

**COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM
HOTELS MEETING**

JUNE 4, 2014

GRANT SAWYER BUILDING

555 E. WASHINGTON AVENUE, ROOM 4412

LAS VEGAS, NEVADA 89101

VIDEO CONFERENCED TO:

LEGISLATIVE BUILDING

401 SOUTH CARSON STREET, ROOM 2134

CARSON CITY, NEVADA 89701

JUNE 4, 2014

9:00 A.M.

1-A) Swearing in of Commissioner James Rizzi

James Rizzi was sworn in as developer member by Acting Chairman Breslow.

1-B) Swearing in of Commissioner Kendrall Williams

Kendrall Williams was sworn in as community manager member by Acting Chairman Breslow.

1-C) Introduction of Commissioners in attendance

Robert Frank, Jonathan Friedrich, Barry Breslow, Ken Williams, James Rizzi, and Senior Deputy Attorney General Henna Rasul as Commission Counsel.

Scott Sibley was not present.

1-D) Introduction of Division Staff in attendance

In Las Vegas: Gail Anderson, Administrator; Sharon Jackson, Ombudsman; Sonya Meriweather, Administrative Program Officer; Jennifer Oerding, Education Officer; Ken Richardson, Program Training Officer; Marisu Abellar, Legal Secretary; Claudia Rosolen, Commission Coordinator; Senior Deputy Attorney General Michelle Briggs serving as Division Counsel.

In Carson City: Christopher Cook, Compliance Audit Investigator.

2) Public Comment

In Las Vegas: Pennie Mossett-Puhek, homeowner in Anthem Highlands Community Association, provided the Commission with written public comment and read her comments into the record. Ms. Puhek asked to place her issue on the next agenda for discussion and investigation.

In Las Vegas: Kay Frank, homeowner in Sun City Anthem, commented. Ms. Frank commented on a problem with the timeliness of some investigation processes.

In Las Vegas: Tim Stebbins, Henderson resident, commented. Mr. Stebbins read and submitted written public comment.

Mr. Stebbins stated that he is pleased to see agenda item 5-I scheduled for discussion and possible action. Mr. Stebbins stated that homeowners need the protection of this Commission from pending threats. Mr. Stebbins stated that he hope the commissioners will reaffirm the requirement for fair and honest bidding at this meeting.

In Las Vegas: Pamela Scott, Howard Hughes Corporation, commented. Ms. Scott commented on the agenda item 5-B, the 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. Ms. Scott asked that an independent counsel be appointed to review this matter before the Commission votes on this issue.

In Las Vegas: Allison Copenig, small business owner, former community association board president and former Nevada state senator, commented. Ms. Copenig read and submitted written public comment dated June 4, 2014.

Ms. Copenig stated that since agenda item 5-B is such a contentious issue; voting without a full Commission would not be representative of the full body. Ms. Copenig asked the Commission to wait until the full body is present. Ms. Copenig stated that she has concerns that certain Commissioners aren't representing the Commission properly.

In Las Vegas: Randolph Watkins, licensed Community Manager and homeowner, commented. Mr. Watkins stated that he is also disturbed by the fact that certain Commissioners aren't representing the Commission properly.

In Las Vegas: George Crocco, resident of Canyon Willow Pecos, commented. Mr. Crocco stated that he is glad about agenda item 5-I. Mr. Crocco asked that the Commission clarify and reaffirm NAC116.405(8)(d).

3) Hearing for adoption of LCB File No. R125-12

Adoption Hearing began at 9:29 am on June 4, 2014.

Gail Anderson commented. Ms. Anderson stated that the purpose of this regulation is to allow mediation as the first course of action to attempt to resolve a dispute filed under NRS 38, the Alternative Dispute Resolution program.

Commissioner Breslow read the changes into the record.

Commissioner Breslow called for comments on the proposed regulation.

In Las Vegas: No public comments.

In Carson City: No public comments.

Introduction of Commissioners in attendance:

Robert Frank, Jonathan Friedrich, Barry Breslow, Ken Williams, James Rizzi, and Senior Deputy Attorney General Henna Rasul as Commission Counsel.

Scott Sibley was not present.

Introduction of Division Staff in attendance:

In Las Vegas: Gail Anderson, Administrator; Sharon Jackson, Ombudsman; Sonya Meriweather, Administrative Program Officer; Jennifer Oerding, Education Officer; Ken Richardson, Program Training Officer; Marisu Abellar, Legal Secretary; Claudia Rosolen, Commission Coordinator; Senior Deputy Attorney General Michelle Briggs serving as Division Counsel.

In Carson City: Christopher Cook, Compliance Audit Investigator.

Commissioner Friedrich moved to adopt the regulation. Seconded by Commissioner Rizzi.

Motion carried unanimously.

Adoption hearing ended at 9:46 a.m. on June 4, 2014.

4-A-1) Administrator's report on update on personnel changes

Gail Anderson presented this report.

Ms. Anderson announced that Sonya Meriweather has being appointed to serve as Chief Investigator of Compliance Audit. Ms. Meriweather will begin those duties on Monday June 9, 2014.

Commissioner Friedrich asked how many investigators the Division currently has.

Ms. Anderson stated that the Division currently has three investigators.

4-A-2-a) Status of proposed regulations 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.

Gail Anderson presented this report. Ms. Anderson stated that the Real Estate Division is waiting for another edited version form the Legislative Counsel Bureau.

4-A-2-b) Status of proposed regulations LCB File No. R050-13 NAC 116 and 116A concerning reserve studies and financial statements and qualifications and duties of reserve study preparers.

Gail Anderson presented this report. Ms. Anderson stated that a revision was sent to the Legislative Counsel Bureau.

4-A-2-c) Status of proposed regulations 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.

Gail Anderson presented this report. Ms. Anderson stated that this regulation will be discussed on today's agenda. Ms. Anderson stated that the Real Estate Division has proposed changes to make to this regulation for the Commission's consideration to incorporate into the draft.

4-A-2-d) Status of proposed regulations LCB File No. R152-13 NAC 116A revising the minimum hours of a course to count for continuing education credit for community managers.

Gail Anderson presented this report. Ms. Anderson stated that the Real Estate Division sent the revise draft to the Legislative Counsel Bureau.

4-A-2-e) Status of proposed regulations 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.

Gail Anderson presented this report. Ms. Anderson stated that changes were sent to the Legislative Counsel Bureau.

4-A-2-f) Status of proposed regulations 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.

Gail Anderson presented this report. Ms. Anderson stated that the Real Estate Division received the first Legislative Counsel Bureau draft.

4-A-2-g) Status of proposed regulations 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".

Gail Anderson presented this report. Ms. Anderson stated that this regulation can be notice for a workshop.

4-B-1) Division's legal report on status of Petition for Judicial Review filed by Diane Wild for Case Numbers CIS 14-07-51-051 & CIS 13-09-19-075.

Senior Deputy Attorney General Michelle Briggs presented this report. Ms. Briggs stated that Ms. Diane Wild filed a petition for judicial review and asked for the order to be stayed. Ms. Briggs stated that she filed a motion to dismiss and a motion opposing Ms. Wild's motion to stay the orders. Ms. Briggs stated that the Court dismissed Ms. Wild petition because she did not name the Commission as a party and was time barred from re-filing. Ms. Briggs stated that Ms. Wild still has some time to appeal to the Supreme Court.

4-B-2) Division’s legal report on 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).

Senior Deputy Attorney General Michelle Briggs presented this report. Ms. Briggs stated that Case No. 63178 (Horizons at Seven Hills Homeowners Association v. Ikon Holdings, LLC) is directly dealing with the extent of the super priority liens in terms of what it consist of. Ms. Briggs stated that the Division filed an amicus security brief. Ms. Briggs stated that the case has been submitted and there is not going to be an oral argument. Ms. Briggs stated that this case is going to proceed with a decision from the Supreme Court hopefully by this summer.

Ms. Briggs stated that she can’t say when the Nevada Supreme Court will make a decision on this matter.

Ms. Briggs stated that Case No. 62748 it is not an actual appeal. Ms. Briggs stated that it involves the super priority liens and the voluntary payment doctrine. Ms. Briggs stated that the Supreme Court had that issue to address. Ms. Briggs stated that it was ask for these cases to be consolidated but the Supreme Court rejected that request. Ms. Briggs stated that the Division is hoping that a decision will cover all issues regarding super priority liens.

4-B-3) Division’s legal report on 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).

Senior Deputy Attorney General Michelle Briggs presented this report. Ms. Briggs stated that this is a lawsuit that the Division and Financial Institutions Division filed against certain collection companies regarding the extent of the super priority lien. Ms. Briggs stated that there has been a motion for summary judgment filed by the defendant and a motion to dismiss. Ms. Briggs stated that the Division and the Financial Institutions Division filed a motion for summary judgment. Ms. Briggs stated that all of those were heard at one time by the Court. Ms. Briggs stated that the Court ruled that the Commission needed to be made a party at that time. Ms. Briggs stated that the Division filed a motion to reconsider that decision. Ms. Briggs stated that it was heard by the Court and granted. Ms. Briggs stated that the Commission is no longer required to be made a party. Ms. Briggs stated that the Division and Financial Institutions Division filed an amicus complaint regarding other factors. Ms. Briggs stated that the defendant filed a motion to remove for business Court. Ms. Briggs stated that the Court denied that request. Ms. Briggs stated that a motion for stay was requested by the defendant and the Division did not oppose the motion. Ms. Briggs stated that the Court granted a 90 days stay and that will go until August 13.

Commissioner Frank asked if the Commission is currently under any kind of litigation.

Ms. Briggs stated that the Commission is not currently under any kind of litigation.

Commissioner Friedrich requested an update on the status of the temporary restraining order against the Commission. Commissioner Friedrich asked if there was any fine placed against the State.

Ms. Briggs stated that there were no fines.

Senior Deputy Attorney General Henna Rasul stated that the temporary restraining order was isolated to the meeting in February and the temporary restraining order is no longer in effect.

5-A) Discussion regarding Real Estate Division Advisory Opinion No. 14-02 regarding notices prior to an association's foreclosure proceeding.

Senior Deputy Attorney General Michelle Briggs presented this report.

Ms. Briggs stated that this advisory is in regards to certain action that the association is required to take before initiating a foreclosure process. Ms. Briggs stated that the question was whether or not those actions were to be conducted by a collection company because of the regulation requirements for collection agencies.

Ms. Briggs stated that a community manager can perform those duties for the association and provide notice to the owner prior to initiating the foreclosure process.

Gail Anderson stated that this advisory was reviewed by the Financial Institution Division to make sure that the language and the interpretation was clear.

Commissioner Williams asked for clarification on where the community manager stops and the collection company starts.

Ms. Briggs stated that the law requires, in terms of the foreclose process, to initiate with a Notice of Delinquent Assessment and that is where the collection agencies need to be involved. Ms. Briggs stated that if the Commission needs more detail in this advisory, the Real Estate Division will expand on it.

Commissioner Frank asked to clarify if the association can conduct the entire foreclosure process without the need for collection companies.

Ms. Briggs stated that the advisory state that a manager can not conduct the entire process.

5-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.

Commissioner Breslow presented this report.

Commissioner Friedrich stated that is time to clean up the mistakes that were made back in December 2010 and rescind all the advisory opinions.

Commissioner Frank stated that he does not see any harm in canceling something that is clearly not legal. Commissioner Frank stated that he is comfortable with the concept that was raised during the last Commission meeting, that any of these advisory opinions can be reissued under the Division's authority based upon the recommendation by this Commission.

Commissioner Breslow stated that he recognizes that this is an important issue and that Commissioner Friedrich wants some finality. Commissioner Breslow stated that he would like to emphasize that the Commission is short of two commissioners and the Commission have two new commissioners that are making their first involved meeting. Commissioner Breslow asked to defer this agenda item.

Commissioner Friedrich stated that he does not see any reason to further delay the removal of all Commission Advisory Opinions that have been previously adopted in violation of NRS 116.623.

Commissioner Williams stated that he goes along with Commissioner Breslow opinion to defer this issue until all the commissioners are present. Commissioner Williams stated that he would like to review the minutes from the December 2010 meeting.

Commissioner Rizzi concurs with Commissioner Breslow's and Williams' comments.

Gail Anderson stated that the reason the 2010 Commission Advisory Opinions are an issue is because they have different conclusions than the Real Estate Division's 2012 Advisory Opinions on the topics. The Division will not reissue 2010 advisories from the Commission.

Commissioner Friedrich moved to resend the Advisory Opinions that have been previously adopted in violation of NRS 116.623. Seconded by Commissioner Frank.

Commissioner Breslow stated that the State will be better served if the Commission has a little more reflection on this and the full Commission is present. Commissioner Breslow stated that he would like to defer this item to the next meeting in the summer.

Commissioner Friedrich stated that there is no guarantee of a full Commission in the summer. Commissioner Friedrich stated that the Commission is allowing a violation of the law to continue and asked to move forward with this.

Commissioner Williams stated that he is uncomfortable on voting until he is provided with the December 2010 minutes.

Commissioner Rizzi stated that he agrees in waiting until next meeting in summer.

Commissioner Frank asked on why the Commission is stalling on this.

Motion failed 2 to 3 with Commissioners Breslow, Williams and Rizzi opposed.

Commissioner Breslow asked to put this item on the agenda for the August meeting.

5-C) For possible action: Discussion and decision to consider revising the information provided in Administrative Program Officer's reports.

Commissioner Frank stated that he would prefer to defer this item to the next meeting.

5-D) For possible action: Discussion and decision regarding the Division's proposed changes to LCB File No. R052-13.

Gail Anderson presented this report. Ms. Anderson stated that these are proposed changes to the original draft that narrowly focus on procedures to request a rehearing. Ms. Anderson stated that there are other motions that need consideration such as reconsideration, which means reconsideration of discipline or some terms of an order. Ms. Anderson requested the Commission's approval by vote to incorporate these proposed changes.

Commissioner Breslow asked Senior Deputy Attorney General Michelle Briggs if she is in favor of the changes.

Senior Deputy Attorney General Michelle Briggs stated that she drafted the amendment.

Commissioner Friedrich moved to approve the proposed changes to be submitted to the Legislative Counsel Bureau. Seconded by Commissioner Rizzi.

Commissioner Friedrich commented about the language on page 3 of the Proposed Amendment to Proposed Regulation, section 3(5) "Oral argument in support of the motion is not permitted unless granted by the Commission". Commissioner Friedrich stated that he does not like the language "is not permitted" as it sounds like due process is being denied.

Commissioner Breslow stated that this is the norm for this type of a motion. Commissioner Breslow stated that it is usual and customary to only allow oral argument if the body who will be hearing it thinks that they will benefit from that and that is only if someone has determined that it has arguable merit.

Commissioner Friedrich asked if Commissioner Breslow would have any objection with changing "is not permitted" to "may not be permitted".

Ms. Anderson stated that this is the Petition for Reconsideration or for Rehearing not the rehearing. Ms. Anderson stated that if the Commission grants a rehearing there is full due process for evidence and testimony.

Commissioner Frank asked if this procedure has any affect on the time frame in term of filing a civil case after this is resolved.

Ms. Briggs stated that this will not affect the time frame to file a petition for judicial review.

Commissioner Friedrich moved to approve the proposed changes to be submitted to the Legislative Counsel Bureau. Seconded by Commissioner Williams.

Motion carried unanimously.

5-E) For possible action: Discussion and decision to approve minutes of the February 25-27, 2014 Commission meeting.

Commissioner Williams and Commissioner Rizzi abstained from voting on this agenda item as they were not in attendance at the time.

Commissioner Friedrich stated that on page 1 third line from the bottom, the word “to” should be dropped.

Commissioner Friedrich stated that on page 2, just above the bold after the word “news”, the word “media” should be added.

Commissioner Friedrich stated that on page 10, within the ninth paragraph that begin with “Gail Anderson stated”; forth line down it should state “does not suffice and does not meet NRS 38 requirements”.

Commissioner Friedrich stated that on page 14, second paragraph from the bottom, third line, should be “industries” instead of “industry”.

Commissioner Friedrich moved to approve the minutes as modified. Seconded by Commissioner Frank.

Motion carried unanimously.

5-F) For possible action: Discussion and decision to approve minutes of the March 28, 2014 Commission Teleconference meeting.

Commissioner Williams abstained from voting on this agenda item as he was not in attendance at the time.

Commissioner Breslow stated that on page 3, fourth paragraph down reads “Ms. Briggs stated that the rehearing requirements require new evidence or something happened that requires a rehearing. Ms. Briggs stated that nothing has been alleged to justify that. Ms. Briggs asked that the Commission to deny Ms. Wild’s request”. Commissioner Breslow stated that it is accurate, but does not fully reflect what he indicated.

Commissioner Breslow asked that the minutes reflected the fact that he indicated that there was not new evidence provided, no substantial change in the law, nor any irregularity in the proceeding that compelled a different decision.

Commissioner Breslow asked if the Commission has any objection to have those provisions added to the minutes.

Commissioner Friedrich moved to approve the minutes as modified. Seconded by Commissioner Frank.

Motion carried unanimously.

5-G) For possible action: Discussion and decision regarding election of officers to fill vacancies on the Commission.

Gail Anderson stated that today's action is to elect a secretary and a chairman for this fiscal year.

Commissioner Friedrich nominated himself for secretary.

Commissioner Frank moved to nominate Commissioner Friedrich. Seconded by Commissioner Rizzi.

Commissioner Friedrich abstained from voting.

Motion carried.

5-H) Discussion regarding Commissioners' speaking engagement requests.

No speaking engagements.

5-I) For possible action: Discussion and clarification by Commissioners on NAC116.405(8)(d).

Commissioner Friedrich read the statute into the record. Commissioner Friedrich stated that it has come to his attention that in some cases this is being ignored. Commissioner Friedrich stated that this has been brought to the attention of the Division and no decision has come forward. Commissioner Friedrich stated that he is in favor of the three bids process.

Senior Deputy Attorney General Michelle Briggs stated that the position of the Division is that this regulation is considered as factor for determining whether or not the board has bridged its fiduciary duties. Ms. Briggs stated that the Commission needs to look at the totality of the circumstances, what the Board did and whether or not the Board acted in the best interest of the association. Ms. Briggs stated that it is not required to get three bids in every contract.

Gail Anderson stated that the Division does not condone the misuse of the bidding process.

Commissioner Frank stated that the industry has a reputation of not being very honest in this area. Commissioner Frank stated that he thinks that the Commission needs to do more to protect homeowners' interest in this area. Commissioner Frank stated that as a homeowner representative, he has no choice but to continue to advocate that the Commission needs to do more to protect the interest of not just the homeowners but the small businesses too.

Commissioner Breslow stated that he is looking for fundamental fairness and good optics in the bidding process.

Commissioner Rizzi stated that for the vast majority he does concur with the mandatory three bids but there are certain situations in where the three bids process is not feasible.

Commissioner Williams stated that he agreed with Commissioner Rizzi. Commissioner Williams stated that sometimes the third bid is just impractical, but for big ticket items it definitely needs to be done.

6-1) Horticulture Consultants, Inc.

“Landscape Management for CAM”

Request: 8 Hours

General

Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Frank asked if there is testing on an eight hour course.

Ms. Oerding stated that at the end of the class there is a test. Ms. Oerding stated that if someone does not pass the test they will not be given a certificate.

Commissioner Frank asked if this course is open to members of associations as well as community managers.

Ms. Oerding stated that this course is for continuing education. Ms. Oerding stated that she does not think that it would be an issue if a non-community manager talks to the instructor in order to get approval to go.

Commissioner Friedrich stated that he does not question the topic, but he cannot and will not approve something that he has not read. Commissioner Friedrich stated that all he has is a topic index and the duration of the course.

Commissioner Rizzi stated that he attended John Smith’s, the course instructor, presentations within his homeowner association in the past. Commissioner Rizzi stated that this particular instructor is very good.

Commissioner Breslow stated that he disagree with Commissioner Friedrich. Commissioner Breslow stated that it is not the Commission’s job to micromanage the Division to the level that the Commission is doing the Division’s job for the Commission.

Commissioner Rizzi moved to approve the course. Seconded by Commissioner Williams.

Commissioner Frank stated that he is very uncomfortable with approving the course under these circumstances.

Commissioner Friedrich stated that he has no objection to the course per se. Commissioner Friedrich stated that he will not approve the course because he has no idea on what is in the course.

Motion carried 3 to 2 with Commissioners Frank and Friedrich opposed.

6-2) Balsiger Insurance

“Association Insurance 101”

Request: 3 Hours

General

Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Breslow asked Ms. Oerding if she was convinced that this was not Mr. Keith Balsiger's, marketing tool.

Ms. Oerding stated that this is an education tool. Ms. Oerding stated that Mr. Balsiger teaches other courses and has great evaluations.

Commissioner Williams asked if there are guidelines on how much of their logo the instructors are allowed to self promote during those courses.

Ms. Oerding stated that the instructor has three minutes in where he or she introduces themselves and presents their qualification to the class.

Commissioner Williams moved to approve the course. Seconded by Commissioner Rizzi.

Motion carried 3 to 2 with Commissioners Frank and Friedrich opposed.

6-3) Fenton Grant Mayfield Kaneda & Litt LLP

"HOA Caselaw 2014 Update"

Request: 3 Hours

General

Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Friedrich stated that several years ago he attended a course that Roger Grant's firm presented and every single case that they presented was with the homeowner association winning. Commissioner Friedrich stated that he thought that it was a very bias presentation. Commissioner Friedrich stated that he will not approve this course.

Commissioner Frank stated that he took a number of courses from Mr. Grant and found him to be a good and fair presenter. Commissioner Frank stated that he consider Mr. Grant better than average qualified.

Commissioner Rizzi moved to approve the course. Seconded by Commissioner Williams.

Motion carried 4 to 1 with Commissioner Friedrich opposed.

6-4) Kelly Mitchell / Absolute Collection Services LLC

"HOA Collections"

Request: 3 Hours

General

Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division recommends denial.

Commissioner Williams abstained from voting because he has personal knowledge of Ms. Mitchell.

Kelly Mitchell stated that she is addressing the concerns that were raised by the Division and will resubmit the proposal.

Commissioner Breslow asked to take this item off the agenda and place it on August agenda.

6-5) Gibbs Giden Locher Turner Senet & Wittbrodt LLP
“Dispute Resolution for Nevada Common Interest Communities”

Request: 3 Hours General Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Frank asked if homeowners would find this course useful.

Ms. Oerding stated that these courses are designed for continuing education for community managers. Ms. Oerding stated that community managers will find this course to be very helpful.

6-6) Gibbs Giden Locher Turner Senet & Wittbrodt LLP
“What Went Wrong – Ethics in Governance of Nevada Common Interest Communities”

Request: 3 Hours General Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Frank asked if the instructor will talk about the FBI case.

Ms. Oerding stated that she believe that the instructor will do a portion of that. Ms. Oerding stated that the instructor feels that he can speak about that.

Commissioner Rizzi moved to approve agenda items 6-5 and 6-6. Seconded by Commissioner Williams.

Motion carried 3 to 2 with Commissioners Frank and Friedrich opposed.

6-7) Community Associations Institute
“M-201: Facilities Management”

Request: 12 Hours General Distance/Computer Based Training

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Williams asked if these courses are formatted specifically for CAI Nevada or National.

Sara Barry stated that these courses are not formatted specifically for CAI Nevada.

Commissioner Frank asked if there is any charge for these courses.

Sara Barry stated that these courses are usually five hundred dollars.

Commissioner Williams stated that he has taken some of these classes and stated that they are

worth it.

6-8) Community Associations Institute

“M-203: Community Leadership”

Request: 14 Hours

General

Computer Based Training

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

6-9) Community Associations Institute

“M-360: Leadership Practices in Building Community”

Request: 12 Hours

General

Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Williams moved to approve agenda items 6-7, 6-8 and 6-9. Seconded by Commissioner Rizzi.

Commissioner Frank asked if any of these courses deal with the issue of what a new buyer should be provided in terms of information on the homeowner association’s performances.

Sara Barry stated that most of these courses are for after people have purchased into a homeowner association.

Motion carried 3 to 2 with Commissioners Frank and Friedrich opposed.

6-10) CAMEO, INC.

“Bidding and RFP Process for Community Managers”

Request: 3 Hours

General

Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Williams moved to approve the course. Seconded by Commissioner Rizzi.

Motion carried 3 to 2 with Commissioners Frank and Friedrich opposed.

6-11) CAI – Nevada

“Financial Management for Community Managers”

Request: 3 Hours

General

Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Frank stated that his assumption, based upon the course outline, is that this class focuses on large association financial statements. Commissioner Frank stated that there should be more than one course on this topic.

Commissioner Rizzi moved to approve the course. Seconded by Commissioner Williams.

Motion carried 3 to 2 with Commissioners Frank and Friedrich opposed.

6-12) Better Reserve Consultants

“Reserve Studies – Working With the Experts, Part 1 of 3, Pavement Engineer

Request: 3 Hours General Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Williams moved to approve the course. Seconded by Commissioner Rizzi.

Motion carried 3 to 2 with Commissioners Frank and Friedrich opposed.

6-13) MDL Group

“Property Owners Associations POA” Part 1

Request: 3 Hours General Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

6-14) MDL Group

“Property Owners Associations POA” Part 2

Request: 3 Hours General Classroom

Jennifer Oerding presented this course. Ms. Oerding stated that the Division is recommending approval.

Commissioner Frank asked why these classes are talking about commercial associations and not homeowner associations.

Ms. Oerding stated that the courses are dealing with some of the same laws and the Division had numerous community managers that asked to have this type of course.

Ms. Oerding stated that the sponsor of this course, since this class was taught once before, asked if he can have retroactive approval for those community managers that attended the class.

Commissioner Williams moved to approve agenda items 6-13 and 6-14 as presented without retroactive application. Seconded by Commissioner Rizzi.

Motion carried 3 to 2 with Commissioners Frank and Friedrich opposed.

7) For possible action: Discussion and decision on date, time, place, and agenda items for upcoming meetings.

The next Commission meeting is scheduled for August 26-28, 2014 in Carson City.

Commissioner Friedrich asked why this agenda did not include the status of the due process regulation that was sent to the Legislative Counsel Bureau as he requested to the coordinator back in May.

Senior Deputy Attorney General Michelle Briggs stated that Ms. Anderson addressed that point on today's agenda item 4-F.

8) Public Comment

In Carson City: No Public Comments.

In Las Vegas: Wendy Whaley, homeowner association foreman member at Regents at the Lakes commented. Ms. Whaley stated that she works with a number of boards and they follow the three bids process to the law. Ms. Whaley stated that sometimes it is not possible to get three bids. Ms. Whaley stated that in emergency situations, she goes to companies that she had worked with in the past.

In Las Vegas: Fredrick Wilkening, Frontier Estates commented. Mr. Wilkening stated that he would like to see a homeowner association advocate on the Commission.

In Las Vegas: Mike Randolph, manager of Homeowner Association Services, commented. Mr. Randolph stated that he was co-sponsor of NRS 629.020 and NAC 116.47. Mr. Randolph stated that he would like to clarify agenda item 5-A. Mr. Randolph stated that the 60 days letter was considered a courtesy and was not required by law. Mr. Randolph stated that he believes that this letter should be kept at management level. Mr. Randolph stated that this will keep the costs down and give the homeowner the opportunity to know how much is owed and to enter into a payment plan without collection agencies fees.

In Las Vegas: Chuck Niggemeyer, homeowner association board member and homeowner, commented. Mr. Niggemeyer stated that he was amused with the way the Commission went about the education courses. Mr. Niggemeyer stated that he would like to comment on the three bids process. Mr. Niggemeyer stated that he is a part of a small association and sometimes it is almost impossible to obtain one bid let alone three.

In Las Vegas: Tim Stebbins, Henderson resident, commented. Mr. Stebbins stated that he is in favor of a variable threshold for the three bids process.

In Las Vegas: Kay Frank, homeowner in Sun City Anthem, commented. Ms. Frank stated that she agrees with Mr. Stebbins. Ms. Frank stated that we need to encourage the three bids and if possible to obtain even more bids. Ms. Frank stated that the Commission should take some of the courses that are taught by the Division.

In Las Vegas: Randolph Watkins, licensed community manager and homeowner, commented. Mr. Watkins stated that he would like to congratulate Ms. Meriweather on her promotion and welcome the new Commissioners. Mr. Watkins commented on item 5-B.

9) Commissioner Comment

Commissioner Frank stated that his questioning of the education courses was prompted by the letter of denial for agenda item 6-4 that he received from the Division. Commissioner Frank asked what kind of due diligence the Commission performs before approving these courses.

Commissioner Frank stated that the reason why he decided to volunteer in this Commission is to try to provide more balance in between the homeowner and business interest.

Commissioner Frank stated that he was a little disappointed that he did not have more feedback from some of the industry people to help him with his agenda item. Commissioner Frank stated that we have clear evidence that some of the cases that come in front of this Commission are for serious crimes and yet they are not being punished in the criminal process. Commissioner Frank stated that the industry, with law enforcement agencies, need to help Commissioner Frank so that those bad apples are properly punished.

Commissioner Frank stated that he would like to work with the Division on how to improve the quality of the education training process.

Commissioner Friedrich stated that he would like to address some comments that were made during this meeting. Commissioner Friedrich stated that as a candidate that is running for Assembly District 10, he was invited to an interview with Veterans In Politics (VIP). Commissioner Friedrich stated that as far as he is concern they are a wild renegade bunch. Commissioner Friedrich stated that in the discussion the issue of the advisory opinion came up. Commissioner Friedrich stated that the president of the Veterans In Politics, and he alone, wrote an outrageous article that was on the internet. Commissioner Friedrich stated that he had nothing to do with the writing nor the review of what was on that article. Commissioner Friedrich stated that the president of Veterans In Politics hijacked a photograph that was taken of him and post it on top of the article in question.

Commissioner Friedrich stated that he has attended at least a dozen courses taught by Ken Richardson.

Commissioner Friedrich stated that he would like to see the copy of the comment that Norman McCullough sent to the Division.

Commissioner Breslow welcomed the new Commissioners. Commissioner Breslow stated that the Commission can disagree without being disagreeable. Commissioner Breslow stated that he has been on his board for 15 years and represents one or two association but is not a homeowner association attorney.

Commissioner Rizzi responded to the comment concerning the divided Commission.

Commissioner Rizzi stated that they had a disagreement on which item were for continuance.

10) For possible action: Adjournment

Commissioner Rizzi moved to adjourn the meeting. Seconded by Commissioner Friedrich.

Motion carried unanimously. Meeting ended at 2:39 p.m. on June 4, 2014.

Respectfully Yours,

Claudia Rosolen
Commission Coordinator