvals or if they need any assistance.

Erny asked the new registrants if they had passports in which they all responded, yes. Erny also encouraged them to obtain an NCARB certificate to provide them with the flexibility to move about in their professional career and facilitate their ability to practice across all the jurisdictions. He said that it also allows them the availability to practice architecture in other jurisdictions when the opportunity arises.

Erny spoke to the new registrants and said that he hopes that attending the board meeting for the swearing-in ceremony is not an encumbrance or an impairment to receive their license. He said that the swearing-in ceremony is very important and a momentous occasion to celebrate. Erny stated that the ceremony deserves recognition because registrants receive their certificate in person, be recognized for their achievements, and get the opportunity to meet the board rather than sending a certificate through the mail. He also stated that the board hopes to continue the tradition of the swearing-in ceremony.

Ciesynski encouraged the new registrants to use the Board as a resource to ensure that they stay within the bounds of their profession. She said that they can contact Board Staff if they have any questions regarding their practice and the Nevada Laws. Ciesynski also warned the new registrants not to practice architecture in other jurisdictions before understanding their laws and obtaining a license in that jurisdiction.

The board asked the registrants for feedback regarding their path, examinations and experiences to achieve licensure. Eric Gross said that resources that were provided for the NCARB AREs were cut and dried and very simple. He also said the process from switching over from ARE 4.0 to 5.0 was relatively easy but the study materials for the 5.0 were not as accessible. Victoria Cousino said that she took the 5.0 and said that it ran smoothly but did have some trouble with the vignettes and some of the functionalities. Charlotte Hagen-Cazès said that she ran into some technical difficulties during the last exam and failed the exam and NCARB had no recourse. She said that it was frustrating for her because she had to pay NCARB again and waited another 6 months before she could test again.

Mickey spoke to the registrants and encouraged them to pay it forward by assisting future candidates who are on the path to licensure and share their experiences. He also encouraged them to get involved with NCARB's committees to share their knowledge and create more opportunities.

Ciesynski asked the registrants for feedback regarding their experience with board staff and the registration process. One registrant said that the process was smooth, and another said that she started testing for New York but decided to switch to Nevada and reached out to board staff.

Fleming arrived and joined the meeting.

AGENDA ITEM 4

Formal Contested Administrative Hearing: Case No. 19-049N in the matter of Tirzo Tec and Tec Food Consulting Services, consideration and adjudication of the Complaint alleging violations of NRS 623.360.1 (a), NRS 623.360.1 (b) and NRS 623.360.1 (c)

A formal hearing was held in the matter of Tirzo Tec and Tec Food Consulting Services, case number 19-049N. Chairman Kim Ciesynski presided over the hearing. The respondent was alleged to have violated NRS 623.150, NRS 623.360.1 (a), NRS 623.360.1 (b), NRS 623.360.1 (c) and NRS 623.365 by practicing architecture without a valid registration.

Information and background regarding this matter was provided for the board members in the board meeting eBook.

In attendance:

Louis Ling, Prosecutor on behalf of the NSBAIDRD

Sophia Long, Deputy Attorney General, Acting as Board Counsel

The respondent was not present. The Board sent Tirzo Tec the Notice of the Hearing and the matter of the complaint of unlicensed activity via certified mail to 915 C Foothill Boulevard, Suite 627, Claremont, California 91711 and duly served Tirzo Tec and Tec Food Consulting Services. The Board has not received any written nor verbal notice from the respondent with a response.

Long asked Ling if he would prefer that the board make a finding that services were proper in this matter. Ling stated that the respondent was duly served.

Motion: Waugh moved to approve that the service was proper in this matter. Motion seconded by Snyder.

Vote: All in favor. Motion passes.

Ling stated that since the board has not received any communication from the respondent, the hearing will be a brief prima facie case. He also said that he will request that the board authorize to file a criminal complaint.

Witnesses for the prosecution:

Laura Bach, NSBAIDRD Chief Investigator

Ignacio Gonzalez, Registered Architect

The findings of fact brought against Tirzo Tec and Tec Food Consulting Services is as follows:

1. *Tec Food Service Consultants (hereinafter TEC) is a sole proprietorship in California and had a C-4 Sheet Metal license with the California State Contractors Board which was revoked in 2015. Tirzo Tec was the sole owner and employee. TEC operates from 915-C W Foothill Blvd, Claremont, California.*
2. *At all times pertinent to this matter, Mr. Tec was not registered with the NSBAIDRD in any capacity and was no longer licensed as a contractor or in any other capacity in California.*
3. *On April 23, 2019, Mr. Gonzalez, a Nevada registered architect, filed a Consumer Complaint*

with NSBAIDRD. Mr. Gonzalez alleged that someone had prepared drawings for a tenant improvement for Falak Hookah Lounge located at 3101 W Sahara in Las Vegas, Nevada and had forged thereon his title block, stamp, and signature.

- 4. At hearing, Mr. Gonzalez testified that he not been involved with the Falak Hookah Lounge project. Mr. Gonzalez learned of the forged plans after they were submitted to the City of Las Vegas building department because a correction letter was generated and sent to Mr. Gonzalez as the contact person for the project. Mr. Gonzalez had no knowledge of the project and informed the building department, which then put a hold on the project. Mr. Gonzalez then notified NSBAIDRD staff of the incident. The plans had Mr. Gonzalez' stamp and Tec Food Service Consultants' name on the title block. Mr. Gonzalez' old title block also appeared on the drawings, but at hearing Mr. Gonzalez produced photographs and documents that showed what his present title block looked like and what his previous title block looked like, and the title block in his name that appeared on the drawings for the Falak Hookah Lounge project was his old title block.*
- 5. At hearing, Mr. Gonzalez explained that the Respondents had worked on a project with Mr. Gonzalez five or six years prior. Regarding the Falak Hookah Lounge project, Mr. Gonzalez testified that he had been contacted by Respondents some time before the drawings at issue were filed and had been asked to stamp and sign drawings prepared by Respondents. Mr. Gonzalez emphatically declined to do so, and that was the last he heard from Respondents or about the project until he was contacted by the building officials. Mr. Gonzalez testified that in his research to determine how his text block, stamp, and forged signature came to be on Respondent's drawings, he learned from building officials at the City of Las Vegas that Mr. Tec was the person who had personally delivered the drawings to the City of Las Vegas. Mr. Gonzalez testified that Respondents were the only party that would have had a digital copy of Mr. Gonzalez' stamp and title block and that it would have been relatively easy for Respondents to have included these on their drawings in attempt to make it appear that Mr. Gonzalez was the registered architect in responsible control of the project. At hearing, Mr. Gonzalez also affirmed that the signature on the Falak Hookah Lounge drawings was not his signature.*
- 6. Ms. Bach determined that Respondents had prepared the Falak Hookah Lounge drawings and submitted them to the City of Las Vegas building department without a registrant's stamp, and when Respondents were informed that the plans needed to be signed and sealed by a Nevada architect, Respondents used Mr. Gonzalez' title block and stamp from their previous project with him and forged his signature thereon. Ms. Bach testified that the drawings submitted by Respondents to the City of Las Vegas building department evidenced and constituted the practice of architecture.*

The conclusions of law against Tirzo Tec and Tec Food Consulting Services is as follows:

- 1. The NSBAIDRD has jurisdiction over Respondents TEC FOOD SERVICE CONSULTANTS and TIRZO TEC pursuant to Nevada Revised Statutes (NRS) 623.150 and 623.365 because the acts alleged herein against the Respondents were committed within the State of Nevada.*
- 2. By practicing architecture without a valid registration as evidenced by clear, convincing, and uncontroverted facts above, Respondents jointly and severally, violated NRS 623.360.1(a), NRS 623.360.1(b) and NRS 623.360.1(c).*
- 3. By way of discussion, the Board is extremely concerned for the public health, safety, and welfare by the acts committed by Respondents, namely that Respondents would intentionally create documents with Mr. Gonzalez' old title block and stamp thereon and*

would, worse still, forge Mr. Gonzalez's signature on the stamp, and then submit the false packet of documents to the City of Las Vegas for approval. Such acts are intentional, egregious, and intolerable.

Ling asked Bach if the drawings that she received from Tec were comprised of elements that constituted the practice of architecture. Bach replied yes, because ADA components and code related items in the food service drawings were reflected.

Ling also asked her if she has been in communication with Carl Herbold. Bach responded yes, and that copies of all correspondence with Herbold were provided in the board meeting eBook. Ling asked if she verified if Mr. Herbold was a licensed attorney. Bach said that Herbold was a friend of Tec and that he was a consultant to non-profit business organizations. She also said that he argued that he was not acting as an attorney and did not call himself an attorney. Bach verified with the California Bar and found that his license is inactive. She also inquired if he was able to practice with an inactive license. The California Bar said that he is not allowed to practice with an inactive license, and she could file a complaint if she wished.

Bach stated that she spoke to the client and owner of the project and he confirmed that he has only been working with Tec. She said that since the client has only contacted Tec then Tec was the only person who had access to Gonzalez's title block and stamp. She stated that the name of the owner is Umar Sohrab.

Ling asked if Sohrab retained or had any relation to Gonzalez. Bach confirmed that Sohrab has never had any communication with nor has he ever met Gonzalez. He also asked if Tec was the only individual who designed the work. Bach confirmed that that information is correct. She also said that Tec represented himself as a California Contractor, but when verifying his license with the California Contractors Board, his license has been suspended. Ling then asked that during the course of her investigation, was it confirmed that the drawings that were submitted to the planning commission were personally submitted by Tec. Bach replied yes.

Mickey referred to page 121 of the board eBook and asked for clarification of what was displayed as the material is not legible. Bach responded that this page showed plumbing notes. Mickey also referred to page 134 of the board eBook and asked if this outlines the scope of services including the design element, working with the health department, drawings for the building department, architectural elements, electrical elements and plumbing elements. Bach replied yes, and reported that Tec is not a licensed contractor, licensed engineer nor a licensed architect in Nevada or California.

Garlock referred to page 111 of the board eBook that included Gonzalez's title block and stamp. He asked if the stamp was affixed to the drawing. Bach said yes that the stamp was affixed onto the drawing and confirmed that the signature on the drawing was not Gonzalez's signature. Garlock asked who signed the signature. Bach said that through deduction, the only person who could have signed it was Tec as he was the only person who had access to the title block and the stamp. Garlock then asked for what reason were the drawings rejected by the building departments. Bach said that there was a correction notice and on their contact sheet, the building department has Gonzalez's contact information and also Tec's contact information. She said that the building department contacted Gonzalez since it was his stamp and title block. Ling asked if page 105 of the board eBook is the plan rejection that includes information that Gonzalez is the contact person and Bach replied yes.

Ling pointed out that on page 104 of the board eBook is the permit application and the contact sheet dated March 26, 2019 which is the same day that the drawings were submitted to the City of Las Vegas. Erny asked if this was Tec's first attempt to submit and Ling replied that this was his second attempt.

Waugh asked how the stamped was affixed on the documents; digitally or wet stamped. Bach said that she was unsure since she only received the photographed copies of the documents. Waugh asked if it was common for a client to have a drawing with an architect stamp without a signature. Bach said no but the stamp could have been lifted from a previous project.

Ling asked Gonzalez if he could explain his work history as an architect. Gonzalez stated that he has been a licensed architect in the state of Nevada for 23 years. He said that his firm has been through many gyrations and that he is still practicing architecture. Ling then asked Gonzalez if he could relay to the board of how he learned about this project and the situation. Gonzalez said that he received an email regarding a correction notice from the City of Las Vegas. He said that as he read the email and looked at the documents, he did not recognize the project. He stated that he reviewed his notes and followed up with coworkers to see if anyone new of the project, but no one had any record of this project. He then went down to the building department, in person, with the correction letter and said that the counter clerk brought out the drawings of the project for him to review. When he reviewed the drawings, he noticed the title block, the logo, the stamp and the signature. Gonzalez said that he typically affixes an electronic signature and wet stamp but does not include his physical signature.

Ling referred to 109 of the board eBook and asked Gonzalez if he was the person who took the photographs of the documents. Gonzalez confirmed that he did take those photos. Ling asked if the title block and logo on the right-hand side of the photo is his. Gonzalez said that in some ways it is his title block and logo because some parts have been cut off and oriented differently. He also said that the information on the title block is not correct because it had his new email and not his old email. Gonzalez pointed out that where Tec has included a disclaimer is where he would normally put the project name, the title of the drawing and a revision box. Gonzalez reconfirmed that the signature on the document is not his and nothing close to his personal signature and that he had nothing to do with the project.

Gonzalez stated that several months before this incident occurred, he received a call from Tec. He said that Tec shared that he had made all the drawings for a project and needed someone to stamp the drawings. He said that he told Tec that he can't do that because it is against the law. Gonzalez recalled a project that was done over 5 years ago that was call La Rue Des Marchais. He said that it was a restaurant project and that he provided the client with some of their equipment. He stated the he believes that this is how Tec had access to his title block and this is the only connection he could make.

Ling asked Gonzalez if he brought this to the attention of the planning authorities when he discovered this matter. Gonzalez replied yes and that he spoke with Rod Clark, head of the building department, then took the situation to the Board. Ling then asked Gonzalez if Tec has been in contact with him since the incident occurred and he said no.

Erny asked Gonzalez if he could provide the sample of which he believes Tec took the title block from. Gonzalez provided the board with a reduced copy of the La Rue Des Marchais project drawings with the title block and stamp that was not signed. Ling asked if Gonzalez had the signed copy. Gonzalez responded that these plans were submitted electronically with an electronic signature.

Closing Arguments by Ling:

- Information on record that was provided to the board establishes a cause of action that Tec will be charged for practicing architecture without valid registration which violate NRS 623.360.1(b) and NRS 623.360.1(c).
- Tec will be fined a maximum of \$10,000 and will be imposed with fees and cost.

- In addition, since Tec is not a registrant the Board cannot charge him for fraud. Therefore, a request will be made to file a criminal complaint with Clark County against Tec for fraud by falsifying documents for approval from a government agency.
- A second request for authorization to file a complaint with the California Bar regarding Herbold and his involvement in this matter and practicing law without a license.

Long asked the board that based on the Ling's recommendations, do they find the respondent guilty for the first cause of action.

Motion: Waugh moved to find the respondent guilty of violating NRS 623.360.1(b) and NRS 623.360.1(c). Motion seconded by Snyder.

Waugh stated that Tec is found guilty because of the testimony heard from Gonzalez and the evidence that was heard and provided to the board. Garlock stated that Tec has violated more than the just the NRS, he has committed fraud.

Vote: All in favor. Motion passes.

Motion: Waugh moved to impose the maximum fine and recovery cost and authorize Legal Counsel to file a criminal complaint against Tec with Clark County and file a complaint against Herbold with the California Bar.

Garlock asked that since this will go to Clark County for investigation, will it be followed by the Attorney General's jurisdiction. Long replied yes. Mickey asked that because of the identity theft and fraud, will this case go beyond Clark County. Ling said that he is not able to determine that because it falls under the Clark County jurisdiction.

Vote: All in favor. Motion passes.

AGENDA ITEM 7 Review and approval of the 5-year budget projection for FY 2020-2024

This information was also presented in the Board Meeting eBook.

Motion: Waugh moved to approve the 5-year budget projection for FY 2020-2024. Motion seconded by Fleming.

Harrison presented the Board's 5-year budget projection for FY 2020-2024 and reported the variances of the 12-month budget and the actual amount spent in the 12-months.

Erny asked for clarification of what is contained in the Enforcement Cost Recovery. Bach said the Enforcement Cost Recovery includes the cost of time spent on recording blotters, emails and phone calls for the investigation of each case. Erny asked if the board gets to keep the Enforcement Cost Recovery. Harrison confirmed that the Board will keep the Enforcement Cost Recovery but not the Administrative Fees. Ling clarified that the fines are included in the Administrative Fees.

Harrison reported that the Board's office salaries are under budget by \$3,248. She said that board staff has experienced some turnovers and has reclassified two positions into one. She stated that the title of Licensing Specialist/Bookkeeper was created instead of having a fulltime Bookkeeper. Harrison also reported that staff took advantage of the Staff Training budget and was able to take some training

courses throughout the year. Ciesynski encouraged staff to pursue more training sine the actual amount spent came in under budget.

The Board's revenue and expenses of the 5-year budget projection for FY 2020-2024 were further discussed.

Vote: All in favor. Motion passes.

AGENDA ITEM 11A-1 Case No. 19-054R In the matter of Benjamin Girardin and PGAL, LLC

The Respondent is alleged to have violated NRS 623.270.1(e) and (f), when he aided and abetted the unlicensed practice of architecture.

Staff received a complaint from Sean Ono regarding the Respondent alleging that he did not exercise enough responsible control over his employees in the preparation of his custom home and that he referred an unlicensed individual, Scott Meier, to prepare the concept drawings. Further investigation revealed that the Respondent did have responsible control over his staff but that he had recommended using Scott Meier without having a contract with him. Mr. Ono paid \$7,000 to Scott Meier for drawings that the Respondent could not even use as they were incomplete and incorrect.

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, no Administrative Penalty and restitution to Mr. Ono in the amount of \$7,000 plus 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 Garlock.

Garlock asked if the request for restitution is exaggerated. He stated that the board is requesting restitution in its settlement agreements more frequently than in the past. He questioned if the board should be acting as a civil court. Ling stated that if the respondent agrees to pay restitution, the person filing the complaint would not then be able to go to civil court. Bach stated that she does not inform the person filing the complaint of what is being negotiated, therefore they are not aware that they will receive restitution.

Bach reported that in the settlement agreement, the Waiver Notice has the incorrect date for the board meeting. She confirmed that she did notify the respondent to inform him of the correct date and received a response from him certifying that he was informed of the correct date.

Vote: All in favor. Motion passes.

AGENDA ITEM 11A-2 Case No. 20-008N In the matter of Barbara Leon and Heleo+

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

Staff received a reciprocity application for the Respondent which attested that she had not prepared any drawings for a project located in Nevada. During the phone interview staff learned that she had prepared preliminary drawings and performed a site visit.

The Respondent was sent a Notice of Charges concerning this matter. The Respondent's case was discussed with Executive Director Harrison and the decision was made to offer the Respondent an opportunity to settle this matter informally rather than face a disciplinary hearing before the Board. A settlement agreement was negotiated incorporating a Guilt Clause, an Effect on Licensure Clause and an Administrative Penalty of \$3,500 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 11B **Discussion and possible decision regarding closure of enforcement cases:**

Bach recommended the following cases for closure without disciplinary action:

20-001R 20-002R 20-004N

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

Vote: Ciesynski recused herself and all others in favor. Motion passes.

AGENDA ITEM 11C **Enforcement Report**

Bach had nothing to report.

AGENDA ITEM 14A **Registered Interior Design Report – FYI: CIDQ 2019 4th Quarter Q-Connection**

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

Fleming reported that CIDQ's Annual Conference will be held on November 7-8 in San Antonio, Texas. She said that Ciesynski, Harrison, Mickey, Erny and herself will be attending the meeting. Fleming also said that they will continue the Peer Reviews as they continue to have new candidates.

AGENDA ITEM 18 **Public Information Report**

Hatfield reported that she and Bach attended the American Society of Interior Design (ASID) First Fridays in October and that it was the first professional outreach that they had done. She shared that the invitations were published in numerous locations and that it was a good event. At the event, Hatfield said that she was able to discuss licensing, CIDQ's ARP program, and options of what interior designers can or cannot do if they are not licensed.

Hatfield said that she will be traveling to Reno in November 7-8 to speak to students at North Valley High School, Incline High School and TMCC Residential Design class.

Hatfield provided the social media content calendar for the Board in the board meeting eBook. She shared that NCARB's twitter feed highlighted and retweeted one of the Board's tweets that she had posted. She said that the latest issue of Focus is also in the eBook and that the next issue will be published in November.

AGENDAT ITEM 12B **Architect Report – FYI: NCARB Update August 2019**

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

AGENDAT ITEM 12C **Architect Report – FYI: NCARB Fast Fact August and September 2019**

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

AGENDAT ITEM 12D **Architect Report – FYI: NCARB September 2019 BOD Brief**

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

Waugh departed and was excused for the remainder of the meeting.

AGENDA ITEM 13A **Residential Design Report – Discussion and update regarding the approach and strategies for updating the Residential Design Exam**

Erny reported on behalf of the Residential Design (RD) Committee since the Chair of the RD Committee was not present. Snyder and Larry Tindall were also part of the RD Committee and added to the discussion.

Erny said Residential Design profession has become more complex due to materials going into homes and what is being required by other regulatory agencies. He said that they must revise the RD Exam to reflect what is happening in the profession. Erny stated that the RD Committee proposed to conduct a practice analysis. He suggested holding a townhall meeting to invite Residential Designers and stakeholders to provide input and feedback for the RD Committee and gain perspective from homeowners' associations, building officials and other design professionals.

Erny shared the feedback from candidates who've recently taken the RD Exam. He said that although the RD Graphic Exam is offered in the AutoCAD Software, many have requested to use Revit instead. Erny proposed that the RD Graphic Exam be offered in both AutoCAD and Revit. They already found some possible places that will accommodate the board to host the exam at their facility and use their software.

Erny stated that the written portion of the RD Exam will be updated but might not be in the same format. He said that the RD Committee might look to NCARB's Exams for guidance when updating the

written portion to include some of the subjects as they are also important to the residential design profession. He also said that the RD Written Exam is very technical but does not capture other areas of importance of the profession. Snyder said that currently there is nothing in the exam that tests their knowledge on contracts or contract administration and once the candidates receive their license, they will need to face the difficulties in handling contracts.

Snyder reported that at the last RD Exam session, there were four candidates who took the Graphic exam and they all failed. He said that candidates need to have a basic understanding on designing and putting a building together before being issued a license and designing for the general public. Snyder said that in the past, most of the questions in the written exam were based on building codes. He suggested for the candidates to pass the graphic exam before they being offered to take the written portion.

Erny reported that he has contacted Jared Zurn from NCARB to assist in creating a practice analysis for residential design. He said that the goal of the RD Committee is to come back in January with a proposal, try to assemble a townhall and find a strategy to reorganize the exam. He also said that their goal is to have the new and improved RD Exam ready for the August Exam session.

Garlock cautioned not to create an exam that is too monstrous that will require too much time and effort to monitor and upkeep because of its constant change. Erny agreed that they don't want to complicate things and that there should be a balance.

Tindall stated that since Nevada is the only state that regulates residential design, the RD Committee would like to see the profession grow and take the steps necessary for it to be taken to the next level. He also said that the housing market in Nevada is large and it's important that this profession is regulated to avoid inadequate sets of plans that are submitted to the planning department and to protect the public.

Ciesynski asked the RD Committee how they will move forward to execute their plan. Erny responded that in their timeline, they would like to complete their fact finding of competencies by January and by February they would like to start writing the new format of the exam. He said that they plan to invite a small selection of individuals to who are knowledgeable to help write the exam and won't expose the exam. Ciesynski said that an effective way to start the process is to invite those who will assist in writing the exam and have a concentrated time frame to review new questions and make the edits. Mickey stated that the RD Committee may need work in two groups to create the new exam, the first group to submit new questions and come up with the exam content and the second group to review and edit grammar and continuity.

Garlock asked Harrison what percentage of candidates who have architectural degrees seek Residential Design licenses as a stepping stone to achieve NCARB and Architect licensure. Harrison replied that it is not often to have those candidates, but from her experience, she said that she noticed that those candidates have difficulties passing the graphic exam. Tindall said that there are some candidates who work for architecture firms who have experience drafting commercial plans but not residential plans. He said that the good part about the graphic exam is that it separates one from being a draftsman to a designer.

Erny stated that the RD Committee hopes to gain the Board's support to move forward with their action plan to update the RD Exam. Ciesynski said that this is the right path and it's great that there is more focus on the set goals and timelines in their course of action.

AGENDA ITEM 10

Review of regulation language to determine whether to proceed to Workshop and Public Hearing

Harrison referred to page 176 of the board meeting eBook. Harrison asked for clarification on section 2 regarding an applicant's name, their social security number and their driver's license number. She said that there are some individuals who do not have a driver's license, but do have an ID (identification number). Harrison suggested that the language be changed to require a State ID number instead. Ling stated that there was a recent bill that passed that removed this language as some individuals did not have a social security number but was issued a tax ID number. He said that the language in this section can be removed and can refer to the language from the legislation.

Harrison referred to page 177 of the board meeting eBook where it states that each application must be notarized. She asked if its permissible to change the language to offer applicants to submit applications electronically via email. Ling said that the board does not need to require applicants to notarize their applications. Mickey asked Harrison why would the board not request notarization and accept applications electronically. Harrison said that it would streamline the process. Ling stated that many of the other boards are no longer requiring notarizations because it doesn't serve much of a useful purpose and will allow fully electronic applications.

Mickey voiced his concern of who will take responsibility to ensure that the person submitting the information is truthful and accurate and how will the information be verified. Ciesynski said that there would be a box in the application that the applicant would check and sign off on that says that the information they provided is true and correct and any fraudulent statements is probable cause for enforcement, deny an application or revoke registration. Ling stated that there is a low risk of fraudulent applicants, but having applicants who must go through NCARB or CIDQ, already have their credentials verified with those organizations prior to applying with the board. Harrison included that Bach also conducts a background review of all applicants and runs their names through a database to ensure that the information provided is true.

Erny referred to section 3.2(a) in regards to reinstate an inactive application and asked why it is a requirement that the applicant be in good standing with NCARB. Hatfield said that this only applies to architect reciprocity applicants and not architect applicants by examination. She said that if the applicant has an inactive architect or residential design reciprocity application, they must submit a revised application and a new fee. If the applicant is reactivating an architect license through reciprocity then the applicant must also provide an NCARB file that is in good standing. Hatfield also said that there aren't any inactive reciprocity applications since applicants have a year to complete the process before the application is no longer active.

Harrison referred to section 5 to show the change of the registration fees. She said that the registration fee will increase from \$150 to \$180 and the prorated registration fee will increase from \$75 to \$90. Harrison said that she would like to hold a workshop soon and have the hearing in January 2020.

**PROPOSED REGULATION OF THE
NEVADA STATE BOARD OF ARCHITECTURE, INTERIOR DESIGN, AND
RESIDENTIAL DESIGN**

LCB File No. R092-19

October 23, 2019

EXPLANATION – Matter in *italics* is new; matter in brackets [omitted material] is material to be omitted.

AUTHORITY: NRS 623.140.

A REGULATION relating to applications for registration and an increase of renewal, registration, and prorated fees to be charged by the Board.

Section 1. Chapter 623 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. NAC 623.215 shall be amended to read as follows:

1. An application for registration as an architect, registered interior designer or residential designer must be made on a form prescribed by the Board.

2. The application must include:

(a) The applicant's name and social security number, *an applicant who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license*, and the addresses and telephone numbers of his or her business and residence;

(b) The applicant's birthplace and date of birth;

(c) A statement indicating whether the application is for certification by written examination or by evidence of registration and certification in another jurisdiction;

(d) The names and addresses of the applicant's associates in business and the employer from whom the applicant has solicited a letter of reference; and

(e) A statement indicating whether the applicant has ever been arrested and, if so, the date, place, nature and final disposition of the charge.

3. Each application ~~[must be notarized.]~~ *may be submitted by mail or electronically.*

Sec. 3 NAC 623.225 shall be amended to read as follows:

1. An application for registration as an architect, registered interior designer or residential designer becomes inactive if:

(a) The applicant is applying for registration as an architect or residential designer on the basis of certification in another jurisdiction and the application process is not completed within 1 year after the date on which the application is filed; or

(b) The applicant is applying for registration as an architect, registered interior designer or residential designer on the basis of examination and fails to participate in the applicable examinations for 5 consecutive years.

2. To reinstate an inactive application:

(a) An applicant for registration as an architect or residential designer on the basis of certification in another jurisdiction must submit a revised application for registration, accompanied by a fee for examination as determined by the Board. An applicant for registration as an architect must also request that the National Council of Architectural Registration Boards transmit a copy of its current blue folder concerning the applicant to the Board. The file must show that the applicant is in good standing with the National Council.

(b) An applicant for registration as an architect, registered interior designer or residential designer on the basis of examination must reapply by submitting a new application, along with the appropriate fees and materials, in the form required for such an application.

Sec. 4. NAC 623.280 shall be amended to read as follows:

1. If the holder of a certificate which has expired through failure to be renewed has not obtained a renewal of the certificate within 1 year pursuant to NRS 623.260, the holder of the certificate may obtain a renewal of the certificate at any time before the end of the third year after the date of the certificate's expiration by:

(a) Submitting a letter of application for a renewal to the Board;

(b) Completing the requirements for continuing education for each year during which the license is expired;
and

(c) Paying the required fee for late renewal.

2. A person whose certificate has expired and has not been renewed within 3 years after the date of its expiration is no longer entitled to have it renewed, but may have it restored. A new registration number and certificate will be issued by the Board if the person complies with the following procedure:

(a) If the expired certificate was obtained on the basis of certification in another jurisdiction, the person must reapply to the Board in accordance with the provisions of NAC 623.410.

(b) If the expired certificate was obtained on the basis of examination in Nevada, the person must:

(1) Submit a new application to the Board;

(2) Submit a certificate of good standing from every state in which he or she is licensed or has been registered;

(3) If required by the Board, appear before the Board for an oral interview; and

(4) Pay any required fees.

Sec. 5. NAC 623.290 shall be amended to read as follows:

1. The following fees are prescribed and will be collected by the Board at the time an application is made or material is furnished:

(a) For an examination for a certificate:

(1) For the examination for registration as a residential designer if the entire

examination is taken at one

time..... \$300

(2) If the entire examination is not taken at one time:

(I) For the graphic section of the examination for registration as a residential

designer 150

(II) For each written section of the examination for registration as a residential

designer 75

(3) For the written examination for registration as a registered interior

designer..... 100

(4) By reciprocity or other means requiring special action by the Board.....	300
(5) For the computer architect registration examination, in addition to the regular fee for examination	50
(b) For a certificate of registration.....	125
(c) For the late renewal of an expired certificate of registration within 1 year after its expiration	220
(d) For the late renewal of a certificate which has been expired for more than 1 year but not more than 3 years.....	300
(e) Except as otherwise provided in paragraph (f), for an initial registration or a renewal of a registration	180 [150]
(f) For an initial registration issued in November or December.....	90 [75]
(g) For restoration of an expired or revoked certificate of registration.....	300
(h) For replacement of a certificate of registration.....	30
(i) For application forms.....	25

2. The Board will, upon request, make available the schedule of fees charged by the National Council of Architectural Registration Boards for the examination for registration as an architect and for retaking any part or parts of the examination.

AGENDA ITEM 9 Presentation of Audit results for Fiscal Year End 2019 - Christy Banton, CPA, Rubin Brown

Christy Banton, accountant for Rubin Brown, presented the fiscal year end 2019 audit results to the board. She reported that in previous years, Bradshaw, Smith, & Co., LLP, was the vendor that conducted the audit and effect June 1, 2019, the company partnered up with Rubin Brown and have become a national firm. She said that the vendor signing off the audit will now be Rubin Brown and audit will still be conducted under the same team.

Information regarding the audit results were provided to the board.

Banton said that she reached out to the State to see which accounts FDIC insured and are collateralized through security by the public funds. She said that Bank of Nevada shows that they are uninsured and not collateralized. Banton reported that Wells Fargo and First Independent are both approved in the collateralized public fund program. Harrison said that she did receive a response from Bank of Nevada and she said that the account was reclassified and now part of the public fund program. Banton said that she will revise the report to include that information before the draft is finalized and that there were no other issues found in the report.

Motion: Garlock moved to approve the Audit results for Fiscal Year End 2019 with the finalized changes. Motion seconded by Mickey.

Vote: All in favor. Motion passes.

AGENDA ITEM 8 **Discussion and possible decision on how to address design competitions amongst non-registrants and the possibilities of using their designs in Nevada**

Bach reported that there is no current policy to guide staff regarding design competitions for non-registrants and possibly using their designs in Nevada. She asked the board that if there was an academic design competition for students, would it be required to have a registrant who will take responsible control for all the drawings and intend to utilize the drawings of one winner. Mickey stated that if the intent of the competition is something that translates to a design and construction that will eventually be built then there must be a registrant responsible because it constitutes the practice of architecture. Garlock said that if the intent of the competition is for a hypothetical project, then a design professional is not needed.

Bach suggested to have an article published in Focus informing that design competitions for project that are hypothetical do not need a design professional but if the intent of the design competition is to utilize the drawings for construction and building purposes then it must be disclosed and must have a design professional held responsible. Hatfield recommended to issue a notice since the issue targets a smaller audience.

Ciesynski requested that Bach and Hatfield prepare a notice regarding this matter and have it reviewed by the January board meeting.

AGENDA ITEM 12A **Architect Report – Review and discussion of NCARB Model Law Task Force preliminary work**

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

Harrison stated that the initial comments and three surveys regarding the Model Law must be submitted by October 25, 2019. Erny stated that this material has been rewritten and reformatted. He said that he will submit comments regarding Model Law on behalf of the Board.

AGENDA ITEM 16 Executive Director Report

Harrison reminded the board that the upcoming board meetings have been scheduled on January 15, 2020 and March 4, 2020. She stated that the June 3, 2020 board meeting date has been changed to June 10, 2020.

Harrison informed the board that the NCIRC committee will be meeting on November 4, 2019 at the Contractors Board. She said that Ciesynski, Morelli, Snyder and Erny will be in attendance.

Harrison reported that the new board member, Tina Wichmann, was recently appointed and will attend her first board meeting in January 2020. She said that there is a New Board Member Training that will be held at the AG's Office on November 18, 2019. She stated that she will reach out to all board members to see who will attend. Harrison congratulated Ciesynski, Snyder and Morelli on their reappointment as Board Members.

Harrison reported that the registration renewal postcards were mailed out in the first week of October. She said that about 3,300 postcards were mailed out and so far, about 522 registrants have already renewed with majority of the renewals completed online. She also said that staff plans to send email reminders to the registrants in early November and early December for follow-up reminders.

AGENDA ITEM 19 Election of Officers

Motion: Snyder moved to nominate Mickey as Board Secretary/Treasurer. Motion seconded by Erny.
Vote: All in favor. Motion passes.

Motion: Mickey moved to nominate Ciesynski as the Board Chair. Motion seconded by Garlock
Vote: All in favor. Motion passes.

AGENDA ITEM 20 Items for Future Agenda

There were no future agenda items.

AGENDA ITEM 21 Public Comment

There was no public present.

Chairman Ciesynski adjourned the meeting at 2:38 p.m.

Monica Harrison, Executive Director

James Mickey, Secretary/Treasurer