



NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations

The Nevada State Board of Architecture, Interior Design and Residential Design LCB File No. R097-22

The **Public Hearing** will be held on August 22, 2023, at 10:00 a.m. in the Truckee Meadows Community College, William N. Pennington Applied Technology Center - Edison Room 270, located at 475 Edison Way, Reno, NV 89502.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 623 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and purpose of the proposed regulations or amendments.

Proposed regulation section of the NAC: This regulation establishes provisions to accept reciprocity candidates who have earned an NCARB certificate through a Mutual Recognition Arrangement; and also amends the firm name regulation requirement to list the status of the former registrants on any public communication made by the firm when the firm name includes the name of the former registrant under Nevada Administrative Code (NAC) Chapter 623.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved. A statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The intent of this regulation is to establish provisions to accept reciprocity candidates who have earned an NCARB certificate through a Mutual Recognition Arrangement; and also amends the firm name regulation requirement to list the status of any former registrants on any public communication made by the firm when the firm name includes the name of the former registrant.

A copy of the proposed regulation, R097-22, may be obtained by writing to the Board's offices at 2080 E. Flamingo Road, Ste. 120, Las Vegas, Nevada 89119, by contacting the Board of Architecture at (702) 486-7300 or by downloading it from the Board website at: <http://nsbaidrd.org>.

3. The estimated economic effect of this proposed regulation on the business that it is to regulate and on the public. These must be stated separately and, in each case, must include:

a. Both adverse and beneficial effects; and

There is no adverse effect of regulation R097-22. The beneficial effect of this regulation change is that it provides another registration option for aspiring foreign architects who have obtained NCARB certification through a Mutual Recognition Agreement. The second proposed regulation clarifies the way firms should list the names of their former registrants/founders when the names are part of their firm names on any public communication made by the firm.

b. Both direct and indirect effects.

The direct effect of R097-22 will be that foreign applicants who have obtained NCARB certification through a Mutual Recognition Agreement can obtain licensure in Nevada. Also, firms can now list the names of former owners on any public communication when their names are part of the firm name. The indirect effect is that the applicants will have the opportunity to enter into the profession having more options and opportunities.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There is no cost to the agency.

5. A description of and citation to any regulations of other state or local governmental agencies that the

proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates federal regulation, the notice must include the name of the regulating federal agency

The proposed regulation does not overlap or duplicate any regulation of other state or local governmental entities.

- 6. If the regulation is required pursuant to federal law, a citation and description of the federal law.**
Does not apply.
- 7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**
Does not apply.
- 8. Whether proposed regulation establishes a new fee or increases an existing fee.**
Does not apply.

Persons wishing to comment upon the proposed action of the Nevada State Board of Architecture may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form by mail or email to the Executive Director of the Nevada State Board of Architecture, Interior Design and Residential Design, 2080 E. Flamingo Road, Suite 120, Las Vegas, Nevada 89119. **Written submissions must be received by the Board on or by Friday, August 18, 2023.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notices and the regulation to be adopted will be available at the Nevada State Board of Architecture, Interior Design and Residential Design, 2080 E. Flamingo Road, Suite 120, Las Vegas, Nevada 89119 and in all counties in which an office of the Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for an against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

CARSON CITY LIBRARY
900 NORTH ROOP STREET
CARSON CITY, NV 89701-3101

CHURCHILL COUNTY LIBRARY
553 SOUTH MAIN STREET
FALLON, NV 89046-3306

LAS VEGAS-CLARK COUNTY LIBRARY
DISTRICT HEADQUARTERS
833 LAS VEGAS BLVD NORTH LAS VEGAS, NV 89101-2062

DOUGLAS COUNTY PUBLIC LIBRARY
1625 LIBRARY LANE
MINDEN, NV 89423-0337

ELKO COUNTY LIBRARY
720 COURT STREET
ELKO, NV 89801-3397

ESMERELDA COUNTY LIBRARY
CORNER OF CROOK & 4TH STREET
PO BOX 430
GOLDFIELD, NV 89013-0430

EUREKA COUNTY LIBRARY
10190 MONROE STREET
EUREKA, NV 89316

HUMBOLDT COUNTY LIBRARY
85 EAST 5TH STREET
WINNEMUCCA, NV 89445-3095

BATTLE MOUNTAIN BRANCH LIBRARY
625 SOUTH BROAD STREET
BATTLE MOUNTAIN, NV 89820

LINCOLN COUNTY LIBRARY
63 MAIN STREET
PIOCHE, NV 89043

LYON COUNTY LIBRARY SYSTEM
20 NEVIN WAY
YERINGTON, NV 89447-2399

MINERAL COUNTY PUBLIC LIBRARY
P O BOX 1390
HAWTHORNE, NV 89415

PERSHING COUNTY LIBRARY
1125 CENTRAL AVENUE
LOVELOCK, NV 89149

STOREY COUNTY TREASURER & CLERK'S OFFICE
DRAWER D
VIRGINIA CITY, NV 89440

TONOPAH PUBLIC LIBRARY
167 SOUTH CENTRAL STREET
TONOPAH, NV 89049

WASHOE COUNTY LIBRARY SYSTEM
301 SOUTH CENTER STREET
RENO, NV 89501-2102

WHITE PINE COUNTY LIBRARY
950 CAMPTON STREET
ELY, NV 89301

STATE PUBLICATIONS
NEVADA STATE LIBRARY & ARCHIVES
100 N. STEWART STREET
CARSON CITY, NV 89701

THE SAWYER BUILDING
555 W. WASHINGTONBLVD.
LAS VEGAS, NV 89101

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

LCB File No. R097-22

December 9, 2022

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

AUTHORITY: § 1, NRS 623.140 and 623.210; § 2, NRS 623.140.

A REGULATION relating to professions; revising provisions relating to another jurisdiction's registration as an architect being accepted by the State Board of Architecture, Interior Design and Residential Design in lieu of an examination; revising provisions relating to the use of corporate or fictitious names by certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Architecture, Interior Design and Residential Design to adopt: (1) regulations governing the examination of applicants for certificates to practice architecture, interior design or residential design in this State; and (2) such other regulations as may be necessary and proper to carry out the provisions governing architects, interior designers and residential designers. (NRS 623.140)

Existing law authorizes the Board to waive all examinations for a certificate of registration to practice architecture or residential design and, instead, accept satisfactory evidence of registration as an architect in another jurisdiction where the qualifications required are equal to those required in this State. Existing law authorizes the Board to require as satisfactory evidence of such registration in another jurisdiction a certificate of the National Council of Architectural Registration Boards. (NRS 623.210) Existing regulations establish the qualifications an applicant must have to be eligible to present satisfactory evidence of registration in another jurisdiction to obtain a waiver of certain examinations, including, without limitation, requirements that: (1) at the date of application, the applicant qualifies to take the architect's examination; (2) the applicant holds a current certification by the National Council of Architectural Registration Boards; and (3) the applicant has passed one examination prepared by the National Council or an examination considered equivalent by the Board. (NAC 623.410)

Section 1 of this regulation: (1) exempts applicants who are subject to a Mutual Recognition Arrangement between the National Council of Architectural Registration Boards and a similar entity in a foreign country from the requirement that, at the date of application, the applicant qualifies to take the architect's examination; (2) includes a current certification that has resulted from such a Mutual Recognition Arrangement as a current certification by the National Council

of Architectural Registration Boards that an applicant must hold; (3) exempts applicants who are subject to a Mutual Recognition Arrangement from the requirement of passing certain examinations; (4) removes the inclusion of the seven-part national examination prepared by the National Council as an examination that the applicant may pass to satisfy the requirement to have passed an examination prepared by the National Council or an examination considered equivalent by the Board; and (5) revises what are considered to be acceptable qualifications for seismism.

Existing regulations establish the manner in which a person who is registered to practice as an architect, registered interior designer or residential designer may use a corporate or fictitious name for his or her firm, partnership, association or corporation. Existing regulations authorize the inclusion of the names of natural persons, including the name of a retired or deceased person or name of a person who is a member of certain other businesses, in the name of the registrant's firm, partnership, association or corporation only if certain conditions are satisfied. (NAC 623.740) **Section 2** of this regulation revises the requirements for indicating the names of such persons to specify that those requirements apply to any public communications made by the registrant.

Section 1. NAC 623.410 is hereby amended to read as follows:

623.410 1. Except as otherwise provided in paragraph (g), the Board will, in lieu of all examinations, accept satisfactory evidence of an applicant's registration and certification as an architect in another jurisdiction if the applicant has all of the following qualifications:

(a) Is of good moral character.

(b) ~~Has~~ *Except for an applicant who is subject to a Mutual Recognition Arrangement, at the date of application, qualifies to take the architect's examination.*

(c) Holds a current certification by the National Council of Architectural Registration Boards, *including, without limitation, a current certification that has resulted from a Mutual Recognition Arrangement*, and the file which is maintained by the National Council shows that the applicant is in good standing. The applicant must request that the National Council transmit a copy of this file to the Board.

(d) ~~Has~~ *Except for an applicant who is subject to a Mutual Recognition Arrangement, has passed the:*

(1) Architect Registration Examination prepared by the National Council of Architectural Registration Boards;

(2) Professional examination prepared by the National Council of Architectural Registration Boards and the qualifying test or equivalency examination if required by the standards of the National Council; *or*

(3) ~~Seven-part national examination prepared by the National Council of Architectural Registration Boards, for which 36 hours are scheduled for its completion; or~~

~~—(4)~~ Any other examination the Board considers equivalent.

↪ If the examination was prepared by the National Council ~~of~~ *of Architectural Registration Boards*, the examination and the procedures used in grading it must meet the standards of the National Council at the time the applicant took the examination.

(e) Has acceptable qualifications concerning seismism, such as having : ~~completed;~~

(1) ~~The~~ *Completed the* structural examination of the National Council of Architectural Registration Boards; or

(2) ~~A treatise that has been accepted by a member Board within Region 6 of the Western Conference of the Architectural Registration Boards.~~ *An equivalent proof of qualification concerning seismism, as determined by the Board.*

(f) Has a record which does not show any revocation or suspension of a registration for any disciplinary reason.

(g) Has successfully completed a brief written examination covering chapter 623 of NRS, the appropriate code of ethics and the provisions of this chapter.

(h) If required, at the discretion of the Executive Director or a person otherwise authorized by the Board, has received a favorable evaluation based on a personal interview before the Board. Each interview will be conducted at a time and place designated by the Board.

2. If the applicant meets all the qualifications set forth in this chapter and chapter 623 of NRS and receives the approval of the Board, the applicant is entitled to registration as an architect if the applicant submits the applicable fee for certification.

3. As used in this section, “Mutual Recognition Arrangement” means a Mutual Recognition Arrangement between the National Council of Architectural Registration Boards and an entity that represents architectural licensing authorities or registration boards in a foreign country.

Sec. 2. NAC 623.740 is hereby amended to read as follows:

623.740 1. Every corporate or fictitious name proposed for use by a registrant’s firm, partnership, association or corporation must be submitted to the Board for review and approval before it is adopted and used by the firm, partnership, association or corporation.

2. A registrant’s firm, partnership, association or corporation may do business under a fictitious name if the name is submitted to the Board for review and is approved by the Board before it is adopted and used by the business. The decision by the Board to approve or disapprove the name will be based upon whether the proposed name complies with the wording and intent of the Board’s applicable code of ethics, guidelines for corporate and fictitious names for registered architects, interior designers or residential designers and chapter 623 of NRS.

3. The name of a registrant’s firm, partnership, association or corporation may include names of natural persons only as follows:

(a) The name of a living registrant who is a member of the business or a former registrant who is or was a member of the business and who is retired or deceased. The status of a retired member must be indicated on ~~the letterhead of a~~ *any public communication that is made by the registrant and which relates to the* registrant's business by the word "retired." The status of a deceased member must be indicated on ~~the letterhead of a~~ *any public communication that is made by the registrant and which relates to the* registrant's business by the word "deceased" or numerals showing the years of the member's birth and death.

(b) The name of a person who is a member of another architectural or engineering business or business for the practice of landscape architecture only if the person is a living registered architect or landscape architect or licensed professional engineer and is clearly indicated *on any public communication that is made by the registrant* as being an architect, landscape architect or professional engineer.

(c) The name of a person who is a member of another registered interior designer business or residential designer business only if the person is a living registered interior designer or residential designer and is clearly indicated *on any public communication that is made by the registrant* as being a registered interior designer or residential designer.

4. A firm, partnership, association or corporation which is authorized by the Board to use a corporate or fictitious name shall file with the Board the name of each stockholder, director or other member of the business and shall display all the names and the professional status of each registrant on its letterhead.

5. Every architectural firm, registered interior designer firm or residential designer firm, partnership, association or corporation shall notify the Board in writing within 30 days after:

(a) Any change in the ownership or management of the firm, partnership, association or corporation; and

(b) Any change of a fictitious name that occurs after the initial approval of the Board.

6. A licensee may not use the name of a registrant's firm, partnership, association or corporation or represent a registrant's firm, partnership, association or corporation in a manner which reflects the association of another licensee who is not a member of that business.

7. A registrant's firm, partnership, association or corporation requesting to use the plural term "architects," "registered interior designers" or "residential designers" must have more than one such Nevada registrant employed with the firm.

8. The Board will approve or deny an application for a name based upon the protection of the general public, which may include, without limitation, the denial of an application if the Board determines the proposed name is potentially false, deceptive or misleading to the general public.

9. As used in this section:

(a) "Fictitious name" means a name that is not the real name of each registrant who is a member of a firm, partnership, association or corporation.

(b) "Member" means a person who holds not less than 1 percent financial interest in a firm, partnership, association or corporation.

(c) The terms "registrant," "registered architect," "registered landscape architect," "professional engineer," "registered interior designer" and "registered residential designer" include only persons registered or licensed in this State.