

BRIAN SANDOVAL  
Governor

STATE OF NEVADA

TERRY JOHNSON  
Director



GAIL J. ANDERSON  
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY

**REAL ESTATE DIVISION**

2501 E. Sahara Avenue, Suite 303  
Las Vegas, Nevada 89104  
(702) 486-4606 Fax (702) 486-4520  
E-mail: [tlthompson@red.state.nv.us](mailto:tlthompson@red.state.nv.us)  
[www.red.state.nv.us](http://www.red.state.nv.us)

**NOTICE & AGENDA OF PUBLIC  
MEETING**

OF THE

NEVADA COMMISSION FOR COMMON-INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

**FEBRUARY 23-25, 2011**

The Nevada Commission for Common-Interest Communities and Condominium Hotels  
will conduct a meeting at the following times and locations:

**FEBRUARY 23, 2011 @ 8:30**

**A.M.**

OFFICE OF THE  
ATTORNEY GENERAL  
100 N. CARSON STREET  
2<sup>ND</sup> FLOOR MOCK  
COURTROOM  
CARSON CITY, NV. 89701

**VIDEO CONFERENCED**

**TO:**

OFFICE OF THE  
ATTORNEY GENERAL  
GRANT SAWYER  
BUILDING  
555 E. WASHINGTON AVE  
ROOM 4500  
LAS VEGAS, NV. 89101

**FEBRUARY 24, 2011 @ 10:00**

**A.M.**

PUBLIC UTILITIES  
COMMISSION OF NEVADA  
1150 E. WILLIAM STREET  
CARSON CITY, NV. 89701

**VIDEO CONFERENCED**

**TO:**

PUBLIC UTILITIES  
COMMISSION OF NEVADA  
9075 WEST DIABLO DR.  
STE 250  
LAS VEGAS, NV. 89148

**FEBRUARY 25, 2011 @ 10:00**

**A.M.**

OFFICE OF THE  
ATTORNEY GENERAL  
100 N. CARSON STREET  
2<sup>ND</sup> FLOOR MOCK  
COURTROOM  
CARSON CITY, NV. 89701

**VIDEO CONFERENCED**

**TO:**

OFFICE OF THE  
ATTORNEY GENERAL  
GRANT SAWYER  
BUILDING  
555 E. WASHINGTON AVE  
ROOM 4500  
LAS VEGAS, NV. 89101

**COMMISSION MEMBERS WILL BE PRESENT IN CARSON CITY, NEVADA**

**STACKED AGENDA:** Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda by the discretion of the Chairperson. Persons who have business before the Commission are solely responsible to see that they are present when their business is conducted. Public Comment may be limited to three minutes per person at the discretion of the Chairperson. The Commission may only take action on those items denoted as potential action items.

**NOTICE:** Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call Teralyn Thompson at (702) 486-4606, prior to the meeting so arrangements may be conveniently made.

**\* Denotes Potential Action Item**

**1) COMMISSION/DIVISION BUSINESS:**

- A) Introduction of Commissioners in attendance.
- B) Introduction of Division staff in attendance.

**2) PUBLIC COMMENT**

MEMBERS OF THE PUBLIC ARE ENCOURAGED TO ADDRESS THE COMMISSION REGARDING ANY MATTER. HOWEVER, NO ACTION MAY BE TAKEN ON A MATTER. NO COMMENTS MAY BE MADE REGARDING A MATTER THAT IS OR MAY BE THE SUBJECT OF A FORMAL COMPLAINT BEFORE THE COMMISSION. PERSONS WHO DESIRE TO SUBMIT WRITTEN TESTIMONY ARE REQUESTED TO SUBMIT TEN (10) COPIES TO THE COMMISSION COORDINATOR. ***PUBLIC COMMENT MAY BE LIMITED TO THREE MINUTES PER PERSON AT THE DISCRETION OF THE CHAIRPERSON.***

**\*3) DISCIPLINARY ACTION:**

- 1) NRED v. Tomerlin Trust f/k/a William R. Tomerlin Trust; William R. Tomerlin, Trustee; Marsha Tomerlin, Trustee and Sierra Country Inc., Trustee  
Case No. IN-10-1504 & CIN-10-12-07-061  
Type of Respondent: Declarant

**4) DIVISION BUSINESS:**

- A) Administrative Program Officer's report on:
  - 1. Intervention Program;
  - 2. Number and types of associations registered within the State;
  - 3. Homeowner Association and Compliance Audits;
  - 4. Alternative Dispute Resolution filings and subsidy claims;
  - 5. Notices of Sales.
- B) Report on the Ombudsman's conferences.
- C) Compliance Section's current caseload report.
- D) Administrative fine report pursuant to NAC 116A.350 (4).
- E) Licensee and board member discipline report.
- F) Administrator's report on:
  - 1. Personnel;
  - 2. Overview of the Governor's recommendation for Common-Interest Communities budget account and performance indicators;

3. Overview of the Governor's recommended budget for Real Estate Administration budget account; and
4. Implementation of on-line renewals of Real Estate Division licensing programs including attestation of continuing education requirements and audit follow-up.

**5) COMMISSION BUSINESS:**

- A) Attorney General's case status report.
- B) Discussion regarding NRS 116.017 as it relates to common elements and the need to have a reserve study when no common elements exist.
- C) Discussion regarding whether video conferencing pre-certification courses for community managers are permissible as classroom presentations or considered distance education as defined in NAC 116A.040.
- \*D) Discussion and possible action regarding amending NAC 116.480, NAC 116.482 and NAC 116.484 regarding gifts and gratuities for community managers and board members.
- \*E) Discussion and possible action to approve minutes of the December 7-8, 2010 Commission meeting.
- \*F) Discussion and possible action regarding the Commission for Common-Interest Communities and Condominium Hotels' guidelines on attendance, participation and taking legislative positions during legislative hearings.
- \*G) Discussion and possible action regarding the 2011 Legislative Bills and Bill Draft Requests ("BDR") that relate to NRS Chapters 38, 116, 116A and 116B which may impact the Commission, Ombudsman's Office or the Real Estate Division:
  1. Senate Bill 30
  2. Senate Bill 89
  3. Assembly Bill 85
  4. BDR 10-23
  5. BDR 3-44
  6. BDR 72
  7. BDR 10-105
  8. BDR 10-263
  9. BDR 10-264
  10. BDR 10-295
  11. BDR 10-298
  12. BDR 10-346
  13. BDR 513
  14. BDR 3-540
  15. BDR 10-610
  16. BDR 10-658
  17. BDR 709
  18. BDR 10-832
  19. BDR 860
  20. BDR 958
- \*H) Discussion and possible action concerning proposed regulations and assessment of how each regulation is consistent with the Governor's regulatory priorities to protect the health and welfare of the people of the State of Nevada without discouraging economic growth:
  1. LCB File No. R121-10 concerning unit owners' complaints; unit owners' right to counsel; changes to NAC 116.410 and NAC 116.482;
  2. LCB File No. R204-09 concerning service of process on out of state persons;
  3. LCB File No. R186-07 concerning condominium hotel regulations adopted by the Commission December 7, 2010;
  4. LCB File No. R164-09 concerning reserve study specialists adopted by the Commission December 7, 2010;

5. LCB File No. R199-09 concerning collection costs adopted by the Commission December 7, 2010;
  6. LCB File No. R156-09 concerning the form, type and amount of the bond which must be posted by an applicant or the employer of an applicant, for the issuance, renewal or reinstatement of a certificate as a community manager.
- I) Discussion regarding Commissioners' speaking engagement requests.

**\*6) EDUCATION:**

**The Commission may take the following actions:**

1. To change the designation of any of the following courses; or
2. To approve or disapprove any of the following courses for the amount of hours requested, recommended or any amount the Commission deems appropriate.

**NEW COMMUNITY MANAGEMENT CONTINUING EDUCATION COURSES**

1. Community Associations Institute  
 "Professional Liability for Managers"  
 Request: 3 hours            General                            Classroom
  
2. Fenton, Grant, Mayfield, Kaneda & Litt  
 "HOA Caselaw 2011 Update"  
 Request: 3 hours            General                            Classroom

**\*7) DISCUSSION AND POSSIBLE ACTION ON DATE, TIME, PLACE, AND AGENDA ITEMS FOR UPCOMING MEETINGS.**

**8) PUBLIC COMMENT**

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**9) COMMISSIONER COMMENTS**

**\*10) ADJOURNMENT**

**THIS NOTICE AND AGENDA HAS BEEN POSTED ON OR BEFORE 8:30 A.M. ON THE THIRD WORKING DAY BEFORE THE MEETING AT THE FOLLOWING LOCATIONS:**

NV Real Estate Division  
1179 Fairview Drive, Suite E  
Carson City, NV 89701-5453

NV Real Estate Division  
2501 E. Sahara Avenue, #102  
Las Vegas, NV 89104-4137

NV Association of REALTORS  
760 Margrave Drive, Ste. 200  
Reno, NV 89502

Sierra Nevada Association of REALTORS  
300 South Curry St., #3  
Carson City, NV 89703

Elko Board of REALTORS  
557 W. Silver Street  
Suite #201 B  
Elko, NV 89801

Greater Las Vegas  
Association of REALTORS  
1750 East Sahara Avenue  
Las Vegas, NV 89104

Reno/Sparks Association  
of REALTORS  
5650 Riggins Court  
Reno, NV 89502

Incline Village Board  
of REALTORS  
924 Incline Way, Suite 1  
Incline Village, NV 89452

Nevada State Library  
100 Stewart Street  
Carson City, NV 89710

Community Associations Institute - Nevada Chapter  
6135 Harrison # 3  
Las Vegas, NV 89120

CAMEO, Inc.  
9101 W. Sahara Ave. Suite 105-J24  
Las Vegas, NV 89117

**State of Nevada  
Dept. of Business & Industry  
Nevada Real Estate Division  
INTERNET PAGE:  
<http://www.red.state.nv.us>**