

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

LCB File No. R012-06

February 22, 2006

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

AUTHORITY: §1, NRS 623.140 and 623.190; §2, NRS 623.140; §§3-7, NRS 623.140 and 623.185; §8, NRS 622A.360, 623.140 and 623.150.

A REGULATION relating to architecture and designing professions; revising provisions governing practice as a principal architect or designer; revising provisions governing application for a firm name; revising provisions governing seals required of registrants; revising provisions governing administrative hearings before the State Board of Architecture, Interior Design and Residential Design; and providing other matters properly relating thereto.

Section 1. NAC 623.310 is hereby amended to read as follows:

623.310 The following provisions apply to all applicants for registration:

1. A stockholder, director or officer of a corporation who is authorized to engage in the practice of architecture *or residential design or practice as a registered interior designer* is not considered to be practicing as a principal solely because of his position in the corporation.

2. No employee of a corporation is considered to be practicing as a principal unless he is a director or officer of the corporation.

3. In any firm composed of general partners as well as limited partners or associates, or both, the general partners are considered by the Board to be practicing as principals. Persons who share in the profits of a firm but not in the losses, or who are not liable for the acts of the firm, will not be considered to be practicing as principals.

4. Architects , *residential designers and registered interior designers* who are employed by firms engaged in the design and construction of buildings, whether by the same or affiliated organizations, are not considered to be practicing as principals. ~~[Practical training received in firms engaged in design and construction is not considered to be training in the office of a registered architect who is practicing as a principal.~~

~~—5.— A registered architect who:~~

~~—(a) Occupies a position of management in an organization which employs architects and candidates for the architect’s examination; and~~

~~—(b) Performs architectural services in connection with buildings owned or occupied by the organization, will not be considered by the Board to be practicing as a principal but the architects and candidates employed by the organization will receive credit for training received under subsections 9 and 10 of NAC 623.415 and subsection 8 of NAC 623.445.]~~

5. The term “principal” may only be used by persons registered pursuant to chapter 623 of NRS.

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, residential designers or interior 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 registrant's business by the word "retired." The status of a deceased member must be indicated on the letterhead of a 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 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 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, residential designer or registered interior 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.

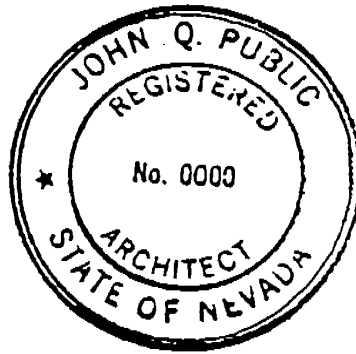
(c) The terms "registrant," "registered architect," "registered landscape architect," "professional engineer," "registered interior designer" and "registered residential designer" include only persons registered or licensed in this State.

Sec. 3. 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 or *a seal in electronic format* 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 ~~or~~ *either manually or electronically*.

Sec. 4. 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 *or a seal in electronic format* 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:



2. Each plan, specification, report or other document issued by a registrant must be signed and must be sealed or stamped by him **[H]** *either manually or electronically.*

Sec. 5. NAC 623.760 is hereby amended to read as follows:

623.760 1. Each residential designer shall obtain and possess *an embossed seal, a seal designed as* a rubber stamp *or a seal in electronic format* that complies with the following specifications:

(a) The seal must be 1 1/4 by 3 inches.

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

(Seal of John J. Public
State)

REGISTERED
RESIDENTIAL DESIGNER

2. Each plan, specification, report or other document issued by a registrant must be signed and must be sealed or stamped by him ~~[]~~ *either manually or electronically.*

Sec. 6. NAC 623.763 is hereby amended to read as follows:

623.763 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.]~~ *electronic or other means selected by the registrant. The seal, signature and date must produce a clearly visible and legible image on any copy or reproduction of the document to which they are affixed.*

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 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 responsible control.

3. A registrant who signs, stamps or seals a document which was not prepared by him but was prepared under his 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. 7. 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 *submitted to a public authority* must bear the date , ~~[[and]]~~ the original ~~[[stamp]]~~ *or electronic seal* and signature of the registrant who provided the 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 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 responsible control under which the work in that professional discipline was performed. *The seal, signature and date may be in original or electronic format.*

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 responsible control under which that report, study, test result, certification or calculation was submitted. *The seal, signature and date may be in original or electronic format.*

Sec. 8. NAC 623.945 is hereby amended to read as follows:

623.945 1. The Chairman of the Board will call the hearing to order, note the appearances of the parties and act upon any pending motions, petitions, stipulations or preliminary matters. Upon request and within the discretion of the Chairman, the parties may make opening statements.

2. The petitioner will present his case-in-chief first, followed by the respondent's case-in-chief. Both parties will have the opportunity to cross-examine, redirect and recross-examine the witnesses.

3. Upon request and within the discretion of the Chairman, the parties may make closing arguments.

4. The Board may:

- (a) Exclude inadmissible, repetitious or irrelevant evidence;
- (b) Examine witnesses;
- (c) Examine a party on issues of law or fact; and
- (d) Require written briefs from the parties in lieu of oral arguments.

5. *If exhibits will be presented during the hearing, the petitioner and the respondent must provide the Board with 12 copies of the exhibits not less than 20 days before the hearing.*

Copies must be distributed as follows:

- (a) One copy for the file;*
- (b) One copy for each member of the Board;*
- (c) One copy for the witness packet; and*
- (d) One copy for opposing counsel.*

6. *Prehearing motions must be submitted in writing and filed with the Board within 10 days after the receipt of the exhibit to which the motion applies. A party who opposes the motion may file a response to the prehearing motion not later than 7 days after the date of service of the motion. Upon a showing of good cause, the Board may allow a party to file a prehearing motion or response within such other times as the Board deems appropriate.*

7. In conducting a hearing or informal proceeding, the Board is not bound by the technical rules of evidence. A decision or order of the Board may not be invalidated based upon the informality of the proceeding upon which the decision or order is made.