

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

3300 W. Sahara Ave., Suite 325 * Las Vegas, Nevada 89102 * (702) 486-4480

E-mail: CICOmbudsman@red.nv.gov

<http://www.red.nv.gov>

INTERVENTION AFFIDAVIT INSTRUCTIONS

PLEASE READ ALL OF THE FOLLOWING INFORMATION CAREFULLY. The Intervention Affidavit process is a service of the Real Estate Division to help people resolve disputes regarding Nevada common-interest communities and their boards of directors. The process includes three possible steps:

- Participation in the Ombudsman's conference, where if both parties are willing, the Ombudsman may request a conference providing a neutral setting in an attempt to resolve the issues through mutual agreement;
- If the issues involve possible violations of state law, the affidavit and file may be referred to the Compliance section; and
- If the alleged violations are substantiated, the Division may file a formal complaint for disciplinary action by the Commission of Common-Interest Communities and Condominium Hotels.

The Commission for Common-Interest Communities and Condominium Hotels or a hearing panel may impose an administrative fine of not more than \$1,000 against any person who knowingly files a false or fraudulent affidavit with the Division.

To begin the process, it is essential to complete ALL of the following steps:

1. Before submitting the Intervention Affidavit, you are required to contact the person or persons with whom you have a dispute via a written notice sent to their last known address. In the written notice you must describe the situation including:
 - (a) any alleged violations, (b) any damages that resulted from the alleged violation, and
 - (c) any proposed corrective action to resolve the alleged violation

The written notice must be sent by certified mail, return receipt requested only. No other method of delivery will be accepted by the Division as mandated by Nevada Revised Statutes (NRS) 116.760(2). You must allow a reasonable amount of time for a response regarding the allegations.
2. If after contacting the person a resolution is not reached, you may complete the Intervention Affidavit form and submit it to the Office of the Ombudsman no later than one (1) year after discovery of the alleged violation (or after the alleged violation should have reasonably been discovered). You should also reference any applicable statutes regarding the alleged violation. ***Any allegation that was not indicated in the written notice and not listed on page 4 of the affidavit cannot be discussed during the conference with the Ombudsman, investigated by the Compliance section, or considered by the Commission for disciplinary action.***
3. You must sign the affidavit in the presence of the notary and the affidavit must then be notarized by the notary public.
4. You must provide a copy of the certified written notice of which the certified return receipt must be stapled to the written notice for verification. References to e-mails, phone conversations and other communications are not acceptable evidence of notification. Again, only those allegations mentioned in the affidavit ***and*** in the letter to the respondent will be considered by the Division. Please provide only pertinent attachments to support the allegations listed in the affidavit.
5. You can mail or hand deliver the completed affidavit package to:

NEVADA REAL ESTATE DIVISION,
OFFICE OF THE OMBUDSMAN
COMMON-INTERESTS COMMUNITIES AND
CONDOMINIUM HOTELS PROGRAM
3300 W. SAHARA AVE., SUITE 325, LAS VEGAS, NEVADA 89102

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6. The “Complaint” must include all of the following information, please see the example below. Please adhere to the format provided for more efficient identification of the allegations.
- a. **You are required to state the alleged violations.**
 - b. **You are required to state the law and/or governing document violation(s) that have been violated.**
 - c. **You are required to state a brief statement of the facts that may give context to the alleged violation(s).**
 - d. **You are required to indicate how you think the allegations should be resolved.**
 - e. **Please begin your statements in the space provided on the form. If additional space is needed, you may attach additional pages.**
 - f. **DO NOT WRITE “SEE ATTACHED” and then attach documents. Affidavits received with “SEE ATTACHED” WILL NOT BE PROCESSED.**

SAMPLE COMPLAINT:

State the alleged violations in one or more sentences.

Example: “On August 1, 2011, I received written notice that I violated a HOA policy regarding the proper use of the Clubhouse. The notice stated that I used the Clubhouse during prohibited hours, so I was assessed a fine. However, the association had not provided the revision of the policy, in writing, to the unit owners for at least 30 days before I was assessed. Therefore, I should not have been fined.”

BRIEF STATEMENT OF FACTS:

Include additional information to support your allegations.

RESOLUTION:

State how you think the matter should be resolved

SUPPORTING LAW:

Nevada Revised Statues 116 and its sub-parts must support your allegations. State the particular provision where the law supports the allegations and/or provide the section of the governing documents that supports your allegations.

Example: NRS 116.31031 allows a homeowner 30 days to be made aware, in writing, of rules before any fines are assessed. OR - if indicated in governing documents - The HOA bylaws adopted provide that a homeowner must be made aware, in writing, of a violation for at least 30 days before any fines can be assessed. See attached bylaws.

Example: “I would like the fine removed because unit owners were not made aware, in writing, of the change in policy 30 days prior to the assessment of the fine.”