

NAC 625.640 Procedure for complaints concerning professional misconduct or incompetence. ([NRS 625.140](#))

1. Any person who is aggrieved by the alleged professional misconduct or incompetence of a person subject to the jurisdiction of the Board may file a complaint with it pursuant to [NRS 625.420](#), and the Board may attempt to reach a settlement before holding a disciplinary hearing.

2. Upon receipt of a complaint, a member of the Board's staff shall initiate an investigation. Upon completion of the investigation, the member of the Board's staff shall submit a written report containing the results of the investigation to the Executive Director.

3. The Executive Director shall, in conjunction with the Board Liaison:

(a) Review the written report submitted pursuant to subsection 2;

(b) Upon completion of the review:

(1) On behalf of the Board dismiss the complaint; or

(2) Negotiate a settlement with the respondent, subject to the approval of the Board; and

(c) If the Executive Director, in conjunction with the Board Liaison, attempts to negotiate a settlement with the respondent pursuant to paragraph (b) and a settlement cannot be reached, determine whether to recommend to the Board that the Board schedule the matter for a disciplinary hearing.

NAC 625.642 Licensee to provide written notice of disciplinary action taken by another entity. ([NRS 625.140](#))

1. A licensee who has been disciplined by another state or territory, the District of Columbia, a foreign country, the Federal Government or any other governmental agency shall notify the Board in writing of such disciplinary action.

2. The written notice must set forth the grounds, terms and effective date of the disciplinary action.

3. The licensee shall submit the written notice to the Board within 60 days after the date on which the disciplinary action is imposed and state whether the disciplinary action is final or on appeal.

4. Failure to provide the written notice required pursuant to this section is an aggravating factor in any disciplinary action taken by the Board against the licensee.

NAC 625.645 Conditions of probation. ([NRS 625.140](#), [625.460](#))

1. If the Board determines that probation is an appropriate disciplinary sanction pursuant to [NRS 625.460](#), it may require as conditions of probation:

(a) That the licensee notify the Board concerning each project on which the licensee is working;

(b) The supervision of the licensee by an independent professional selected by the Board;

(c) The payment of all costs of the Board, not to exceed \$5,000 per violation; and

(d) Any other conditions deemed appropriate by the Board to facilitate the probation.

2. Any notification required pursuant to subsection 1 must include:

(a) The name of the client;

(b) The name of the project;

(c) The location of the project;

(d) The type and scope of work involved;

(e) The size of the project; and

(f) The amount of the fee to be paid to the licensee.

Chapter 625 of NAC (General Provisions) is hereby amended by adding thereto a new section to read as follows:

“Board Liaison” means a member of the Board who is designated by the Board to work in conjunction with the Executive Director.

NAC 625.646 Establishment of advisory committee; members; recommendations. ([NRS 625.140](#))

1. The Executive Director, in conjunction with the Board Liaison, may establish an advisory committee composed of professional engineers, land surveyors or other persons to:

(a) Provide technical assistance in the evaluation and investigation of a complaint regarding the action or inaction of a licensee;

(b) Participate in the evaluation of candidates for licensure by endorsement; or

(c) Provide any assistance in any area that the Executive Director or the Board Liaison deems necessary.

2. Members of an advisory committee:

(a) Are selected by and serve at the pleasure of the Executive Director, in conjunction with the Board Liaison.

(b) Are prohibited from participating in any proceeding in which a public officer or employee would be precluded from participating pursuant to NRS 281A.420.

(c) Are entitled to travel expenses and subsistence allowances, but are not entitled to compensation for services rendered to the Executive Director or Board Liaison.

NAC 625.6465 Evaluation and disposition of complaint: Duties of Executive Director. ([NRS 625.140](#)) If the Executive Director, in consultation with the Board Liaison, establishes an advisory committee for the evaluation and investigation of a complaint:

1. The Executive Director shall:

(a) Select one to five persons to serve as the members of the advisory committee from a list compiled by the Executive Director of volunteers that are deemed qualified by the Executive Director, a majority of whom, if practicable, must be from the same discipline as the respondent.

(b) Designate one member to act as the chair.

(c) Schedule a conference between the advisory committee and the respondent. The Executive Director shall set the time and place of the conference, give the respondent reasonable written notice of the conference, as required by NRS 233B.121, and give the respondent an opportunity to call witnesses. Such conferences are not contested cases, as defined in NRS 233B.032.

(d) Serve the decision and recommendation of the advisory committee on the respondent within a reasonable period.

2. A conference between the advisory committee and the respondent may be held in person, via videoconference or over the telephone.

3. Pursuant to subsection 1 of NRS 622.320, the provisions of NRS 241.020 do not apply to a conference between the advisory committee and the respondent that is held for the evaluation and investigation of a complaint unless the respondent requests that those provisions apply.

NAC 625.647 Evaluation and disposition of complaint: Duties of advisory committee; review by Board of recommendation. ([NRS 625.140](#))

1. If the Executive Director, in conjunction with the Board Liaison, establishes an advisory committee for the evaluation and investigation of a complaint, the advisory committee shall:

(a) Review the complaint and the written report submitted pursuant to subsection 2 of [NAC 625.640](#) to determine the standard of care that applies to the respondent and examine whether there is probable cause to believe that the respondent violated [NRS 625.410](#);

(b) Hold a conference with the respondent and any other person who may assist in resolving the complaint;

(c) Attempt to arrive at terms for the resolution of the complaint with the respondent; and

(d) Within 15 days after the conclusion of the conference, submit to the Executive Director a report containing written findings as to the standard of care that applies to the respondent and whether the respondent violated NRS 625.410.

2. The Executive Director shall provide a copy of the report required by paragraph (d) of subsection 1 to the Board Liaison.

3. The Executive Director and the Board Liaison are not bound by the report submitted by the advisory committee pursuant to paragraph (d) of subsection 1.

4. Upon receiving the report required by paragraph (d) of subsection 1, the Executive Director, in conjunction with the Board Liaison, shall continue with the review of the written report submitted pursuant to subsection 2 of NAC 625.640.

NAC 625.6475 Evaluation and disposition of complaint: Informal conference; hearing de novo. ([NRS 625.140](#))

1. At a conference held pursuant to [NAC 625.647](#):
 - (a) The chair of the advisory committee shall:
 - (1) Rule on the admissibility of all evidence.
 - (2) Accept all evidence which is relevant to the complaint.
 - (b) The advisory committee is not bound by the formal rules of evidence.
 - (c) The findings of the advisory committee must be supported by substantial evidence.
2. The refusal of a respondent to participate in a conference is information relevant in a subsequent disciplinary hearing of the complaint before the Board.
3. If the Board schedules the matter for a disciplinary hearing, the Board will conduct a hearing de novo of the charges contained in the complaint. During the hearing de novo, the Board may review the evidence considered by the advisory committee concerning the complaint, unless a valid objection is made to the review of the evidence.
4. An advisory committee may continue a conference for good cause shown.
5. If a respondent refuses to participate in a review of the complaint by an advisory committee, the Executive Director, in consultation with the Board Liaison, shall proceed with the review pursuant to NAC 625.640.

The following regulation was repealed, effective November 2021

NAC 625.648 Evaluation and disposition of complaint: Actions of respondent. ([NRS 625.140](#))

1. If a respondent declines to participate in a review of the complaint by an advisory committee, the Executive Director shall refer the complaint to the Board for any further action that it deems appropriate.

2. If the respondent accepts the recommendations of the advisory committee which reviewed the complaint, the respondent must enter into an agreement with the Board regarding the resolution of the complaint within 15 days after he or she is served with the recommendations by the Executive Director. Such an agreement is not effective until the respondent has signed the agreement and the Board has approved it.

3. If the respondent rejects the recommendation of the advisory committee, the Board will take any further action that it deems appropriate.

4. If the respondent fails to notify the Board that he or she accepts the recommendation of the advisory committee, the Board will take any further action that it deems appropriate.