



DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

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Las Vegas, Nevada 89104
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**NOTICE & AGENDA OF PUBLIC
MEETING**

OF THE
NEVADA COMMISSION FOR COMMON-INTEREST COMMUNITIES AND
CONDOMINIUM HOTELS

JUNE 4, 2014

The Nevada Commission for Common-Interest Communities and Condominium Hotels will conduct a meeting **WEDNESDAY, JUNE 4, 2014 beginning at 9:00 a.m. until the Commission concludes its business** at the following locations:

JUNE 4, 2014 @ 9:00 A.M.
GRANT SAWYER BUILDING
555 E. WASHINGTON AVENUE, ROOM 4412
LAS VEGAS, NEVADA 89101

VIDEO CONFERENCE:
LEGISLATIVE BUILDING
401 SOUTH CARSON STREET, ROOM 2134
CARSON CITY, NEVADA 89701

COMMISSIONERS WILL BE LOCATED IN LAS VEGAS, NEVADA

THIS MEETING MAY NOT LAST THREE HOURS

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 at the discretion of the Chairperson. Items may also be combined for consideration, pulled or removed from the agenda at any time. 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. Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment (NRS 233B.126).

NOTICE: Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please contact Marisu Abellar at (702)486-3695, prior to the meeting so arrangements may be conveniently made.

1) COMMISSION/DIVISION BUSINESS:

- A) Swearing in of Commissioner James Rizzi.
- B) Swearing in of Commissioner Kendrall Williams.
- C) Introduction of Commissioners in attendance.
- D) 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. COMMENT MAY NOT BE LIMITED BASED ON VIEWPOINT. PERSONS WHO DESIRE TO SUBMIT WRITTEN TESTIMONY SHOULD 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) 6/4/14 @ 9:00 A.M. FOR POSSIBLE ACTION: HEARING FOR ADOPTION OF LCB FILE No. R125-12

Adoption hearing by the Commission for Common-Interest Communities and Condominium Hotels to take action to adopt proposed regulations known as LCB File No. R125-12 which revises provisions governing the subsidization of proceedings for the mediation of certain claims involving residential property within a planned community.

4) DIVISION BUSINESS:

- A) Administrator's report on:
 - 1. Update on personnel changes;
 - 2. Status of proposed regulations:
 - a) LCB File No. R049-13 NAC 116A concerning the prohibition in a management contract for any form of compensation based on number or amount of fines;
 - b) LCB File No. R050-13 NAC 116 and 116A concerning reserve studies and financial statements and qualifications and duties of reserve study preparers;
 - c) LCB File No. R052-13 NAC 116 and 116A concerning procedures for requesting a rehearing of a decision of the Commission for Common-Interest Communities and Condominium Hotels;
 - d) LCB File No. R152-13 NAC 116A revising the minimum hours of a course to count for continuing education credit for community managers;
 - e) LCB File No. R153-13 NAC 116 concerning the requirement for a Consent to Service of Process by a financial institution located outside of this State holding certain funds belonging to an association located in this State;

- f) LCB File No. R065-14 NAC 116 (was unassigned File #116-405) concerning establishing timing of notice of hearing by an association; establishing contents of notice and establishing rights of alleged violators;
- g) LCB File No. R066-14 NAC 116 (was unassigned File #116-31085) allowing the Commission for Common-Interest Communities and Condominium Hotels to consider whether the executive board has taken material action on behalf of the association outside of a properly noticed meeting; allowing the Commission for Common-Interest Communities and Condominium Hotels to consider whether the executive board has communicated with other board members regarding material matters and failed to disclose the details of the communication at the executive board's next properly noticed meeting; and adding a definition of "material".

B) Division's legal report on:

- 1. Status of Petition for Judicial Review filed by Diane Wild for Case Numbers CIS 14-07-51-051 & CIS 13-09-19-075;
- 2. Status of Supreme Court Case No. 63178 (Horizons at Seven Hills Homeowners Association v. Ikon Holdings, LLC) and No. 62748 (Nevada Association Services, Inc. v. Eighth Judicial District Court and Real Parties in Interest, Elsinore, LLC and Peccole Ranch Community Association);
- 3. Status of State of Nevada, Real Estate Division and Financial Institutions Division v. Account Recovery Solutions, LLC, ATC Assessment Collections, LLC, Nevada Association Services, Inc., Silver State Trustee Services, LLC, and Terra West Collections Group, LLC (District Court Case No. A-13-688795-B).

5) **COMMISSION BUSINESS: DISCUSSION AND POSSIBLE ACTION BY THE COMMISSION:**

- A) Discussion regarding Real Estate Division Advisory Opinion No. 14-02 regarding notices prior to an association's foreclosure proceeding.
- B) For possible action: Discussion and decision to rescind/remove all Commission Advisory Opinions that have been previously adopted in violation of NRS 116.623 on the Real Estate Division's website, Real Estate and Commission books and records as determined by the Attorney General's Opinion dated February 14, 2014.
- C) For possible action: Discussion and decision to consider revising the information provided in Administrative Program Officer's reports.
- D) For possible action: Discussion and decision regarding the Division's proposed changes to LCB File No. R052-13.
- E) For possible action: Discussion and decision to approve minutes of the February 25-27, 2014 Commission meeting.
- F) For possible action: Discussion and decision to approve minutes of the March 28, 2014 Commission Teleconference meeting.
- G) For possible action: Discussion and decision regarding election of officers to fill vacancies on the Commission.
- H) Discussion regarding Commissioners' speaking engagement requests.
- D) For possible action: Discussion and clarification by Commissioners on NAC116.405(8)(d).

6) **EDUCATION: DISCUSSION AND POSSIBLE ACTION BY THE COMMISSION**
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.

FOR POSSIBLE ACTION: NEW COMMUNITY MANAGER CONTINUING EDUCATION COURSES

1. Horticulture Consultants, Inc.
“Landscape Management for CAM”
Request: 8 Hours General Classroom
2. Balsiger Insurance
“Association Insurance 101”
Request: 3 Hours General Classroom
3. Fenton Grant Mayfield Kaneda & Litt LLP
“HOA Caselaw 2014 Update”
Request: 3 Hours General Classroom
4. Kelly Mitchell / Absolute Collection Services LLC
“HOA Collections”
Request: 3 Hours General Classroom
5. Gibbs Giden Locher Turner Senet & Wittbrodt LLP
“Dispute Resolution for Nevada Common Interest Communities”
Request: 3 Hours General Classroom
6. Gibbs Giden Locher Turner Senet & Wittbrodt LLP
“What Went Wrong – Ethics in Governance of Nevada Common Interest Communities”
Request: 3 Hours General Classroom
7. Community Associations Institute
“M-201: Facilities Management”
Request: 12 Hours General Distance/Computer Based Training
8. Community Associations Institute
“M-203: Community Leadership”
Request: 14 Hours General Computer Based Training
9. Community Associations Institute
“M-360: Leadership Practices in Building Community”
Request: 12 Hours General Classroom
10. CAMEO, INC.
“Bidding and RFP Process for Community Managers”
Request: 3 Hours General Classroom
11. CAI – Nevada
“Financial Management for Community Managers”
Request: 3 Hours General Classroom
12. Better Reserve Consultants
“Reserve Studies – Working With the Experts, Part 1 of 3, Pavement Engineer

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|--|------------------|---------|-----------|
| | Request: 3 Hours | General | Classroom |
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13. MDL Group
“Property Owners Associations POA” Part 1
Request: 3 Hours General Classroom

 14. MDL Group
“Property Owners Associations POA” Part 2
Request: 3 Hours General Classroom

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

 - 8) **PUBLIC COMMENT**
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 - 9) **COMMISSIONER COMMENTS**

 - 10) **FOR POSSIBLE ACTION: 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

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

NV Real Estate Division
2501 E. Sahara Avenue, #102
Las Vegas, NV 89104-4137
Website: www.red.state.nv.us

Nevada State Library
100 Stewart Street
Carson City, NV 89710

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

Community Associations Institute - Nevada
Chapter
9171 W. Flamingo Rd. #100
Las Vegas, NV 89147

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

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

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

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

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

CONTACT FOR SUPPORTING MATERIALS FOR LISTED AGENDA ITEMS:

Marisu Abellar
Legal Secretary
Nevada Real Estate Division
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Las Vegas, Nevada 89104
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