

LCB File No. R113-99

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

POSTING OF REGULATIONS

NOTICE OF INTENT TO ACT UPON A REGULATION

The Nevada State Board of Architecture, Interior Design and Residential Design will hold a public hearing at 11:00 am, on September 16, 1999, at 2080 E. Flamingo Road, Suite 225, Las Vegas, Nevada. The purpose of the hearing is to receive additional comments from all interested persons regarding the proposed regulations that pertain to Chapter 623 of the Nevada Administrative Code and to then act upon the regulations.

1. The purpose for the proposed regulations are as follows:
 - A. Interior Designers: Adopting rules of conduct which were temporarily adopted under the provisions of NRS 233B.060.
 - B. Residential Designers: Adopting rules of conduct which were temporarily adopted under the provisions of NRS 233B.060.
 - C. Stamping requirements: To standardize the act of signing, stamping, or sealing a document by a Nevada registrant (which has been temporarily adopted under the provisions of NRS 233B.060).
 - D. Substituting the phrase "direct supervision" for "responsible control" in the rules of conduct for residential designers above.

2. The proposed regulations are estimated to have immediate and long-term beneficial effects:
 - A. Interior designers: These rules of conduct will be the registrants' guidelines for conduct.
 - B. Residential designers: These rules of conduct will be the registrants' guidelines for conduct.
 - C. Stamping requirements: These regulations will insure uniformity in the signing, stamping, or sealing of documents by a Nevada registrant.
 - D. Direct supervision: redefining the phrase "responsible control" with "direct supervision" will delineate more precisely the person responsible in the rules of conduct for residential designers.

3. The proposed regulations clarify current statutes and there is no cost to the agency for their enforcement.

4. There is no overlapping or duplication of regulations of other state or local governmental agencies.

Persons wishing to comment upon the proposed action of the Nevada State Board of Architecture, Interior Design and Residential Design may appear at the scheduled public hearing

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

PROPOSED RULES OF CONDUCT FOR INTERIOR DESIGNERS

- A. A registered interior designer shall be qualified by education, testing and experience. He/she shall be expected to apply knowledge and skill in performing professional interior design services and shall conform to existing laws, regulations and codes governing the profession as established by the state or other jurisdictions in which they are registered.
- B. Registered interior designers shall comply with all existing laws, regulations and codes governing the practice of interior design.
- C. In performing professional services, a registered interior designer shall not knowingly violate the law, nor counsel or assist a client in conduct the interior designer knows is illegal.
- D. A registered interior designer shall not seal or sign drawings, specifications or other interior design documents except where the interior designer or his/her firm has prepared or supervised the preparation of such documents.
- E. If a registered interior designer becomes aware of a decision taken by his/her employer or client, against the interior designer's advice, which violates applicable state or municipal building laws and regulations and which will, in the interior designer's judgment, materially affect adversely the safety to the public of the finished project, the interior designer shall,
 - 1. Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations.
 - 2. Refuse to consent to the decision and
 - 3. In circumstances where the interior designer reasonably believes that other such decisions will be taken notwithstanding his/her objection, terminate his services with reference to the project.

In the case of a termination in accordance with clause 3, the interior designer shall have no liability to his /her client or employer on account of such termination.

- F. Registered interior designers shall undertake to perform professional services only when they, together with their consultants, are qualified by education, training, and experience to perform the services required.

- G. Before accepting an assignment, interior designers shall reasonably inform the client of the scope and nature of the project involved, the interior design services to be performed, and the method of remuneration for those services.
- H. Registered interior designers shall fully disclose to a client all compensation which the interior designer shall receive in connection with the project and shall not accept any form of undisclosed compensation from any person, or firm, with whom the interior designer deals in connection with a project.
- I. A registered interior designer shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the interior designer is interested.
- J. A registered interior designer shall comply with the registration laws and regulations governing his/her professional practice in any United States jurisdiction.
- K. A registered interior designer shall not engage in conduct involving fraud or wanton disregard of the rights of others.

PROPOSED RULES OF CONDUCT FOR RESIDENTIAL DESIGNERS

- I. Competence.
 - 1.1 In practicing residential design, a residential designer shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by residential designers of good standing, practicing in the same locality.
 - 1.2 In designing a project a residential designer shall take into account all applicable state and municipal building laws and regulations. While a residential designer may rely on the advice of other professionals (e.g. architects, interior designers, engineers, attorneys, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a residential designer shall not knowingly design a project in violation of such laws and regulation.
 - 1.3 A residential designer shall undertake to perform professional services only when he or she, together with those whom the residential designer may engage as consultants, are qualified by education, training, or experience in the specific technical areas involved.
 - 1.4 No person shall be permitted to practice residential design if, in the Board's judgement, such person's professional competence is substantially impaired by physical or mental disabilities.

II. Conflict of interest.

- 2.1 A residential designer shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to and agreed to in writing by all interested parties.
- 2.2 If a residential designer has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgement in connection with the performance of professional services, the residential designer shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the residential designer will either terminate such association or interest or offer to give up the commission or employment.
- 2.3 A residential designer shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
- 2.4 When acting as the interpreter of building contract documents, and the judge of contract performance, a residential designer shall render decisions impartially, favoring neither party to the contract.

III. Full disclosure.

- 3.1 A residential designer, making public statements on residential design questions, shall disclose when he or she is being compensated for making such statement(s).
- 3.2 A residential designer shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.
- 3.3 If, in the course of his or her work on a project, a residential designer becomes aware of a decision taken by his or her employer or client, against the residential designer's advice, which violates applicable state or municipal building laws and regulations and which will, in the residential designer's judgement, materially affect adversely the safety to the public of the finished project, the residential designer shall:
 - (i) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations.
 - (ii) Refuse to consent to the decision; and,
 - (iii) In circumstances where the residential designer reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project.

In the case of a termination in accordance with clause (iii), the residential designer shall have no liability to his or her client or employer on account of such termination.

3.4 A residential designer shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

3.5 A residential designer shall not assist the application for registration of a person known by the residential designer to be unqualified in respect to education, training, experience, or character.

3.6 A residential designer possessing knowledge of a violation of these rules by another residential designer, architect, and/or interior designer shall report such knowledge to the board.

IV. Compliance with laws.

4.1 A residential designer shall not, in the conduct of his or her residential design practice, knowingly violate any state or federal criminal law.

4.2 A residential designer, shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgement in connection with a prospective or existing project in which the residential designer is interested.

4.3 A residential designer shall comply with the registration laws and regulations governing his or her professional practice in any Nevada jurisdiction.

V. Professional conduct.

5.1 Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have a Nevada registered residential designer regularly employed in that office having direct knowledge and ~~responsible control~~ *direct supervision* of such work.

5.2 A residential designer shall not sign or seal drawings, specifications, reports or other professional work which was not prepared under his or her ~~responsible control~~ *direct supervision*; provided however, that in the case of the portions of such professional work prepared under the ~~responsible control~~ *direct supervision* of persons consulting with or employed by the residential designer and who are registered under this or another professional registration law or licensed in the state of Nevada jurisdiction, the residential designer may sign or seal those portions of the professional work if the residential designer has reviewed such portions and has coordinated their supervision. "~~Responsible control~~ *Direct supervision*" shall be that degree of supervising by a person

overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

- 5.3 A residential designer shall neither offer nor make any gifts, other than gifts of nominal value including, for example, reasonable entertainment and hospitality, with the intent of influencing the judgement of an existing or prospective client in connection with a project in which the residential designer is interested.
- 5.4 A residential designer shall not engage in conduct involving fraud or wanton disregard of the rights of others.
- 5.5 A residential designer holding more than one professional registration or having a general contractor's license shall not sign or seal drawings, specifications, reports or other professional work as a residential designer which is not within the definition of the practice of residential design. If such work is within the definition of the residential designer's other licenses he or she must sign or seal that work within the appropriate governing laws and regulations of that board.

PROPOSED STAMPING REGULATION

Chapter 623 of NAC is amended by adding the following new section:

1. Plans submitted to a public authority must include:
 - a) The name address and telephone number of the firm which submits the plans;
 - b) The name and location of the project for which the plans are submitted; and each subsequent sheet.
 - c) The date the plans were issued for printing and a statement which indicates whether the plans are preliminary or final.
2. When copies of plans are submitted to a public authority, all sheets shall bear a stamp or seal with a signature and date of the professional who had responsible control for the work indicated on the sheet. The cover sheet and the first sheet for each discipline included in the plans must bear an original stamp or seal with an original signature and date.
3. Each set of specifications submitted to a public authority must include a table of contents or cover sheet that:
 - a) Indicates the discipline of architecture, structural engineering, etc. that is the source of each specification; and
 - b) Contain the stamp of, and is signed and dated by, each registrant who had responsible control of that discipline.

4. Each report, study, test result, certification or calculation which is submitted to a public authority must be stamped, signed and dated by the registrant who had responsible control of that report, study, test result, certification or calculation.
5. Each registrant shall validate a stamp or seal by signing his name legibly in opaque ink across the face of the impression made by the stamp or seal and enter the date of stamping or sealing immediately below the impression of the stamp or seal. The signature must not obliterate the registrant's name, discipline or number of his license. The registrant may not use a stamp or computer to produce his signature.
6. When a registrant signs, stamps or seals a document containing the work of others, the registrant represents that he has prepared or has been in responsible control of the production of the entire document unless he includes a written statement adjacent to his signature, stamp or seal identifying the portion of the document that he prepared or for which he had responsible control of the work.
7. A registrant who signs, stamps or seals a document which was not prepared by him but for which he had responsible control of the work is subject to disciplinary proceedings pursuant to chapter 623 or NRS for any errors in that document as if he prepared it himself.
8. For the purpose of subsection 2 of NRS 623, plans, specifications, reports and any other documents which are issued by a professional architect, residential designer and registered interior designer with the intent that they be considered as formal or final documents must be stamped with the seal of the professional before they are delivered to or filed with any public authority.
9. A registrant is not required to stamp the following documents:
 - a) An as-built plan or record plan;
 - b) A report which includes observations concerning the progress of the construction of a project;
 - c) An estimate of the costs of a project