

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

LCB File No. R113-99

September 10, 1999

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

AUTHORITY: §§ 1, 4, 5 and 7, NRS 623.140 and 623.145; §§ 2, 3 and 6, NRS 623.140.

Section 1. Chapter 623 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. 1. *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 entering 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 registration. The registrant may not use a stamp or computer to produce his signature.*

2. When a registrant signs, stamps or seals a document containing the work of others, the registrant represents that the entire document has been prepared by him or prepared under his direct supervision, unless he includes a written statement adjacent to his signature, stamp or seal identifying the portion of the document that was prepared by him or prepared under his direct supervision.

3. A registrant who signs, stamps or seals a document which was not prepared by him but was prepared under his direct supervision is subject to disciplinary proceedings pursuant to chapter 623 of NRS for any errors in that document as if he prepared it himself.

4. For the purposes of NRS 623.185, plans, specifications, reports and any other documents which are issued by a registrant with the intent that they be considered as formal or final documents must be stamped with the seal of the registrant before they are delivered to or filed with any public authority.

5. A registrant is not required to stamp the following documents:

(a) An as-built plan or record plan;

(b) A report that includes observations concerning the progress of the construction of a project; or

(c) An estimate of the costs of a project.

Sec. 3. 1. Plans submitted to a public authority must include:

(a) The name, address and telephone number of the firm that submits the plans;

(b) The name and location of the project for which the plans are submitted;

(c) The date the plans were printed; and

(d) A statement that indicates whether the plans are preliminary or final.

2. If the plans submitted to a public authority are copies of the original plans:

(a) Each sheet must bear the date, stamp and signature of the registrant who provided the direct supervision under which the work indicated on the sheet was performed; and

(b) For each professional discipline included in the plans, the cover sheet and the first sheet for that professional discipline must be dated and must include an original stamp and

signature of the registrant who provided the direct supervision under which the work indicated on the sheet was performed.

3. Each set of specifications submitted to a public authority must include a table of contents or cover sheet that:

(a) Indicates the professional discipline that is the source of each specification; and

(b) Contains the stamp of, and is signed and dated by, each registrant who provided the direct supervision under which the work in that professional discipline was performed.

4. Each report, study, test result, certification or calculation that is submitted to a public authority must be stamped, signed and dated by the registrant who provided the direct supervision under which that report, study, test result, certification or calculation was submitted.

Sec. 4. 1. *A registered interior designer shall comply with all federal, state, municipal and county laws, codes, ordinances and regulations pertaining to the practice of interior design.*

2. A registered interior designer shall not:

(a) Engage in conduct which involves fraud or the wrongful exploitation of the rights of other persons; or

(b) Counsel or assist a client in conduct that the registered interior designer knows, or should know, involves fraud or other illegal acts.

3. If a registered interior designer becomes aware that his employer or his client has decided to take an action regarding a project which is against the professional advice of the registered interior designer, which violates any applicable federal, state, municipal or county law, code, ordinance or regulation and which, in the professional opinion of the registered

interior designer, will materially and adversely affect the safety, health or welfare of the public, the registered interior designer shall:

(a) Report the decision to the official, agency or board that is responsible for enforcement of the law, code, ordinance or regulation;

(b) Refuse to consent to the decision; and

(c) If the registered interior designer reasonably believes that other such decisions will be taken notwithstanding his advice and objection, terminate his services in connection with the project. A registered interior designer who terminates his services pursuant to this paragraph is immune from liability for damages sustained by his employer or his client as the result of terminating his services.

4. A registered interior designer shall not perform or attempt to perform a professional service relating to interior design unless the registered interior designer:

(a) Is qualified by education, training and experience to perform the professional service;

or

(b) Associates himself with, or consults with, another professional person who is qualified to perform the professional service, to the extent necessary to perform that service competently.

5. Before accepting a project, a registered interior designer shall reasonably inform the prospective client of:

(a) The scope and nature of the project;

(b) The professional services relating to interior design to be performed; and

(c) The method of remuneration for such professional services.

6. Before accepting a project, a registered interior designer shall fully disclose to the prospective client all compensation that the registered interior designer is to receive in connection with the project. If the registered interior designer accepts the project, the registered interior designer shall not accept any compensation from any person that has not been fully disclosed to the client pursuant to this subsection.

7. A registered interior designer shall not give, lend or promise anything of value to a public officer with the intent to influence or attempt to influence the judgment or actions of the public officer.

8. Any violation of this section is a ground for disciplinary action.

Sec. 5. 1. A residential designer shall:

(a) Act with reasonable care and competence; and

(b) Apply the technical knowledge and skill that is ordinarily applied by residential designers of good standing, practicing in the same locality.

2. In designing a project, a residential designer shall consider all applicable federal, state, municipal and county laws, codes, ordinances and regulations concerning construction. A residential designer may reasonably rely on the advice of qualified professionals as to the intent and meaning of such laws, codes, ordinances and regulations, but having obtained such advice, shall not knowingly design a project in violation of such laws, codes, ordinances and regulations.

3. A residential designer shall not perform or attempt to perform a professional service relating to residential design unless the residential designer:

(a) Is qualified by education, training and experience to perform the professional service;

or

(b) Associates himself with, or consults with, another professional person who is qualified to perform the professional service, to the extent necessary to perform that service competently.

4. A residential designer shall not engage in the practice of residential design if his professional competence is substantially impaired by physical or mental disabilities.

5. A residential designer shall not accept compensation for services from more than one party on a project unless the residential designer fully discloses the circumstances to all interested parties and all interested parties agree in writing to those circumstances.

6. If a residential designer has any business association or direct or indirect financial interest which is substantial enough to influence his judgement in connection with the performance of professional services in regard to a project, the residential designer shall fully disclose in writing to his client and his employer the nature of the business association or financial interest. If the client or employer objects to the business association or financial interest, the residential designer shall terminate the business association or financial interest or terminate his professional services in regard to the project.

7. A residential designer shall not solicit or accept compensation from suppliers of materials or equipment in return for specifying or endorsing their products.

8. In interpreting contract documents or determining contractual performance of a party to a contract, a residential designer shall render decisions impartially and shall not favor any party to a contract.

9. If a residential designer makes a public statement regarding the practice of residential design and is receiving compensation for making the statement, the residential designer shall disclose the fact that he is receiving compensation for making the statement.

10. A residential designer shall accurately represent to a prospective or existing client or employer his qualifications and the scope of his responsibility in connection with work for which he is claiming credit.

11. A residential designer shall comply with all federal, state, municipal and county laws, codes, ordinances and regulations pertaining to the practice of interior design.

12. A residential designer shall not:

(a) Engage in conduct that involves fraud or the wrongful exploitation of the rights of other persons; or

(b) Counsel or assist a client in conduct that the residential designer knows, or should know, involves fraud or other illegal acts.

13. If a residential designer becomes aware that his employer or his client has decided to take an action regarding a project which is against the professional advice of the residential designer, which violates any applicable federal, state, municipal or county law, code, ordinance or regulation and which, in the professional opinion of the residential designer, will materially and adversely affect the safety, health or welfare of the public, the residential designer shall:

(a) Report the decision to the official, agency or board that is responsible for enforcement of the law, code, ordinance or regulation;

(b) Refuse to consent to the decision; and

(c) If the residential designer reasonably believes that other such decisions will be taken notwithstanding his advice and objection, terminate his services in connection with the project. A residential designer who terminates his services pursuant to this paragraph is

immune from liability for damages sustained by his employer or his client as the result of terminating his services.

14. A residential designer shall not:

(a) Knowingly make a false statement of material fact, or knowingly fail to disclose a material fact, in connection with his application for registration or renewal of registration; or

(b) If the residential designer knows that a person applying for registration as a residential designer is unqualified to engage in the practice of residential design with respect to the person's education, training, experience or character, assist that person with his application for registration.

15. If a residential designer reasonably believes, based on substantial information, that a registrant has committed a violation of chapter 623 of NRS or this chapter which raises a serious question as to the honesty, trustworthiness or fitness of the registrant, the residential designer shall report that information to the board.

16. A residential designer shall not give, lend or promise anything of value to a public officer with the intent to influence or attempt to influence the judgment or actions of the public officer.

17. A residential designer shall not give, lend or promise anything of value, other than a nonmonetary gift that is of nominal value, with the intent to influence or attempt to influence the judgment or actions of an existing or prospective client in connection with a project in which the residential designer is interested.

18. Any violation of this section is a ground for disciplinary action.

Sec. 6. NAC 623.215 is hereby amended to read as follows:

623.215 1. An application for registration as an architect , ~~or~~ residential designer *or registered interior designer* must be made on a form prescribed by the board.

2. The application must include the following information:

(a) The applicant's name and social security number, the number of his driver's license, and the addresses and telephone numbers of his business and residence;

(b) The applicant's birthplace and date of birth;

(c) A statement whether the application is for certification by written examination or by evidence of registration and certification in another jurisdiction;

(d) A list of technical and professional organizations of which the applicant is a member;

(e) The names and addresses of the applicant's associates in business and the employer from whom the applicant has solicited a letter of reference; and

(f) A statement whether the applicant has ever been arrested and, if so, the date, place, nature and final disposition of the charge.

3. Each application must be notarized.

Sec. 7. NAC 623.900 is hereby amended to read as follows:

623.900 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 ~~and~~ , *as the code of ethics for architects*. The rules may be obtained at no cost from the:

State Board of Architecture, Interior Design and Residential Design

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