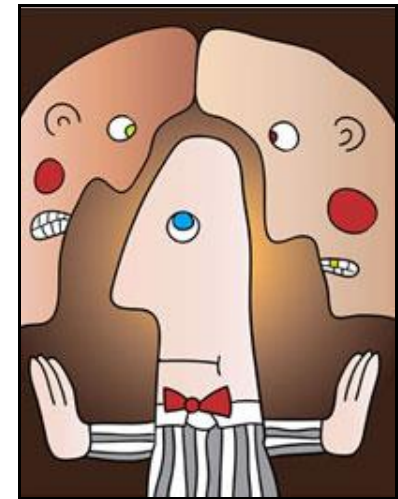


## OMBUDSMAN CONFERENCE



### What is the Ombudsman Informal Conference program?



#### What is an Ombudsman?

An ombudsman is a person who helps resolve complaints, acting as a trusted intermediary between an organization and the public.

#### What is the CICCH Ombudsman?

The Ombudsman for Owners in Common-Interest Communities and Condominium Hotels assists homeowners' association owners, residents and board members in understanding their rights and responsibilities under the law. It also offers guidance to parties to assist in resolving alleged violations of NRS 116 or governing documents.



State of Nevada  
Department of Business and Industry  
Real Estate Division  
Office of the Ombudsman for Owners in  
Common-Interest Communities and  
Condominium Hotels  
2501 East Sahara Avenue 202  
Las Vegas, Nevada 89104-4137  
Statewide toll free: 877-829-9907  
Telephone: 702-486-4480  
Facsimile: 702-486-4520  
www.red.state.nv.us  
CICombudsman@red.nv.gov

### What happens if the Informal Conference does not result in a tentative resolution?

If the parties do not reach a tentative resolution, the Ombudsman's Office sends a letter to the parties stating that fact.

### So what exactly is the next step when parties do not agree to meet – or where there is no resolution?

A “no resolution” or “no conference” scenario results in a review of the file by the Real Estate Division's Compliance office.

If the dispute is about the interpretation, application, or enforcement of governing documents – and does not involve a violation of NRS 116, NRS 116B and/or NAC 116 – then the compliance section of the Real Estate Division does not have jurisdiction to investigate or have further involvement in the matter.

Either party can pursue legal action on governing document disputes by commencing the Alternative Dispute Resolution process. (See forms 523 and 520 on the Nevada Real Estate Division Web site).

**For updates and more information, please visit our Web site at: [www.red.nv.gov](http://www.red.nv.gov)**

Conferences are conducted through the Ombudsman's Office to assist the parties in coming to a resolution of the issues over which they disagree.

If there is no resolution, the file is forwarded to the Compliance Section of the Real Estate Division for review of possible law violations.

### Who is an aggrieved person? Who is a respondent?

An "aggrieved person" (the "complainant") is anyone who claims a violation of law and/or governing documents; thus, it can be a unit owner, a tenant, a board member – even a manager.

The person or entity against whom the complaint is filed is called the "respondent" and may be the board, manager, declarant or other residents.

### How do I file a complaint?

#### FIRST STEP:

Before filing an Intervention Affidavit, the complainant (also called the "aggrieved party"), must first notify the respondent of his or her concerns via certified mail, return receipt requested. The complainant must also describe any damages suffered and proposed corrective action to the concerns.

**The purpose of the certified notice is to provide an opportunity for the complainant**

and respondent to work out a possible resolution.

Reasonable efforts should be made by each party to resolve the concerns.

#### SECOND STEP:

After obtaining proof that the respondent has received notice of the complaints (the signed "green card" PS Form 3811 that comes back when the certified letter is delivered) and allowing a reasonable time for a response, the complainant may then file an Intervention Affidavit (Form 530).

The affidavit must state the alleged violation of law and/or governing documents. The relevant law is NRS 116, NRS 116B and NAC 116.

The governing documents are:

- The association's Covenants, Conditions and Restrictions (CC&Rs);
- The association's bylaws; and
- The association's rules and regulations.

The issues raised in the Intervention Affidavit **must match the issues** sent to the respondent by certified letter.

### How do I make sure that my Intervention Affidavit is complete?

The Intervention Affidavit must clearly and briefly state the alleged violations of law or governing documents by the respondent. It must have attached to it, as EXHIBIT 1, a copy of the certified letter to the respondent and proof that it was received (the "green card").

#### THIRD STEP:

The completed affidavit is reviewed by the Ombudsman's Office, which then sends a letter to each party. The letters summarize the issues raised and invite both sides to a conference.

Where both sides are willing to meet, disputes between them often can be settled.

#### FOURTH STEP:

If both parties agree to meet, a conference will be held in an attempt to resolve the issues between the parties.

Ombudsman conferences are not hearings. They are voluntary, informal meetings that both sides agree to attend in order to discuss the disputes and find mutually agreeable resolutions.

**The Ombudsman does not make any legal determinations.**

### Are the parties required to attend a conference?

No, the process is voluntary. If both parties do not agree to meet, then a conference will not be scheduled.

### What happens if the Informal Conference results in a resolution?

If the parties reach a resolution, the file is closed at the Ombudsman's level and a letter is sent to the parties once the resolution is finalized. **NOTE:** The board may need to meet to discuss and take possible action on the resolution.