

BRIAN SANDOVAL
Governor

STATE OF NEVADA

BRUCE H. BRESLOW
Director



JOSEPH (JD) DECKER
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

2501 E. Sahara Avenue, Suite 303
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 17-18, 2015

The Nevada Commission for Common-Interest Communities and Condominium Hotels will conduct a meeting **WEDNESDAY, JUNE 17, 2015 beginning at 9:00 a.m. through THURSDAY, JUNE 18, 2015 or until the Commission concludes its business** at the following location:

JUNE 17-18, 2015 @ 9:00 A.M.
NEVADA STATE GAMING CONTROL BOARD
555 E. WASHINGTON AVE., HEARING ROOM 2450
LAS VEGAS, NV. 89101

VIDEO CONFERENCE:
NEVADA STATE GAMING CONTROL BOARD
1919 COLLEGE PARKWAY
CARSON CITY, NV. 89706

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 Claudia Rosolen at (702)486-4606, prior to the meeting so arrangements may be conveniently made.

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. 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) **FOR POSSIBLE ACTION: MOTION FOR RECONSIDERATION OF RESPONDENT'S REQUEST FOR A HEARING CONTINUANCE**

- A) Leslie White; Audra Collins; Ryon Collins v. NRED, for possible action
Case Nos. 2014-1491; 2014-1505; 2014-4473 & 2014-4472

4) **DISCIPLINARY ACTION: HEARINGS AND POSSIBLE ACTION BY THE COMMISSION**

- A) NRED v. Anita Herrera-Perez, for possible action
Case No. 2013-2973
Type of Respondent: Unlicensed Community Manager
- B) NRED v. Las Brisas HOA; Donald Piet; Ted Champaign; Judy England; Rick Ernest; Jerry Price; and John Christensen; for possible action
Case No. 2014-697
Type of Respondent: Board members
- C) NRED v. Leslie White, for possible action
Case No. 2014-1505
Type of Respondent: CAM.0000070-SUPR (ACTIVE)
- D) NRED v. Leslie White, for possible action
Case No. 2014-1491
Type of Respondent: CAM.0000070-SUPR (ACTIVE)
- E) NRED v. Ryon Collins, for possible action
Case No. 2014-4472
Type of Respondent: CAM.0007445 (ACTIVE)
- F) NRED v. Audra Collins, for possible action
Case No. 2014-4473
Type of Respondent: CAM.0000314-SUPR (ACTIVE)

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

- A) Discussion regarding 2015 Legislative Bills that relate to NRS Chapters 38, 116, 116A and 116B which may impact the Commission, Ombudsman's Office or Real Estate Division including:
1. Assembly Bill 125 relating to constructional defects; enacting provisions governing the indemnification of a controlling party by a subcontractor for certain constructional defects; enacting provisions governing wrap-up insurance policies or consolidated insurance programs covering certain claims for constructional defects; authorizing the parties to a claim for a constructional defect to agree to have a judgment entered before the filing of a civil action under certain circumstances; revising the definition of "constructional defect"; revising provisions governing the information required to be provided in a notice of constructional defect; removing provisions authorizing claimants to give notice of common constructional defects in residences or appurtenances; requiring a claimant to pursue a claim under a homeowner's warranty under certain circumstances; revising provisions governing the damages recovered by a claimant; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; revising provisions governing the tolling of statutes of limitation and repose regarding actions for constructional defects; prohibiting a homeowners' association from pursuing an action for a constructional defect unless the action pertains exclusively to the common elements of the association. (BDR 3-588)
https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB125_EN.pdf
 2. Assembly Bill 141 relating to common-interest communities revising provisions relating to the foreclosure of liens by a homeowners' association. (BDR 10-751)
https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB141_EN.pdf
 3. Assembly Bill 192 relating to common-interest communities revising certain provisions concerning a period of declarant's control of a unit-owners' association; revising certain provisions relating to elections of the members of the executive board of a unit-owners' association. (BDR 10-661)
https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB192_EN.pdf
 4. Assembly Bill 238 revises provisions relating to the solicitation of bids for a homeowners' association project. (BDR 10-808)
 5. Assembly Bill 301 prohibits restrictions on the freedom to display the flag of the State of Nevada in certain places. (BDR 10-533)
https://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB301_EN.pdf
 6. Senate Bill 154 relating to common-interest communities requiring the adoption of regulations concerning continuing education requirements for community managers. (BDR 10-725)
https://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB154_EN.pdf
 7. Senate Bill 174 relating to common-interest communities revising provisions governing eligibility to be a member of the executive board or an officer of a unit-owners' association. (BDR 10-617)
https://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB174_EN.pdf
 8. Senate Bill 306 revises provisions relating to liens on real property located within a common-interest community. (BDR 10-55)
https://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB306_EN.pdf
 9. Senate Bill 389 revises provisions relating to condominium hotels. (BDR 10-76)
https://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB389_EN.pdf
- B) For possible action: Discussion and decision to approve minutes of March 3, 2015 Commission meeting.

C) Discussion regarding Commissioners' speaking engagement requests.

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.

NEW COMMUNITY MANAGER CONTINUING EDUCATION COURSES

1. University of Nevada, Las Vegas: Division of Education Outreach, Continuing Education
"60-Hour Association Manager Pre-Certification Course"

Request: 60 Hours General Classroom

2. Absolute Collection Services, LLC
"HOA Collections"

Request: 3 Hours General Distance Education – Internet

3. Better Reserve Consultants
"Reserve Studies from Start to Finish"

Request: 3 Hours General Classroom

4. Better Reserve Studies
"Reserve Studies – Meet the Experts in the Field – Part II – Pools and Gates"

Request: 3 Hours General Classroom

5. Better Reserve Consultants
"Reserve Studies – Working with the Experts – Part III - Roofing"

Request: 3 Hours General Classroom

6. Patrick Ward, Insurance
"Habitational Risk and the Community Manager"

Request: 3 Hours General Classroom

7. Mutual of Omaha Bank – Chuck Balancy
"Dollars and Sense: What You Should Know About Banking and Your Homeowners Association"

Request: 3 Hours General Classroom

8. Leach, Johnson, Song and Gruchow
"Architectural Guidelines, Satellite Dishes, Solar Panels and your HOA"

Request: 3 Hours General Classroom

7) DIVISION BUSINESS:

A) Discussion regarding a Division Advisory Opinion 15-02 regarding retaliatory action prohibited by NRS 116.31183.

B) Administrator's report:

1. Staffing updates
2. Division budget proposal and Assembly Bill 474 revising certain fees paid by homeowners' associations. (BDR 10-1170)
http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB474_EN.pdf
3. NRS 116.750 regarding the jurisdiction of the Division, Ombudsman, Commission and hearing panel; NRS 116.760 regarding the right of a person aggrieved by alleged

violation to file affidavit with the Division and NRS 116.765 regarding referral of affidavits to the Ombudsman for assistance in resolving alleged violation, report by the Ombudsman, investigation by the Division, determination of whether to file complaint with the Commission.

C) Ombudsman's report:

1. Intervention Program;
2. Informal Conference;
3. Alternative Dispute Resolution filings and subsidy claims;
4. Homeowner Association and Compliance Audits;
5. Program Training Officer's Report;
6. Number and types of associations registered within the State; and
7. Informal Conference Evaluation report.

D) Compliance Section's report.

E) Administrative fine report pursuant to NAC 116A.350 (4).

F) Licensee and board member discipline report.

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

9) PUBLIC COMMENT

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10) COMMISSIONER COMMENTS

11) 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

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

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

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

Nevada State Library
100 Stewart Street
Carson City, NV 89710

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

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

CONTACT FOR SUPPORTING MATERIALS FOR LISTED AGENDA ITEMS:

Claudia Rosolen
Commission Coordinator
Nevada Real Estate Division
2501 E. Sahara Ave., Suite 303
Las Vegas, Nevada 89104
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