



Vol. 24, Issue No. 1
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In this issue...

- * [Statutes of Repose](#)
- * [Board Welcomes New Public Member](#)
- * [Continuing Education Audits](#)
- * [Use the "RD" The "P" is History](#)
- * [Dewey Jones Scholarship for RDs](#)
- * [Northern Nevada CEU Seminar Held in Reno](#)
- * [Southern Nevada CEU Seminar to be Held in May](#)
- * [EduCode 2015](#)
- * [AIA Las Vegas Scholarships](#)
- * [Expired Certificates of Registration](#)
- * [New Registrants by Examination](#)
- * [CEU Opportunities](#)
- * [Disciplinary Actions](#)

Calendar

What is a Statute of Repose? The Answer is Surprisingly Good for You!

By: Louis Ling, Board Counsel



You and your company performed architectural work or other design work on a building that was constructed and finished years ago. Years later, somebody gets hurt falling down some of the stairs in the building. Here comes the lawsuit against everybody and anybody who touched this project. You go to your lawyer for advice, and the first thing she asks is, "When was the project completed?" Here is why she asked the question.

In Nevada, the timing as to when a person can sue a design professional for his or her work on a structure is governed by Nevada's statutes of repose (Nevada Revised Statutes 11.202 - 11.2055). Statutes of repose are the lesser known (but often more powerful) cousins of statutes of limitation. Most lawsuits are governed by statutes of limitation, meaning that they must be brought within a certain amount of time from the occurrence of an event. For example, a lawsuit involving an automobile accident must be brought within two years from the date of the accident.

Statutes of repose, on the other hand, begin to run from a fixed and easy to determine date, namely the "date of substantial completion" of the structure or other improvement to real property. The "date of substantial completion" is the latter of: (1) the date of the final building inspection, (2) the date a notice of completion is issued, or (3) the date a certificate of occupancy is issued. Thus, a statute of repose does not look to when a design professional completed his or her work on a structure, but when the project itself was completed, which (as you all know) can sometimes be months or years after the design professional's work on the project was done. That is why your attorney will ask you when the project was completed, not when you completed your work on the project.

Once the date of substantial completion is

February 12, 2015

Residential Design
Written Exam
Las Vegas & Reno

**March 13 -14,
2015**

WCARB Regional
Meeting
Long Beach, CA

April 16, 2015

RID NV
Supplemental Exam
Las Vegas

**Moving?
Change in
Employment?**

Did you know that you have 30 days to notify the board of a change of address or place of employment per NRS 623.720? Conveniently [download a change of address form](#), or [click here to email](#) the following information to the board office:

- Full name
- Registration number, if applicable
- Old address, phone and fax numbers
- New address, phone and fax numbers
- Email address
- Effective date of change
- Let us know type of change - business or home?

Board Members

George F. Garlock
Chairman

Jim Mickey
Secretary/Treasurer

determined, your attorney will help you determine which of the four possible statutes of repose apply based upon the type of claim brought. The shortest statute of repose is six years, and it applies to claims based upon a "patent" defect, meaning a defect that would be apparent by reasonable inspection. The next statute of repose is eight years, and it applies to claims based upon a "latent" defect, meaning a defect that is not apparent by reasonable inspection. The next statute of repose is ten years, and it applies to claims based upon a "known" defect, meaning a defect that is known to or through the use of reasonable diligence should have been known to the design professional. Finally, there is no time limit (no repose, in legal jargon) for suits where the design professional engaged in willful misconduct or fraudulently concealed the defect.

In addition to the statutes of repose, Nevada also has specific statutes that create certain requisites that a person must complete before he or she can bring suit against a design professional for work performed on "nonresidential construction" (i.e. commercial structures). NRS 11.256 - 11.259 require that before suit against a design professional can be brought on nonresidential construction, the attorney must have obtained an affidavit from a qualified expert who is willing to opine that the lawsuit has a reasonable basis in law and fact. Most other professions do not have such a requirement of prior expert review before a lawsuit can be brought.

The best way to never have to know about statutes of repose is to design perfect buildings that are built absolutely perfectly and that are only inhabited and used by perfect people. Barring that, it will always be important that you, as a design professional, keep all records related to a particular project and that you obtain from the owner and keep in your records a copy of whichever of the three documents would indicate the date of substantial completion so you will know the answer to your attorney's first question (should such a situation ever arise). Though you never want to rely upon them at all, it is good to know that there are statutes of repose intended to bring certainty to the extent of liability for Nevada's design professionals.

**Governor Sandoval Appoints
New Public Member to Board**

The board welcomes Nathaniel Waugh of Las Vegas as the new public member of the Nevada State Board of

Kimberly Ciesynski
 Greg L. Erny
 John R. Klai II
 William E. Snyder
 Sean W. Tanner
 Larry D. Tindall
 Nathaniel Waugh

Board Staff

Gina Spaulding
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Borka Samardzija
*Financial Office
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Newsletter Editor
 Ginger Hahn
ghahn@nsbaidrd.nv.gov



Architecture, Interior Design, and Residential Design. Mr. Waugh was appointed by Governor Brian Sandoval to serve on the board at the end of 2014.



Waugh has served as a citizen member of the Las Vegas Metropolitan Department Use of Force Review Board. He also served as a commissioner on the Nevada State Personnel Commission. Currently, Waugh is vice chair of the Whitney Town Advisory Board.

Photography, studying history, visiting historical sites, and trying unique culinary experiences are among Waugh's many hobbies.

Waugh was born in Rome, New York. He was raised on Yokota Air Force Base near Tokyo, Japan and in Las Vegas, Nevada.

**What You Need To Know!
 The Continuing
 Education
 Audit Process**



The board wants to make sure that you understand the NSBAIDRD continuing education audit process and the consequences of being noncompliant with continuing education requirements. Below is a description of what takes place if you are selected for audit of the continuing education units that you claimed to have completed in 2014 for the renewal of your license in 2015.

In February a percentage of registrants that renewed for 2015 will be randomly selected for audit of continuing education units claimed. Registrants will be notified by mail that they have been selected to provide verification of meeting NSBAIDRD's continuing education requirements. The notice of audit will explain the audit process and require submittal of proof of the continuing education units. Response from the registrant will be required by a date specified in the notice of audit.

Board staff will review the documentation submitted by the audited registrant and will determine if the continuing education requirements have been met. Registrants that have met the requirements will be contacted confirming compliance. Registrants failing to

meet the requirements will be notified of the deficiency and offered an opportunity to resolve the violation.

The consequences of failing NSBAIDRD's continuing education audit are as follows:

1st Violation - The registrant will have 30 calendar days from the date of notification of failed audit to complete and submit new hours to meet the continuing education requirements. The registrant must pay a fine of \$250 and will automatically be audited the next registration renewal period.

2nd Violation - The registrant will have 30 calendar days from the date of notification of failed audit to complete and submit new hours to meet the continuing education requirements. The registrant must appear before the board, pay a fine of \$500, and will automatically be audited the following three registration renewal periods.

3rd Violation - The registrant will not be offered further resolution and will be subject to disciplinary action.

Registrants selected for continuing education audit are to adhere to the following:

- Carefully review the CEUs that you are submitting. The board only accepts and only wants to see documentation of CEUs in the areas of health, safety, and welfare (HSW).
- Do not submit AIA transcripts and try to claim courses that are only of the "LU" type to meet the board's continuing education requirements. They do not meet the requirements. Courses of the "LU/HSW" type are acceptable.
- Provide acceptable supporting documentation as proof of completion of a course or activity. CEUs claimed without acceptable supporting documentation will not be accepted by the board.

NSBAIDRD's [website](#) contains the following information about continuing education:

- Continuing Education Regulation (NAC 623.630 - NAC 623.646)
- Continuing Education Frequently Asked Questions
- Continuing Education Unit Tracking Log
- A List of Continuing Education Opportunities

Please call (702-486-7300) or [email](#) the board office with any questions that you may have concerning continuing education regulation or the audit process.

Use the RD!!!! The P is History!!!



The board amended its regulation in February 2014 to adopt a new stamp for Nevada’s residential designers. Upon adoption of the regulation it was decided that “RD” should replace the “P” at the end of the residential designer license number series because the “P” had lost its significance.

The state of Nevada began regulating the profession of residential design in 1973. At this time the regulation was meant to be temporary, as residential designers were expected to eventually become architects. In the beginning, the residential design license number series ended with a “T”, which stood for “temporary.”

Many residential designers did not want to obtain architectural licensure because they preferred working in residential design. Building officials in Nevada liked having the standards that had been set by the residential design regulation and requested that the law become permanent. The law was made “permanent” and the “P” license number series began. Now that the “P” is history, please use your “RD” from now on.

Board staff would also like to remind residential designers that all Nevada building departments have been notified that only the new residential design stamp is to be accepted beginning February 1, 2015.



The Dewey Jones Residential Design Exam Scholarship

The Dewey Jones Residential Design Exam Scholarship was established in memory of Dewey Jones, a respected professional and Nevada’s 29th residential designer. The scholarship is fully funded by Nevada residential designers.

The board would like to remind all first-time residential design exam candidates that the scholarship is offered to every candidate who passes all four parts of the exam on the first attempt. The \$300 scholarship, which covers the cost of the exam, will be awarded after all four parts have been passed and the candidate has submitted an application for the scholarship.

The written part of the exam is offered in February and August. The graphics portion is administered only in August.

The next written exam will be held on February 12, 2015 in Las Vegas and Reno. Contact the board office for more information at 702-486-7300.

Northern Nevada's 2nd Annual NSBAIDRD / AIA Continuing Education Seminar

This past December NSBAIDRD and the Northern Nevada Chapter of the AIA presented their second biannual continuing education seminar at Silver Legacy Resort Casino. The one-hundred fifty-three design professionals in attendance were able to meet Nevada's annual continuing education requirements in one day.

The seminar was presented by Certified Access Specialist, Janis Kent, a licensed California architect with over thirty years of design professional experience. Kent's seminar series entitled, 'Stepping Thru Accessibility' was broken out into three sessions throughout the day.

Board staff and the AIA Nevada express our thanks to each attendee, especially those who took the time to share valuable feedback with us. The comments received from attendees were discussed by the board's Continuing Education Committee and used to plan for upcoming seminars.



The next NSBAIDRD / AIA Continuing Education Seminar will be held in Las Vegas in May. Specific date, location, and session content will be announced in the near future via email and on the board's website.

Coming to Las Vegas in May:

Southern Nevada's NSBAIDRD / AIA

Continuing Education

Continuing Education Seminar

NSBAIDRD and Nevada AIA will be hosting their 3rd annual continuing education seminar this May. Attending this full day seminar will satisfy NSBAIDRD's 2015 continuing education requirements.

Specific date, location, and session content will be announced in the near future via email and on the board's website. Be on the lookout for this announcement! The seminar will have exciting new content that you will not want to miss.

EduCode 2015 March 9th -13th



EduCode 2015, brought to you by the Southern Nevada Chapter of ICC, is just around the corner. This year's EduCode will be hosted at the Orleans Hotel and Casino in Las Vegas from March 9-13.

Educode 2015 features highly specialized courses for working professionals. Courses available include architectural, plumbing, mechanical, electrical, structural, fire protection, code enforcement, and leadership topics essential for building design.

Registration is available as space permits. Save money when you pre-register for 5 days. For more information visit the [ICC website](#).



AIA Las Vegas Scholarships 2015

AIA Las Vegas will be awarding scholarships to students of the UNLV School of Architecture for the 2015 fall semester. Applications will soon be available to download from the [AIA Las Vegas website](#).

Expired Certificates of Registration

[Click here to see the list of certificates of registration that expired on December 31, 2014.](#)

Late Registration Policy

Registrants whose certificate of registration expired and have failed to renew their registration or complete required CEUs prior to the December 31, 2014 deadline must pay a late renewal fee of \$220, in addition to the \$150 annual registration fee.

Registrants who do not renew their certificate of registration within one year of its expiration can renew it before the end of the third year by: submitting a renewal form; paying the required late registration fees (\$300 late fee plus \$150 for every year lapsed); paying the renewal fee for the current year (\$150); and completing the required CEUs for each year the license was lapsed.

Registrants who have not renewed their registration within three years of the certificate's expiration date are no longer entitled to have it renewed, but may have their certificate restored. The board will issue a new registration number and certificate if the person complies with the following procedure:

- a. If the expired certificate was obtained through reciprocal registration, the person must reapply to the board using the same procedure.
- b. If the expired certificate was obtained through 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 is licensed; and
 - (3) Appear for an oral interview.

For further questions regarding late registration, or to see if your certificate is current, please contact the board office at (702) 486-7300.

New Registrants By Examination Congratulated

The board congratulated three individuals who wore sworn-in as Nevada registrants at the January 15, 2015 board meeting in Las Vegas.



Registered Interior Designers

214-ID Diane Cabral
(Las Vegas, NV)

215-ID Meredith Fuhrer
(Las Vegas, NV)

216-ID Vincenzo Iacobellis
(Rockville Centre, NY)

New Nevada registered interior designers pictured from left to

right are Meredith Fuhrer, Vincenzo Iacobellis, and Diane Cabral.

CEU Opportunities

Listed below you will find registration information and/or links to a few of the many free or low-cost providers of continuing education. Keep in mind that all continuing education units (CEUs) must be related to health, safety and welfare (HSW). It is possible to meet all of your Nevada CEU requirements online, free of charge, from a wide variety of providers. Please visit the continuing education section of our website to find out more about Nevada's continuing education requirements and to see more continuing education course offerings.

Attend a Class:

EduCode 2015 Conference Program

Educode 2015 features highly specialized courses for working professionals, including architectural, plumbing, mechanical, electrical and structural, fire protection, code enforcement and leadership topics essential for building design, and earning and maintaining certifications and other credentials.

Date: March 9, 2015 - March 13, 2015
Provider: Southern Nevada Chapter of International Code Council (ICC)
Location: The Orleans Hotel & Casino
Las Vegas, Nevada
Cost: Varies by Course
To Register: Contact the ICC at 1-888-422-7233 ext. 33818 or visit <http://snicc.org/>

Browse the following sites for courses of your choosing:

[AEC Daily](#)

[The Architect's Resource](#)

[McGraw-Hill Construction Continuing Education Center](#)

[Red Vector](#)

Note: All Nevada continuing education units (CEUs) must be related to health, safety, and welfare (HSW). Courses approved for Learning Units (LUs) ONLY do not meet Nevada's CEU requirements.

Disciplinary Actions

(October 23, 2014 through January 15, 2015)

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

There were four cases this period that were submitted for board consideration and approved. Additionally, two 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.

Holding Oneself Out, Advertising, and Unlicensed Practice of Architecture, Registered Interior Design or Residential Design: NRS 623.360.1 (a)(b)(c)

Case Number 13-039N

The allegations against *Howard Fields; HFAI; HFAI Nevada, Inc.; HFAI Nevada, LLC; HFA International; HFA International, Nevada LLC; and B & H Group, LLC* were that they held themselves out as being qualified to practice architecture, registered interior design, and residential design in Nevada and engaged in the practice of architecture, registered interior design, and residential design services for projects located in Nevada without having a certification of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$30,000 plus investigative costs of \$13,895.

Case Number 14-025N

The allegations against *Lisa Simeone, Jeannie Deary, and Simeone Deary Design Group* were that they held themselves out as being qualified to practice architecture and registered interior design in Nevada and engaged in the practice of architecture and registered interior design in Nevada without having a certification of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$15,000 plus investigative costs of \$2,300.

Case Number 14-027N

The allegations against *Pamela Edwards, Michael White-Ryan, and Language of Space* were that they advertised services that fall under the practice of architecture in Nevada without having a certification of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$2,000 plus investigative costs of \$1,850.

Case Number 15-005N

The allegations against *Michael R. Mayse and Mayse & Associates, Inc.* were that they held themselves out as being qualified to practice architecture for a project located in Nevada prior to having a certification of registration issued by the board. The matter was resolved through a settlement agreement incorporating an administrative penalty of \$1,000 plus investigative costs of \$1,000.

2080 E. Flamingo Road, Suite 120, Las Vegas, NV 89119