



August 20, 2014

Nevada Commission for  
Common-Interest Communities and Condominium Hotels  
State of Nevada  
Department of Business & Industry  
Real Estate Division  
2501 E. Sahara Avenue, Suite 303  
Las Vegas, NV 89104

RE: LCB File No. R152-13; LCB File No. R065-14; LCB File No. R066-14

We, the below individuals, collectively present our comments to the Commissioners of the CICCH. We request our statements be included in the Commissioners' materials for the Workshop Meetings held on August 27 – 28, 2014 as well as the minutes of the meeting.

**LCB File No. R152-13**

The proposed changes therein encompass both pros and cons. For Managers, it should be a benefit to receive a one (1) hour credit when you attend a CICCH meeting since the individuals took the time to attend a meeting relating to their professional industry. As it relates to continuing education classes, it would be difficult to develop a robust curriculum for this short amount of time. The Q&A portion of C.E. classes might be reduced although that devoted period is valuable education for a participant. Attendance, however, at Commission meetings would be great as the meeting seldom go the full 3 hours and the Commission nor the Manager can predict the length. This change would be wonderful.

**LCB File No. R065-14**

This proposed regulation is written to hinder the Associations' ability to resolve issues in a neighborly fashion. R065-14 has several concerns as noted below:

**Section 2.** a) 30 day; certified as we are taught in the pre-licensing classes mail notice, return receipt requested, be sent to respondent prior to a hearing. Firstly, 30 days is an excessive amount of delay for addressing a violation while increasing the expenses to the Association, aka the non-violating homeowners. This impacts Associations that meet on a quarterly basis whereby a violation that occurs 29 days before an Executive Session meeting must be delayed to the following quarterly meeting resulting in approximately 119 days (90 days until the future meeting plus the 29 days); b) a requirement that a "return receipt" from the United States Postal Service (USPS) be received prior to moving forward with a hearing. If the notice is undeliverable or not retrieved by the respondent, the USPS retains the letter for a period of time, usually 2 weeks or more, prior to remitting the return receipt to the sender. In some occasions, the return receipt is not returned by USPS at all. Many owners know how to play this system and NEVER accept certified mailings. Therefore, this impacts the witnesses that have set aside time to attend the hearing on the matter and creates additional expense to the

Terra West Management Services  
6655 South Cimarron Road, Suite 200  
Las Vegas, Nevada 89113  
702.362.6262 office  
702.362.5046 fax  
www.terrawest.com

homeowners/Association for having to mail certified letters. This should not be considered as written or more specificity is needed.

**Section 4.** a) Providing a respondent with a list of witnesses can be an impediment on its own; however, requiring that a witness include where they work and their title discourages witnesses from participating in the process; b) granting a respondent to challenge one person as a *matter of right* can create a need to form hearing committees of non-Board members. Unfortunately, there are many communities that struggle with getting volunteers to serve on the Board; finding additional volunteers will be more cumbersome; c) Allowing a respondent to change their closed hearing to an open hearing within a five (5) day period does not allow adequate time to add a hearing item to an Agenda.

**Section 5.** a) Allowing any individual that the respondent chooses to be their representative at a hearing who is not qualified can pose a problem to the due process itself; b) The statement that indicates that a "respondent may be present for the *entirety* of the hearing" infers they can remain present for the deliberations. However, NRS 116.3105 (4) (c) conflicts with the proposed regulation. It currently reads that the respondent is not entitled to attend deliberations of the executive board. We are unaware of a jurisdiction that allows a respondent to remain present while a panel deliberates on a matter. The current statute allows a respondent to attend all portions of the hearing related to the alleged violation including presentation of evidence and testimony of the witnesses. Deliberations should remain confidential so the elements of the violations are vetted openly.

**Section 6.** a) The proposed regulation regarding the allowance of an audio and/or video recording by a respondent should be withdrawn in its entirety. With the abundance of social mediums in our society and the advanced computer software that provides the ability to alter audios and videos, this is an invitation for unwarranted and unverified material to be disseminated inappropriately; if not illegally.

In general, R065-14 is proposed such that many Community Managers will advise their Boards that they are not qualified to prepare legal documents and witness materials. This results in increased legal fees to the Association/unit owners who adhere to the governing documents. Furthermore, the inability to impose an additional fine while a claim is pending with the Division lengthens the process. The Division has a history of taking up to 3 years before a matter is heard. The Association's goal is to resolve a violation in a timely fashion and to keep their neighborhoods aesthetically appealing and refrain from creating more expenses for the other unit owners.

**LCB File No. R066-14**

The primary concern in this proposed regulation is that a Board may not take "material" action outside of a meeting. The term *material* is subjective and ambiguous. Additionally, there are rare circumstances when a Board needs to have an Action without a Meeting, particularly when common elements and/or other components breakdown. Managers have limited authority, if any, to expend monies on behalf of the Association without prior Board approval. The NRS statute is adhered to in these situations and the necessary action that took place is announced at the next meeting of the Executive Board.

We hope you will view our valid comments and concerns as being observations that derive from the day-to-day activities of the Associations and Managers. We believe the majority of Board members are contributing their valuable time to enhance and preserve their community for their neighbors as well as their family.

Sincerely,

Terra West Management Services  
and the named individuals below

NAME/TITLE:

  
Katherine D. Matheson, Co-Founder, CEO

  
Print Name: LORI MARTIN  
Title: Corp. Legal Analyst, Terra CAM

  
Print Name: Carmen Eassa  
Title: Community Manager

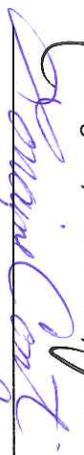
  
Print Name: Waitie Tirse  
Title: Community Manager

  
Print Name: DAWN PERRY  
Title: COMMUNITY MANAGER

  
Print Name: BILL WYSZYNSKI  
Title: CAM

  
Print Name: Simone Nordgen  
Title: RON. CAM

  
Deborah Ogilvie, Co-Founder, President

  
Print Name: LERAINE CANT  
Title: COMMUNITY MANAGER

  
Print Name: Doreis Logar  
Title: CAM

  
Print Name: SHARON L. PAER  
Title: RON. CAM

  
Print Name: Valerie Buchanan  
Title: Community Manager

  
Print Name: Sheri Yander  
Title: RON. CAM

  
Print Name: Tia Francis  
Title: Community Manager

Signatures Continued...

# Signatures

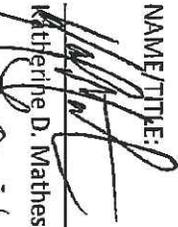
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Below are  
"New" to the  
Other Signatures.

Sincerely,

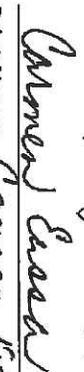
Terra West Management Services  
and the named individuals below

NAME/TITLE:

  
Katherine D. Matheson, Co-Founder, CEO

  
Lori Martin

Print Name: LORI MARTIN  
Title: Corp. Legal Analyst, Terra CAM

  
Carmen Eassa

Print Name: Carmen Eassa  
Title: Community Manager

  
Maite Tirse

Print Name: Maite Tirse  
Title: Community Manager

  
Dawn Cherry

Print Name: DAWN CHERRY  
Title: COMMUNITY MANAGER

  
Rick West

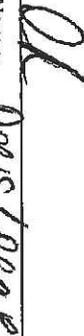
Print Name: RIK WEST  
Title: CAM

  
Simone Madsen

Print Name: Simone Madsen  
Title: ROI CAM

  
Rebecca Cort

Print Name: REBECCA CORT  
Title: Community Manager

  
Doris Logar

Print Name: DORIS LOGAR  
Title: CAM

  
Stacy Englund

Print Name: STACY ENGLUND  
Title: CAMP

  
Cheryl Martin

Print Name: CHELY MARTIN  
Title: CAM

Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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Sincerely,

Terra West Management Services  
and the named individuals below

NAME/TITLE:

\_\_\_\_\_  
Katherine D. Matheson, Co-Founder, CEO

\_\_\_\_\_  
Print Name: *Maalya*  
Title: *Senior*

\_\_\_\_\_  
Print Name: *Lueth, Marty*  
Title: *Iverson*

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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Sincerely,

Terra West Management Services  
and the named individuals below

NAME/TITLE:

Katherine D. Matheson, Co-Founder, CEO

*Dennis Sharp*  
Print Name: Dennis Sharp  
Title: Community Manager

*Billie Smith*  
Print Name: Billie Smith  
Title: COMMUNITY MANAGER

*Susan Nolan*  
Print Name: Susan Nolan  
Title: PROVISIONAL COMMUNITY MANAGER

*Theresa Chavez*  
Print Name: Theresa Chavez  
Title: Community Manager

*Ann Reynolds*  
Print Name: Ann Reynolds  
Title: Community Manager

*Tasha Carabotta*  
Print Name: Tasha Carabotta  
Title: Community Manager

*Andy Cortes*  
Print Name: Andy Cortes  
Title: Community Manager

Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Saron Brown

Print Name: HAENU BEYUN

Title: Community Manager

ABULLOCK

Print Name: HOLY BULLOCK

Title: Community Manager

Renee Smith

Print Name: Renee Smith

Title: Provisional Community Manager

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Michelle Goodell

Print Name: MICHELLE GOODELL

Title: Director of Community Management

Judith Goodell

Print Name: Judith Goodell

Title: Community Manager

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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