

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

LCB File No. R199-07

Effective September 18, 2008

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

AUTHORITY: §1, NRS 623.140 and 623.145; §2, NRS 623.140 and 623.150.

A REGULATION relating to the State Board of Architecture, Interior Design and Residential Design; revising provisions governing codes of ethics; revising provisions governing complaints; and providing other matters properly relating thereto.

Section 1. NAC 623.900 is hereby amended to read as follows:

623.900 ~~[1.—The Board hereby adopts by reference the most recent version of the *Rules of Conduct*, approved and published by the National Council of Architectural Registration Boards, as the code of ethics for architects.~~

~~—2.—The Board hereby adopts by reference the *Rules of Conduct*, approved and published by the National Council of Architectural Registration Boards, as they existed on July 1, 1995, as the~~

1. The most recently published edition of or update to the Rules of Conduct, or portion thereof as determined pursuant to subsection 2, published by the National Council of Architectural Registration Boards, is hereby adopted by reference as:

(a) The code of ethics for architects; and

(b) The code of ethics for residential designers with the following changes:

~~[(a)]~~ *(1)* The word “architect” is amended to read “residential designer”;

~~[(b)]~~ (2) The word “architects” is amended to read “residential designers”; and

~~[(e)]~~ (3) The word “architectural” is amended to read “residential design.”

2. The Executive Director will, on or before August 1 of each year, review the most recently published edition of or update to the Rules of Conduct. Each new edition of or update to the Rules of Conduct shall be deemed approved by the Executive Director for use in this State on August 1 of each year, unless a notice of disapproval of the edition or update, or portion thereof, is posted pursuant to this subsection by the immediately preceding October 1. If the Executive Director wishes to disapprove a new edition of or update to the Rules of Conduct, or portion thereof, he will:

(a) Post a notice of disapproval at the largest public library in each county, the State Library and Archives, the Grant Sawyer Office Building located at 555 East Washington Avenue, Las Vegas, Nevada, and all offices of the Board; and

(b) Send a notice to each person included on the mailing list that the Board is required to maintain pursuant to paragraph (e) of subsection 1 of NRS 233B.0603.

↪ If the Executive Director disapproves an edition of or update to the Rules of Conduct, or portion thereof, the edition or update, or applicable portion thereof, that was most recently adopted by reference or deemed approved pursuant to this section will continue in effect.

3. The rules may be obtained, free of charge, from the ~~[(3)]~~ *Board’s website at <http://nsbaidrd.state.nv.us> or by contacting the:*

State Board of Architecture, Interior Design and Residential Design
2080 East Flamingo Road, Suite ~~[(225)]~~ 120
Las Vegas, Nevada 89119

(702) 486-7300

Sec. 2. NAC 623.905 is hereby amended to read as follows:

623.905 1. Any person may file a complaint with the Board against a person who may be in violation of chapter 623 of NRS.

2. *The complaint must include:*

(a) *The full name and address of the respondent;*

(b) *A clear and concise statement of facts sufficient to establish that an alleged violation of law occurred, including, without limitation, the date, time and place of the alleged violation and the name of each person involved; and*

(c) *A citation to the statute or regulation alleged to have been violated, if known.*

3. *The complaint must be in writing.*

4. *The complaint may include the name and address of the complainant.*

5. The Board will mail written notice of the charges to the last known address of the respondent by certified mail, return receipt requested. The notice must describe each allegation contained in the complaint.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R199-07**

The State Board of Architecture, Interior Design and Residential Design adopted regulations assigned LCB File No. R199-07 which pertain to chapter 623 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of architecture, residential design and registered interior design as well as to any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Board of Architecture, Interior Design and Residential Design (NSBAIDRD), www.nsbaidrd.state.nv.us, mailed to all county libraries in Nevada and posted at the following locations:

NSBAIDRD
2080 E. Flamingo Road, Ste. 120
Las Vegas, NV 89119

The Sawyer Building
555 W. Washington
Las Vegas, NV 89101

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

A workshop was held on March 11, 2008 in Reno, Nevada at 5:30 p.m. and the public hearing was held on March 12, 2008 at 10:00 a.m. There were five members of the public present at the workshop and none present at the public hearing. Oral comments in support of the proposed changes to NAC 623.900 and NAC 623.905 were heard by the board at the workshop. No additional comments were received by the board at the public hearing.

2. The number of persons who:

- a. Attended each hearing:** 5 (workshop only)
- b. Testified at each hearing:** 2 (workshop only)
- c. Submitted to the agency written comments:** 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

No written comments were received, nor were any public comments orally made during the Public Hearing. Any further information may be obtained by contacting the Nevada State Board of Architecture and Design, 2080 E. Flamingo Road, Suite 120, Las Vegas, Nevada 89119 (702) 486-7300.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted at the NSBAIDRD Full Board Meeting on March 12, 2008. No testimony was received at the workshop or hearing in opposition to the proposed regulations. The regulations were therefore adopted with no revisions to the draft received from LCB.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- a. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects.**

- a. The proposed new section is expected to have an immediate or long-term beneficial effect upon the regulated community in that it will have an updated code of ethics for architects and residential designers and the law will clearly outline how written complaints are to be submitted to the board. No adverse effects are anticipated relative to the proposed changes to the regulations.
- b. The estimated beneficial immediate and long-term effect on the public is that they will be able to rely upon the code of ethics when they hire architects and residential designers for design services. The public also will have clear guidelines established relative to how to submit a written complaint against a registered architect, residential designer or registered interior designers. No adverse long-term effects are anticipated.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

Not applicable.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The Executive Director has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination, the Executive Director considered the fact that the proposed amendments to the regulations only apply to registrants and imposes no direct requirements on any private businesses.