

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

LCB File No. R120-01

October 25, 2001

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

AUTHORITY: §§1-15 and 17-21, NRS 623.140; §16, NRS 623.140 and 623.145.

Section 1. Chapter 623 of NAC is hereby amended by adding thereto a new section to read as follows:

“Responsible control” means the amount of control over and detailed knowledge of the content of a technical submission during its preparation that is ordinarily exercised by a registered architect, interior designer or residential designer, as applicable, when applying the normal standard of professional care.

Sec. 2. NAC 623.010 is hereby amended to read as follows:

623.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 623.011 to 623.018, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 623.145 is hereby amended to read as follows:

623.145 The secretary-treasurer:

1. Shall act as general administrative and financial adviser to the board.
2. May delegate his authority to the executive director *or a person otherwise authorized by the board* as he deems appropriate.

Sec. 4. NAC 623.150 is hereby amended to read as follows:

623.150 1. The board ~~[will]~~ *may* retain a person as executive director. ~~[He]~~ *If an executive director is retained, he* shall be in charge of the offices of the board and be responsible for any investigations of the board.

2. The executive director serves at the pleasure of the board.

Sec. 5. NAC 623.155 is hereby amended to read as follows:

623.155 The board ~~[retains]~~ *will retain* a certified public accountant to audit all of its fiscal records at the close of each fiscal year. ~~[A report of the audit must be forwarded to the chief of the budget division of the department of administration on or before December 1 of the succeeding fiscal year.]~~

Sec. 6. NAC 623.225 is hereby amended to read as follows:

623.225 1. An application for registration as an architect, residential designer or interior designer becomes inactive if:

(a) The applicant is applying for registration as an architect *or residential designer* on the basis of certification in another jurisdiction and he fails to appear before the board for a personal interview after being invited to do so on three successive dates and he has not given notice to the board of his inability to appear at least 7 days before the date set for each scheduled interview;

(b) The applicant is applying for registration as an architect, residential designer or interior designer on the basis of examination and he fails to participate in the applicable examinations for 2 consecutive years; or

(c) The information required on the application is not provided within 1 year after the date on which the application is filed.

2. To reinstate an inactive application:

(a) An applicant for registration as an architect *or residential designer* on the basis of certification in another jurisdiction must submit a revised application for registration, accompanied by a fee for examination as determined by the board. The fee will be waived by the board if the applicant shows good cause for his failure to appear at the personal interview. He must also request that the National Council of Architectural Registration Boards transmit a copy of its current blue folder concerning him to the board. The file must show that he is in good standing with the national council.

(b) An applicant for registration as an architect, residential designer or interior designer on the basis of examination must reapply by submitting a new application, along with the appropriate fees and materials, in the form required for such an application.

Sec. 7. NAC 623.235 is hereby amended to read as follows:

623.235 1. The board hereby adopts the architectural examination prepared by the National Council of Architectural Registration Boards as the examination to be used in this state to test applicants for registration as architects.

2. In addition to the qualifications of minimum age and good moral character which are prescribed in subsection 1 of NRS 623.190, to participate in the examination an applicant must, except as otherwise provided in subsection 3, have completed the 700 units required for completion of the Intern-Architect Development ~~[program]~~ *Program* of the national council as the program existed ~~[on November 30, 1984,]~~ *at the time of application for registration* and received a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board.

3. An applicant who received 7 years of credits for education and practical training before January 1, 1986, may participate in the examination after he has received a total of 8 years of

credits for education and practical training as determined pursuant to NAC 623.415 or 623.445, or a combination thereof which is acceptable to the board. Of the 8 years immediately preceding the date on which the application is submitted, the applicant must have had 3 years of experience in the office and under the direct supervision of a registered architect.

4. An applicant who has completed the program for interns must have the national council transmit adequate evidence thereof to the board. If necessary, to evaluate the training received by an applicant who participated in the program, the board will require him to substantiate the quality and character of his training during the program.

5. Requests for information regarding the Intern-Architect Development Program must be directed to the:

NATIONAL COUNCIL OF ARCHITECTURAL
REGISTRATION BOARDS

~~[1735 New York Avenue, NW, Suite 700]~~

1801 K Street, NW, Suite 1100K

Washington, ~~[D.C.]~~ *DC 20006-1310*

(202) 783-6500

6. Upon the applicant's successful completion of all parts of the written examination, ~~[the board will conduct an oral interview of the applicant.]~~ *each applicant must personally appear before the board to take an oath prescribed by the board.*

Sec. 8. NAC 623.270 is hereby amended to read as follows:

623.270 1. Except as otherwise provided in paragraph (g) of this subsection, 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 he has all of the following qualifications:

(a) Is of good moral character.

(b) 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, and the file which is maintained by the national council shows that he is in good standing. He must request that the national council transmit a copy of this file to the board.

(d) 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;

(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.

FLUSH If the examination was prepared by the national council, 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 structural examination of the National Council of Architectural Registration Boards;

(2) A seminar on seismic forces approved by the national council; *or*

(3) ~~[The course for home study and examination prepared by the national council; or~~

~~—(4)]~~ A treatise that has been accepted by a member board within Region 6 of the Western Conference of the Architectural Registration Boards.

(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 ~~[H]~~ *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.

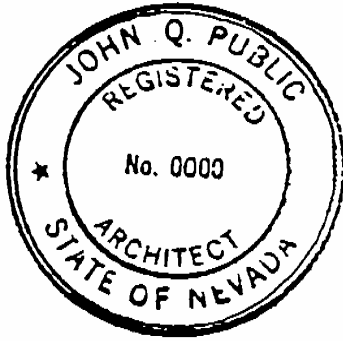
2. If the applicant meets all the qualifications set forth in chapter 623 of NRS and this chapter and receives the approval of the board, he is entitled to registration as an architect if he submits the applicable fee for certification.

Sec. 9. NAC 623.750 is hereby amended to read as follows:

623.750 1. Each architect shall obtain and possess an embossed seal or a seal designed as a rubber stamp which complies with the following specifications:

(a) The overall diameter of the seal must be approximately 1 7/8 inches.

(b) The seal must contain the name of the registrant, his number of registration and conform to the following design:



2. Each plan, specification, report or other document issued by a registrant must be signed and must be sealed or stamped by him . ~~{on its title page.}~~

Sec. 10. NAC 623.755 is hereby amended to read as follows:

623.755 1. Each registered interior designer shall obtain and possess an embossed seal or a seal designed as a rubber stamp which must:

- (a) Be an equilateral triangle, each side of which must be 2 1/2 inches;
- (b) Contain the name of the registrant and his number of registration; and
- (c) Conform to the following design:



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,]~~ *responsible control*, 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,]~~ *responsible control*.

3. A registrant who signs, stamps or seals a document which was not prepared by him but was prepared under his ~~[direct supervision]~~ *responsible control* 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. 13. NAC 623.766 is hereby amended to read as follows:

623.766 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 issued for printing; 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~~ *responsible control* 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 include an original stamp and signature of the registrant who provided the ~~direct supervision~~ *responsible control* 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~~ *responsible control* 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~~ *responsible control* under which that report, study, test result, certification or calculation was submitted.

Sec. 14. NAC 623.810 is hereby amended to read as follows:

623.810 A registrant shall not display, present, exhibit or otherwise show any drawings, models, renderings, photographs or other work in a manner calculated to suggest that the work was performed by the registrant or his firm unless:

1. The registrant performed or ~~supervised~~ *had responsible control of* the performance of the work; and
2. The architect, residential designer or registered interior designer of record is identified in the drawing, model, rendering, photograph or other work.

Sec. 15. NAC 623.830 is hereby amended to read as follows:

623.830 The board adopts by reference the standards of the National Council for Interior Design Qualification for the experience ~~and equivalent credits~~ required pursuant to subsection 1 of NRS 623.192 for a certificate of registration to practice interior design. The standards may be obtained ~~at no cost~~, *free of charge*, from the National Council for Interior Design Qualification, ~~50 Main Street, White Plains, New York 10606-1920, telephone: (914) 948-9400.~~ *1200 18th Street, NW, Suite 1001, Washington, DC 20036-2506, telephone: (202) 721-0220, or from the National Council for Interior Design Qualification at the Internet address <<http://www.ncidq.com>>.*

Sec. 16. 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 they existed on July 1, 1998,~~ 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 code of ethics for residential designers with the following changes:

- (a) The word “architect” is amended to read “residential designer”;
 - (b) The word “architects” is amended to read “residential designers”; and
 - (c) The word “architectural” is amended to read “residential design.”
3. The rules may be obtained at no cost from the:

State Board of Architecture, Interior Design and Residential Design

2080 E. Flamingo Road, Suite 225

Las Vegas, NV 89119

(702) 486-7300

Sec. 17. NAC 623.915 is hereby amended to read as follows:

623.915 1. Upon receipt of a complaint, the executive director *or a person otherwise authorized by the board* shall appoint a member of the board’s staff to conduct an initial investigation of the complaint. The investigator shall submit a written report to the executive director *or a person otherwise authorized by the board* which describes the results of his investigation.

2. The executive director *or a person otherwise authorized by the board* shall review the written report and recommend that the board:

- (a) Dismiss the complaint;
- (b) Negotiate a resolution of the complaint;
- (c) Authorize the creation of an advisory committee to review the complaint if the respondent agrees to participate in an informal conference with an advisory committee;
- (d) Schedule an informal hearing; or

(e) Schedule a formal hearing.

Sec. 18. NAC 623.920 is hereby amended to read as follows:

623.920 1. The board will, when appropriate, establish an advisory committee to:

(a) Provide assistance in an area that the board considers necessary; or

(b) Assist the board in the review of a complaint which has been filed pursuant to NAC 623.905 if the respondent agrees to participate in an informal review of the complaint by an advisory committee.

2. The executive director *or a person otherwise authorized by the board* shall appoint members to an advisory committee from a list of volunteers. The list of volunteers must consist of architects, residential designers, landscape architects, professional engineers, registered interior designers or other persons approved by the board, ~~or~~ executive director ~~or~~ *or a person otherwise authorized by the board*. If the advisory committee is established to assist the board in the review of a complaint, the majority of members appointed must, if practicable, be registered in the same profession or discipline as the respondent. The executive director *or a person otherwise authorized by the board* shall designate one member of the advisory committee to serve as the chairman of the committee.

3. Members of an advisory committee:

(a) Serve at the pleasure of the board;

(b) Are prohibited from participating in a proceeding in which a member of the board would be required to abstain under similar circumstances; and

(c) Serve without compensation, but are entitled to travel expenses and subsistence allowances from the board.

Sec. 19. NAC 623.925 is hereby amended to read as follows:

623.925 1. An advisory committee established to assist the board in the review of a complaint shall:

(a) Review the complaint and the written report submitted by an investigator pursuant to NAC 623.915 to determine whether probable cause exists that the respondent has violated a provision of *this chapter or* chapter 623 of NRS ; ~~for this chapter;~~

(b) Hold an informal conference in accordance with the provisions of NAC 623.930; and

(c) Work with the respondent to arrive at a resolution of the complaint.

2. Within 30 days after the informal conference, the chairman of the advisory committee shall submit to the board a report which summarizes the informal conference and the recommendations of the advisory committee concerning the disposition of the complaint.

3. The findings and recommendations of the advisory committee must be supported by substantial evidence.

4. The board is not bound by the recommendations of an advisory committee concerning the disposition of a complaint.

5. If the respondent accepts the recommendations of the advisory committee, he shall, within 30 days after receipt of the recommendations from the executive director ~~or~~ *or a person otherwise authorized by the board*, execute a proposed settlement agreement with the board concerning a resolution of the complaint. Such an agreement is not effective until the agreement has been signed by the respondent and approved by the board.

6. If the respondent rejects the recommendations of the advisory committee, or fails to notify the board that he accepts the recommendations within 30 days after receipt of the recommendations, the board will take further action on the complaint that it considers necessary.

Sec. 20. NAC 623.930 is hereby amended to read as follows:

623.930 1. If an advisory committee is established to assist the board in the review of a complaint, the executive director *or a person otherwise authorized by the board* shall schedule an informal conference between the advisory committee and the respondent. The executive director *or a person otherwise authorized by the board* shall provide written notice of the time and place of the conference to:

- (a) Each member of the advisory committee;
- (b) The respondent; and
- (c) Each witness whose appearance has been requested at the informal conference.

2. In conducting an informal conference, an advisory committee is not bound by the technical rules of evidence. The chairman of an advisory committee shall rule on the admissibility of evidence and accept all evidence which is relevant to the complaint. All evidence admitted is confidential.

Sec. 21. NAC 623.935 is hereby amended to read as follows:

623.935 If a respondent declines to participate in a review of the complaint by an advisory committee, the executive director *or a person otherwise authorized by the board* shall refer the complaint to the board for any further action that the board considers necessary.