



# FOCUS

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## Calendar

**January 21, 2009**  
NSBAIDRD Board Meeting  
Las Vegas

**February 13, 2009**  
Residential Design  
Written Examination

**March 18, 2009**  
NSBAIDRD Board Meeting  
Las Vegas

**March 27-29, 2009**  
WCARB Meeting  
Salt Lake City, Utah

**April 3-4, 2009**  
Spring NCIDQ  
Examination

## Board Revises Position Regarding Changes to Plans

During discussions regarding the soon-to-be-published *2009 Blue Book*, board members revised their opinion on how one registrant can make changes to another registrant's plans. This topic is covered in the *2004 Blue Book* "Frequently Asked Questions" numbers A-4, ID-6 and RD-3.

The board stated that a registrant may only make changes or modifications to plans prepared by another Nevada registered or licensed professional if all of the following conditions have been met:

- \* The registrant obtains the written permission from the original design professional to make changes or modifications to the plans.
- \* The work must be within the scope of his practice.
- \* The registrant initiating changes to the plans assumes full responsibility for those changes and their effects upon the remainder of the project.
- \* The changes to the plans must be a separate submittal on the registrant's own title block, with his own stamp and signature.
- \* Changes to the plans must comply with applicable state and local laws.

The board stated that if the registrant does not obtain permission to make changes or modifications to the plans, he must redesign the project. Additionally, the board cautioned that the registrant should be aware of possible copyright issues and may want to contact an attorney for legal advice.

## Continuing Education Regulation Passed

### CEUs required for renewal in 2010

The board approved a regulation to mandate continuing education as a requirement for license renewal at its October meeting. The effective date of the new regulation is January 1, 2010. This means that registrants must earn the required CEUs prior to December 31, 2010, when their 2010 certificates of registration expire.

The new regulation requires all registrants earn eight continuing education units in the areas of health, safety and welfare each year, prior to renewal of their certificate of registration. A minimum of four units must be earned in a structured setting, and a maximum of four

## Moving? New Job?

[Download a change of address form](#), or send the following information to the board office:

- Full name
- Registration number
- Old address, phone and fax numbers
- New address, phone and fax numbers
- Email address
- Effective date of change
- Is this a change to business or home address

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## Board Members

George F. Garlock,  
*Chairman*  
William E. Snyder,  
*Secretary/Treasurer*  
Greg L. Erny  
Judith H. Fermoile  
Larry A. Henry  
John R. Klai II  
JoAnn Oppenheimer Gore  
Derrell Parker  
Larry D. Tindall

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## Board Staff

Gina Spaulding  
*Executive Director*  
Betty J. Ruark  
*Chief Investigator*  
Laura Bach  
*Investigator*  
Tammy L. Bond  
*Administrative Secretary*  
Rebecca Ann Gaul  
*Investigator*  
Monica Harrison  
*Executive Assistant*  
Stacey D. Hatfield  
*Public Information Officer*  
Borka Samardzija  
*Financial Office Specialist*

## Newsletter Editor

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units may be earned in a self-directed setting. Additionally, two of the eight units must be obtained from code-related research or learning. Details of what constitutes a structured educational activity, a self-directed educational activity, and an educational activity relating to health safety and welfare, can be found in [Sections 5-7 of the draft regulation](#).

The new regulation provides exemptions for registrants called to active duty in the armed forces. Registrants with medical issues or physical disabilities that prevent them from earning the CEUs may request an exemption from the board. Board members plan to add an exemption for registrants who have taken Emeritus status once the required statutory change implementing that status is made.

Over the next year the board will be creating tools to help registrants comply with the new regulation. These tools include a "Frequently Asked Questions" list, a CEU "Proof of Completion" form (for those who do not use the professional associations' tracking systems), an updated page on the board's Web site, and a reporting form for registration renewals.

During the numerous town hall meetings and workshops, the main concern of registrants was the potential economic impact on their businesses. In response, the board has committed to assist registrants in finding free and low-cost educational opportunities. In 2010, the board will attempt to notify registrants of these opportunities as they become known.

A copy of the proposed regulation, which was passed with no changes, can be downloaded from the [board's Web site](#).

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## Contractor's Exemption in NRS 623 Strictly Interpreted

At the October board meeting, the board was asked for an interpretation of NRS 623.330(1)(d), commonly known as the "contractor's exemption." This statute allows a licensed contractor to "provide his own drawings for his own construction activities," or in other words, it allows contractors to design a building as long as they also build the project.

With the recent downturn in the economy, a number of businesses, including many contracting businesses, have been shutting their doors. Because of this, the NSBAIDRD has seen multiple instances of a contractor designing a project, beginning construction, and then going out of business before completing the project. The board was asked what options the owner has when this happens and he has a partially completed building.

The board stated that the plans initially used for construction are no longer valid and that a second contractor cannot legally build from the original contractor's plans. The exemption that allows a contractor to prepare the initial drawings is not transferable to another contractor.

Board members said that if this happens to an owner, that owner has two options. First, the owner can hire a licensed design professional (such as an architect, registered interior designer or residential designer) to redesign the whole project or just the un-built portion. The owner can then take those plans to a new contractor for construction to be completed. Second, the owner can hire another contractor to redesign the entire project and also complete the construction. The contractor cannot redesign only the portion he is building - he must redesign the entire project because the plans designed by the out-of-business contractor are no longer legal and someone must take responsibility for the plans.

Board members made clear that while they are seeing this more often now because of more businesses going under, the legal ramifications also apply to instances when a contractor and an owner have a falling out and construction is not completed. The reason for the building not being completed does not matter, the exemption is still strictly construed and not transferable. A contractor can only build from plans he himself prepared, or plans designed by a licensed design professional.

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## **Board Readies for 2009 Legislature**

The board has requested three bill draft requests (BDRs) for introduction in the 2009 Nevada Legislature. As reported in the last issue of [Focus](#), the topics of the BDRs include proposals to implement an "Emeritus" status for retiring registrants, require written contracts between registrants and clients, and various housekeeping changes to current statute.

The board hosted two town hall meetings in October to discuss the BDRs with registrants and interested members of the public. A handful of people participated in the meetings, held in Las Vegas and Reno.

After submitting the requested bills to the governor's office earlier this year, the board was notified that the BDR proposing written contracts would not be introduced due to limits in the number of bills the administration could introduce on behalf of regulatory boards. Recently, the board received notice from the Legislative Council Bureau that a BDR requiring written contracts would, in fact, be drafted.

For more information on the 2009 session, see the [Nevada Legislature Web site](#).

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## **Enforcement Actions (August 14 - October 15, 2008)**

Inquiries are routinely sent to both registrants and non-registrants for alleged violations of the Nevada Revised Statutes (NRS) and Nevada Administrative Codes (NAC). One case from this period

resulted in a contested disciplinary hearing, Spaulding vs. Carl. The findings for this case are detailed below under "[Board Finds Non-Registrant in Violation of Law.](#)"

There were seven cases this period that were submitted for board consideration and approved. Additionally, 16 cases were closed because there was no basis for the allegations or the complaint did not fall within the board's jurisdiction.

The following cases were closed by means of settlement agreement. As part of the agreement, respondents agreed to assure compliance with Chapter 623. Should the respondent be involved in a subsequent case and found to have again violated a NRS or NAC, the case may be used as an aggravating factor.

Every effort is made to ensure that the following information is correct. Before making any decision based on this information, you should contact the NSBAIDRD.

**Violating a Law, Regulation or Code of Ethics and Unlicensed Practice: NRS 623.270(1)(f) and NRS 623.360(1)(c)**

**Case No. 08-039R**

The allegations against **Samuel KS Ng (Reg. No. 5556)** and **KSNG & Associates** were that they violated a law, regulation or code of ethics related to the practice of architecture when they practiced as architects, prior to receiving a certificate of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$2,500 and investigative costs of \$1,500.

**Holding Oneself Out: NRS 623.360(1)(a)(b)**

**Case No. 08-032N**

The allegations against **Richard C. Telford** and **Bartosik and Telford Design and Planning Group** were that they held themselves out as being qualified to provide architectural services without having a certificate of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$1,500 and investigative costs of \$1,000.

**Case No. 08-044N**

The allegations against **Toni Loren** and **Bella Design** were that they held themselves out as being qualified to provide architectural and residential design services without having a certificate of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$1,500 and investigative costs of \$1,000.

**Case No. 09-012N**

The allegations against **Gene Fong** and **Gene Fong Associates** were that they held themselves out as being qualified to provide services that fall under the practices of architecture, registered interior design and residential design, without having a certificate of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$3,000 and investigative costs of \$1,200.

## **Holding Oneself Out and Unlicensed Practice: NRS 623.360(1)(a)(b)(c)**

### **Case No. 04-004N**

The allegations against **Charles Gruwell** and **Charles Gruwell Design** were that they held themselves out as being qualified to provide services that fall under the practices of architecture and registered interior design, and practiced as architects and registered interior designers, without having a certificate of registration issued by the board. Rather than proceed through a formal disciplinary hearing this matter was resolved through a settlement agreement.

### **Case No. 07-108N**

The allegations against **Douglas Andersen** and **Andersen Architecture, Inc.** were that they held themselves out as being qualified to provide architectural services, and practiced as architects, without having a certificate of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$5,000 and investigative costs of \$1,600.

### **Case No. 09-013N**

The allegations against **Robert Bergmann, Bruce Green, Mel McGowan, Matthew Molsberry** and **Visioneering Studios, Inc.** were that they held themselves out as being qualified to provide architectural services, and practiced as architects, without having a certificate of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$22,500 and investigative costs of \$2,000.

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## **Board Finds Non-Registrant in Violation of Law**

### **Case Nos. 06-028N and 07-046N**

The respondents, **Nolan Carl** and **Creative Systems Inc.**, are alleged to have violated NRS 623.360(1)(a)(b) and (c) by holding themselves out as being qualified to provide architectural services and engaging in the practice of architecture in Nevada without having a certificate of registration or temporary registration issued by the board.

The board unanimously found Mr. Carl to be in violation of NRS 623.360(1)(a)(b) and (c) for four projects. The board levied the maximum civil administrative penalty of \$10,000 for each project, for a total of \$40,000. The board also voted to turn the matter over to the District Attorney for criminal prosecution and to the Attorney General for the pursuit of an injunction. Additionally, the board voted to award all costs and fees to the state.

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## **New Registrants by Examination**

The board extends congratulations to the following individuals who

were sworn-in as new Nevada registrants at the October 2008 meeting:

### **Architects**

- 6284 Paul A. Cavin (Sparks)
- 6285 Eduardo R. Cervantes (Las Vegas)
- 6286 Craig H. Lucas (Henderson)
- 6287 Jagandeep Singh (Las Vegas)
- 6288 Christopher A. Teachman (Henderson)
- 6289 Duan H. M. Tran (Playa del Rey, Calif.)
- 6290 Catherine Wines (Elko)

### **Registered Interior Designers**

- 155-ID Ramona K. Burns (Henderson)
- 156-ID Kimberly A. Daoust (Las Vegas)
- 157-ID Ja E. Haddad (Las Vegas)
- 158-ID Kara M. Lohrengel (Henderson)
- 159-ID Joseph Sacco (Las Vegas)
- 160-ID Andrea Volf (Schaumburg, Ill.)
- 161-ID Christine C. dos Santos (Las Vegas)
- 162-ID Sheila M. Glennie (Henderson)



*New architects registered at the October 2008 meeting: Catherine Wines, Paul Cavin, Eduardo Cervantes, Jagandeep Singh, Duan Tran, Craig Lucas and Christopher Teachman.*

*New registered interior designers at the October 2008 meeting: Christine dos Santos, Ramona Burns, Kimberly Daoust, Andrea Volf, Joseph Sacco, Ja Haddad, Sheila Glennie and Kara Lohrengel.*



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## **Annual Renewals Due**

As a courtesy to registrants, renewal notices were mailed in late October. All registrations must be renewed annually. It is each registrant's responsibility to ensure that his or her registration is current. If you did not receive your renewal notice, contact the board office and confirm that your current address is on file.

[Renewal forms](#) can also be downloaded from the board Web site. This interactive form may be completed on your computer if you

have Adobe Reader 6.0 or higher.

**DON'T FORGET TO SEND IN YOUR RENEWAL BY DECEMBER 31, 2008.** Renewals received after this date will be charged a late fee of \$220, in addition to the \$150 annual renewal fee.

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## **Board Elects 2009 Officers**

The NSBAIDRD elected its officers for 2009 at the October board meeting. Board members reelected George F. Garlock as the Chairman and William E. Snyder as the Secretary/Treasurer. Garlock and Snyder are both architects.



George Garlock was originally appointed to the board in 1999. Prior to being elected chairman, he served as secretary/treasurer from 2006-2007. He currently serves as an advisor to the board's Enforcement Division and was the board's Intern Development Program (IDP) liaison. Garlock has been registered in Nevada since 1980. He is one of the founding principals of KGA Architecture.

William Snyder was appointed to the board in 2004 and also served on the board from 1986 through 1992. He currently serves on the board's Continuing Education Subcommittee. Snyder is the president and principal-in-charge of Tate Snyder Kimsey Architects, and in 2002 was admitted into the American Institute of Architects' College of Fellows. He has been a Nevada registered architect since 1980.



Other members of the nine-member board currently include: Greg L. Erny (architect), Judith H. Fermoile (registered interior designer), Larry A. Henry (architect), John R. Klai II (architect), JoAnn Oppenheimer Gore (public member), Derrell Parker (registered interior designer) and Larry D. Tindall (residential designer).

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## **NCIDQ Annual Meeting Held**

The National Council for Interior Design Qualification (NCIDQ) held its annual meeting in Kansas City, Mo. from November 14-16. Four board members and staff participated in the meeting.

Debbie Steinmetz, a member of the Louisiana State Board of Examiners of Interior Designers, was installed as 2009 NCIDQ President. Kimberly Ciesynski, a Nevada registered interior designer, was elected to the Board of Directors.

The Council of Delegates passed two amendments to NCIDQ bylaws, which were housekeeping in nature.

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## Healthcare Monograph Published



NCARB's latest monograph, *Healthcare Facilities*, was originally part of Wiley's "Building Type Basics" series founded by Stephen A. Kliment. Kliment, one of the monograph's authors, is an architectural journalist, adjunct professor at the City College of New York and served as chief editor of *Architectural Record* from 1990 to 1996.

The monograph is divided into four chapters:  
\* "Prospective," which offers a wide-ranging assessment of the healthcare field today from

the point of view of both the architect and the provider.

\* "Ancillary Departments," which examines three hospital departments from the perspective of space and interface demands.

\* "Inpatient Care Facilities," which takes up the issues of planning and designing patient rooms, nursing units, and an array of technical components, including mechanical, electrical, lighting, and retrofitting.

\* "Ambulatory Care Facilities," which uses a series of case studies to focus on the wide scope of patient services most ambulatory care departments must provide in limited space.

The monograph and two accompanying quizzes are \$200 for NCARB record holders and \$300 for others. Each quiz will earn readers seven PDUs in health, safety and welfare.

For more information or to order the monograph, go to the [NCARB Web site](#).

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## NCARB Readies e-EVR

NCARB's new electronic Experience Verification Reporting system (e-EVR) is scheduled to launch by the end of the year. The e-EVR will allow interns to enter their IDP training units online and should offer many benefits over the current paper employment verification forms.

NCARB touts the benefits of e-EVR to include: catching some of the common reporting errors, entering units over any timeframe (until the "Six-Month Rule" goes into effect), checking IDP progress through "My NCARB Record" and easily identifying training area deficiencies.

For more information about e-EVR or the Six-Month Rule, see NCARB's [October IDP E-News](#).

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## ARE Transition Deadline Nears

Candidates currently taking divisions of ARE 3.1 should keep in mind that if they take and fail any ARE 3.1 division on or after January 1,

2009, they will not be permitted to retake that division due to NCARB's mandatory six-month waiting period.

Candidates who passed at least one section of ARE 3.1 before May 15 have until June 30, 2009 to pass all remaining sections of the exam. After that date, candidates will be transitioned to ARE 4.0. Candidates who are currently taking ARE 3.1 should concentrate on passing Building Technology and Site Planning before the transition ends. See the [transition chart](#) for more information.

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## Using Timesheets to Document IDP

Did you know that many firms around the country have incorporated IDP codes into their electronic timesheets? This has proven to be a great boon to both the intern, who saves time by categorizing their training hours as they accrue, and to the supervisor, who is able to verify the hours spent in each training area easily. Often this change has been made at the intern's request. Most firms have welcomed the suggestion because adding IDP codes to timesheets is a relatively simple process that benefits all involved. By utilizing the IDP codes, the intern can generate an accurate account of the time spent in each training area for each reporting period.

If your firm's timesheets don't include IDP codes, talk to the principals at your firm about adding them. Chances are they will be very receptive to this easy way to improve your IDP experience.

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