

**COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM
HOTELS MEETING MINUTES AUGUST 16-18, 2016**

**NEVADA STATE GAMING CONTROL BOARD
1919 COLLEGE PARKWAY
CARSON CITY, NV 89706**

**VIDEO CONFERENCE TO:
NEVADA STATE GAMING CONTROL BOARD
555 E. WASHINGTON AVENUE
ROOM 2450
LAS VEGAS, NV 89101**

AUGUST 16, 2016

9:04 A.M.

1-A) Introduction of Commissioners in attendance

In Carson City: Scott Sibley, Barry Breslow, Ken Williams, Richard Layton, Doris Woods, and Senior Deputy Attorney General Sarah Bradley as Commission Counsel.

James Rizzi was not present.

1-B) Introduction of Division Staff in attendance

In Carson City: Sharon Jackson, Ombudsman; Michael Jory, Deputy Administrator, Chris Cooke, Compliance Audit Investigator; and Senior Deputy Attorney General Michelle Briggs serving as Division Counsel.

In Las Vegas: Sharath Chandra, Administrator; Teralyn Thompson, Administration Section Manager; Stacey Spoerl, Education and Information Officer; Darik Ferguson, Chief Compliance Audit Investigator.

Sharon Jackson stated that Joseph Decker is no longer with the Division. Ms. Jackson stated that Mr. Decker has moved to a different agency with the Department of Business and Industry. Ms. Jackson introduced the new Administrator Sharath Chandra.

2) Public Comment

In Las Vegas: Jonathan Friedrich, former Commission for Common-Interest Communities and Condominium Hotels commissioner, commented. Mr. Friedrich commented on the 9th U.S. Circuit Court of Appeals opinion on Nevada Revised Statutes section 116.3116 *et seq.* that strips a mortgage lender of its first deed of trust when a homeowners' association ("HOA") forecloses on the property based on delinquent HOA fees.

In Las Vegas: Christin Miller, Las Vegas homeowner, commented. Ms. Miller commented on problems that she has with her community manager.

Sarah Bradley, Commission Counsel, stopped Ms. Miller's comment and explained that comments regarding pending matters that are or may be the subject of a formal complaint before the Commission are not allowed during public comment. Ms. Bradley quoted *NRS 233B.126 Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or the party's representative, except upon notice and opportunity to all parties to participate.*

11D) For possible action: Discussion and decision regarding election of officers for FY 17

Chairman Sibley stated that Commissioner Aichroth has resigned from the Commission, and thanked him for his service on the Commission.

Commissioner Breslow moved to appoint Commissioner Layton as Secretary. Commissioner Williams seconded.

Motion carried.

Commissioner Breslow moved to appoint Commissioner Woods as Chair.

Commissioner Breslow withdrew his motion.

Commissioner Williams moved to appoint Commissioner Breslow as Chair. Commissioner Layton seconded.

Motion carried.

Commissioner Williams moved to appoint Commissioner Rizzi as Vice-Chair. Commissioner Layton seconded.

Motion carried.

5) For possible action: Motion to Reconsider Findings of Fact, Conclusion of Law, and Order

NRED v. Anthem Highlands Community Association; Robert Stern; Charles Hernandez; and Ronnie Young, for possible action

Case Nos. 2015-3615; 2015-2155; 2015-3100; 2015-2207

Type of Respondent: Board Officer and Director

Commissioner Breslow acted as Commission chairman for this agenda item.

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Ted Boyack was present representing Charles Hernandez and Anthem Highlands Community Association.

Commissioner Breslow stated that he and Chairman Sibley will not deliberate in any capacity on the motion because they were not present for the entire hearing and did not deliberate on the ultimate decision.

Commissioner Breslow asked if three commissioners constitutes a sufficient quorum of commissioners to consider the motion.

Ms. Briggs stated that Commission Counsel decided that since final deliberation on the hearing was made by five commissioners, and three of those commissioners are available today, those commissioners constitute a valid quorum to hear the motion to reconsider. Ms. Briggs stated that NRS 233B requires the Commission to hear a motion to reconsider prior to the deadline to file a petition for judicial review. Ms. Briggs stated that Mr. Hernandez has already filed a petition for judicial review. Ms. Briggs stated that she believes that at this time the motion is moot. Ms. Briggs asked the Commission to take action on the motion.

Mr. Boyack stated that Mr. Hernandez has filed a petition for judicial review in order to preserve the deadline and that renders the motion moot. Mr. Boyack stated that if Commission Counsel thinks that the Commission has a quorum, for him that is fair enough.

Ms. Bradley stated that there is a quorum to hear this matter. Ms. Bradley stated that the quorum for a meeting is based upon the number of seats on the Commission. Ms. Bradley stated that when it's time to decide on individual matters, and people have to recuse themselves, for whatever reason, the number required for a quorum will be reduced.

Commissioner Williams stated that in this matter the respondent presented an exhibit raising concerns about ex-parte communication between him and Administrator Decker. Commissioner Williams stated that the purpose of the communication that he had with Mr. Decker was related to his schedule. Commissioner Williams stated that this will not affect his ability to be impartial in his vote.

Discussion:

Mr. Boyack spoke to the motion.

Ms. Briggs spoke against the motion.

Mr. Boyack responded to Ms. Briggs argument.

Commissioner Breslow questioned Ms. Briggs.

Mr. Boyack responded to Ms. Briggs argument.

Commissioner Breslow made a statement.

Commissioner Williams made a statement.

Commissioner Layton made a statement.

6) For possible action: Motion to Strike as Untimely Division's Opposition to respondent Hernandez's Motion to reconsider

NRED v. Anthem Highlands Community Association; Robert Stern; Charles Hernandez; and Ronnie Young, for possible action

Case Nos. 2015-3615; 2015-2155; 2015-3100; 2015-2207

Type of Respondent: Board Officer and Director

Commissioner Breslow acted as Commission chairman for this agenda item.

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Ted Boyack was present representing Charles Hernandez and Anthem Highlands Community Association.

Discussion:

Mr. Boyack spoke to the motion.

Commissioner Breslow made a comment.

Ms. Briggs spoke against the motion.

Mr. Boyack responded to Ms. Briggs argument.

Commissioner Breslow made a statement.

Ms. Bradley stated that the motion to strike is a legal, not a merit question, and because of that, Commissioner Breslow and Chairman Sibley don't have to recuse themselves from voting.

Commissioner Williams moved to deny the motion to strike as untimely Division's opposition to respondent Hernandez's motion to reconsider. Commissioner Layton seconded.

Motion carried.

7) For possible action: Motion to Disqualify Respondent's Counsel

NRED v. Anthem Highlands Community Association; Robert Stern; Charles Hernandez; and Ronnie Young, for possible action

Case Nos. 2015-3615; 2015-2155; 2015-3100; 2015-2207

Type of Respondent: Board Officer and Director

Commissioner Breslow acted as Commission chairman for this agenda item.

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Ted Boyack was present representing Charles Hernandez and Anthem Highlands Community Association.

Commissioner Breslow asked if the Commission had legal authority to decide on a motion to strike an association's counsel.

Ms. Briggs spoke to the Commission's authority of deciding to strike an association's counsel.

Mr. Boyack spoke against the Commission's authority of deciding to strike an association's counsel.

Ms. Briggs responded to Mr. Boyack's argument.

Ms. Bradley stated that the Commission has authority to decide to strike an association's counsel if they choose.

Commissioner Williams asked if the motion was made because any of the clients had concerns with Mr. Boyack's representation.

Ms. Briggs made a statement.

Mr. Boyack responded to Ms. Briggs argument.

Ms. Bradley stated that the Commission should either grant or deny the motion so that the parties involved would have their appeal rights on the motion if they need it.

Commissioner Layton moved to deny the motion to disqualify respondents' counsel.
Commissioner Williams seconded.

Commissioner Breslow stated that the Commission has not heard full arguments on the merits of the motion and asked if any of the Commissioners would like to hear the merits of the motion.

Motion carried.

5) For possible action: Motion to Reconsider Findings of Fact, Conclusion of Law, and Order

NRED v. Anthem Highlands Community Association; Robert Stern; Charles Hernandez; and Ronnie Young, for possible action

Case Nos. 2015-3615; 2015-2155; 2015-3100; 2015-2207

Type of Respondent: Board Officer and Director

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Ted Boyack was present representing Charles Hernandez and Anthem Highlands Community Association.

Commissioner Layton moved to deny the motion to reconsider findings of fact, conclusion of law, and order. Commissioner Williams seconded.

Motion carried 3 to 0, with Acting Chairman Breslow and Chairman Sibley abstained.

3) For possible action: Respondent Pennie Puhek's Motion for More Definitive Statement NRED v. Anthem Highlands Community Association; Pennie Puhek; James Lauth; and Charles Hernandez, for possible action

Case No. 2015-291

Type of Respondent: Board Officer and Director

4) For possible action: Respondent Pennie Puhek's Motion for Prehearing Conference NRED v. Anthem Highlands Community Association; Pennie Puhek; James Lauth; and Charles Hernandez, for possible action

Case No. 2015-291

Type of Respondent: Board Officer and Director

Commissioner Breslow acted as Commission chairman for this agenda item.

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

John B. Marcin was present, via videoconference, representing Pennie Puhek.

Ms. Briggs stated that the parties agreed, prior to the Commission meeting, that the dispositive motion scheduled for this hearing would be continued to the next Commission meeting. Ms. Briggs stated that for now the parties agreed to present the motion for a more definitive statement and in regards for the motion for a pre-hearing conference, the parties agreed to narrow it down to two items. Ms. Briggs stated that the items that the Commission will have to decide for the pre-hearing conference are the request to depose people from the Division, and access to the Division's confidential files.

Discussion:

Mr. Marcin spoke to the pre-hearing conference motion item.

Ms. Briggs spoke against the pre-hearing conference motion items.

Mr. Marcin responded to Ms. Briggs argument.

Commissioner Breslow made a statement.

Ms. Briggs rebutted Mr. Marcin's argument.

Ms. Bradley specified for the record that these matters are on the agenda and that she never had a deposition request for a Commission hearing. Ms. Bradley read NRS 116.770 (3)(b) into the record.

Commissioner Layton moved to direct counsels to confer within 10 days from today's Commission meeting; to work out all the discovery matters, if the parties cannot work it out; to file position papers within 7days from that meeting. Chairman Sibley seconded.

Motion carried.

Discussion:

Mr. Marcin spoke to the motion for a more definitive statement.

Ms. Briggs spoke against the motion for a more definitive statement.

Mr. Marcin responded to Ms. Briggs argument.

Acting Chairman Breslow made a statement.

Commissioner Layton moved to deny the motion for a more definitive statement. Commissioner Woods seconded.

Motion carried.

Chairman Sibley took over as chair.

11-A) For possible action: Discussion and decision to approve minutes of June 7-9, 2016 Commission meeting

Commissioner Williams moved to approve the minutes. Commissioner Breslow seconded.

Motion carried.

11-B) Discussion regarding Commissioners' speaking engagement requests.

No speaking engagements.

11-C) Discussion regarding the State of Nevada Supreme Court 132 Nev. Advance Opinion 35 Horizon at Seven Hills Homeowners Association vs. IKON Holdings, LLC concerning a super priority lien pursuant to NRS 116.3116(2)

Ms. Briggs stated that the IKON case settled a long dispute on whether or not collection costs were part of the super priority lien.

Ms. Briggs stated that the Supreme Court of Nevada concluded that “*a super priority lien pursuant to NRS 116.3116(2) does not include an additional amount for the collection fees and foreclosure costs that an HOA incurs preceding a foreclosure sale; rather, it is limited to an amount equal to nine months of common expense assessments. We further conclude that, to the extent that Horizons' CC&R provisions can be read as creating a super priority lien covering certain fees and costs and a six month time frame, those provisions are superseded by statute and are thus negated. Accordingly, we affirm that portion of the district court's order granting partial declaratory relief in favor of Ikon to the extent that it can be construed as prohibiting Horizons from including fees and costs in its super priority lien. But we reverse that portion of the district court's order that limited the super priority lien to six months of common expense assessments and allowed fees and costs to be included if the outstanding monthly assessments did not exceed six months*”.

Chairman Sibley stated that in September the Nevada Supreme Court will look at the same case.

Commissioner Breslow stated that the status of those individuals or entities who bought into HOA lien foreclosure properties in Nevada is very confusing at this time.

12-A-1) Administrator's Report: Personnel

Sharon Jackson presented this report. Ms. Jackson stated that Mr. Decker moved to the Department of Industrial Relations (DIR) and the new administrator is Sharath Chandra. Ms. Jackson stated that the Division is in the process of filling two positions within the Ombudsman's Office section and one in Licensing.

12-A-2) Administrator's Report: Division updates

Sharon Jackson presented this report. Ms. Jackson stated that LCB File No. R115-15, the regulation that increased the per-door fee has been codified and went into effect July 1, 2016. Ms. Jackson stated that the Division is still in the process of looking for a new location in the south. Ms. Jackson stated that the location choice will go in front of the Board of Examiners in September for approval.

12-B-1) Ombudsman's Report on intervention

Sharon Jackson presented this report. Ms. Jackson stated that 292 interventions have been received for fiscal year 2016. Ms. Jackson stated that the number of intervention affidavits filed is 108 and 84 cases were resolved by the conference.

12-B-2) Ombudsman's Report on informal conferences

Sharon Jackson presented this report. Ms. Jackson stated that the Division held 59 informal conferences. Ms. Jackson stated that the year-to-date resolution rate is 78%.

12-B-3) Ombudsman's Report on alternative dispute resolution filings and subsidy claims

Sharon Jackson presented this report. Ms. Jackson stated that 1,189 claims have been received for Alternative Dispute Resolution (ADR). Ms. Jackson stated that ADR has a subsidy fund that was approved by the Legislature and doesn't affect the operating budget. Ms. Jackson stated that the fund was design to help unit owners that could not afford to pay, but anyone can apply for it. Ms. Jackson stated that in fiscal year 2016 the Division had 137 applications for subsidy.

Commissioner Breslow asked about the high number of ADR cases.

Ms. Jackson stated that the majority of the cases are related to the super priority lien. Ms. Jackson stated that banks are filing with the Division so that they can move forward and go to court.

12-B-4) Ombudsman's Report on homeowner association and compliance audits

Sharon Jackson presented this report. Ms. Jackson stated that in fiscal year 2016 the Division conducted 24 audits and 46 associations were reviewed for possible audits.

12-B-5) Ombudsman's Report on Program Training Officer's Report

Sharon Jackson presented this report. Ms. Jackson stated that the number of classes presented by the Ombudsman's Office for fiscal year 2016 was 102 and 10 Q&A forums with a total of 930

attendees. Ms. Jackson stated that the Division offers video presentations about the most popular topics.

12-B-6) Ombudsman's Report on number and types of associations registered with the State

Sharon Jackson presented this report. Ms. Jackson stated that the current number of registered associations is 3,134 with 46 new associations registered.

12-B-7) Compliance Section's report

This report was not presented. A summary chart was provided to the Commission and made available to the public for review.

12-C) Administrative fine report pursuant to NAC 116A.350 (4)

Teralyn Thompson stated that she has nothing to report at this time.

12-D) Licensee and board member discipline report

Teralyn Thompson presented this report. Ms. Thompson stated that Mr. Saxon and Laurel Canyon are on time with their payments.

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

Teralyn Thompson stated that the next Commission meeting is scheduled for November 15-17, 2016 in the South.

10) For possible action: Status check on the order regarding settlement of disciplinary action

NRED v. Max McCombs; and English Mill Condominiums Homeowners Association, for possible action

Case No. 2014-1179

Type of Respondent: Board Officer and Director

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Max McCombs was present.

Preliminary Matters:

Ms. Briggs stated that Mr. McCombs has satisfied points 3 and 4 of the settlement agreement that came before the Commission on November 17, 2015 in Carson City, Nevada. Ms. Briggs requested a status updates on points 5, 6, 7, and 8.

Mr. McCombs explained to the Commission why things haven't quite happened the way it was anticipated as part of the settlement.

Commissioner Breslow questioned Mr. McCombs.

Mr. McCombs made an oral motion to amend the order.

Ms. Briggs spoke against Mr. McCombs motion.

Commissioner Williams questioned Mrs. Briggs.

Commissioner Breslow move to grant the oral motion to amend the settlement to 30 days from the Commission meeting to elect 2 board members and to entertain the motion to modify items 5 and 6 of the original Commission Order at the November meeting. Commissioner Williams seconded.

Motion carried.

8) For possible action: Motion to dismiss complaint due to failure to file against Freih with the Division within one year

NRED v. Rhonda Freih, for possible action

Case No. 2013-464

Type of Respondent: Community Manager

License#: CAM.0000084-SUPR (INACTIVE)

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Sheila D. Van Duyne was present representing Rhonda Freih.

Rhonda Freih was present.

Commissioner Williams disclosed that he had communications with Community Association Management Company about the acronym that the company uses. Commissioner Williams stated that the acronym in question (“CAMCO”) is registered with the State for another management company. Commissioner Williams stated that he will abstain from voting on this matter.

This matter was postponed to a later time.

9-A) Disciplinary action: Hearing and possible action by the Commission

NRED v. Sierra Ranchos Property Owners Association; Roger Seifert; Scott Dalman; Scott Crow; Brent Johnson and Ron Wix, for possible action

Case No. IN-1608

Type of Respondent: Executive Board

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Brent Johnson was present.

Preliminary Matters

Ms. Briggs stated that the settlement agreement for respondents Sierra Ranchos Property Owners Association; Roger Seifert; Scott Dalman; Scott Crow; and Ron Wix was approved by the Commission at the June meeting.

Ms. Briggs made an opening statement.

Mr. Johnson made an opening statement.

Mr. Johnson requested the rule of exclusion of witnesses.

State's Witness

Christopher Cooke testified.

Ms. Briggs submitted State's Exhibit 1.

Mr. Johnson made an objection for relevance of State's Exhibit 1.

The Commission overruled the objection.

State's Exhibit 1 was accepted into evidence.

Ms. Briggs submitted State's Exhibit 2.

Mr. Johnson made an objection due to lack of timeframe of the State's Exhibit 2.

The Commission overruled the objection.

State's Exhibit 2 was accepted into evidence.

Ms. Briggs submitted State's Exhibits 3 and 6 which were accepted into evidence with no objection.

Ms. Briggs submitted State's Exhibit 4.

Mr. Johnson made an objection for relevance of State's Exhibit 4.

The Commission overruled the objection.

State's Exhibit 4 was accepted into evidence.

Ms. Briggs submitted State's Exhibit 5 which were accepted into evidence with no objection.

Ms. Briggs submitted State's Exhibit 9.

Mr. Johnson made an objection for relevance of the State's Exhibit 9.

The Commission overruled the objection.

State's Exhibit 9 was accepted into evidence.

Ms. Briggs submitted State's Exhibit 10.

Mr. Johnson made an objection for relevance of the State's Exhibit 10.

The Commission overruled the objection.

State's Exhibit 10 was accepted into evidence.

Mr. Johnson cross-examined Mr. Cooke.

Ms. Briggs re-directed.

Mr. Johnson re-cross examined Mr. Cooke.

The witness was dismissed.

Ronald Wix, Joy Marvin and Roger Seifert submitted written requests to the Commission requesting to be called to testify during the current meeting day.

Ms. Bradley stated that if subpoenas were not validly issued and served, witnesses are not under an obligation to appear.

Chairman Sibley stated that the respondent can call his witnesses out of order.

Respondent's Witness:

Scott Dalman testified.

Ms. Briggs cross-examined Mr. Dalman.

Mr. Johnson re-directed Mr. Dalman.

The witness was dismissed.

Respondent's Witness:

Roger Seifert testified.

Ms. Briggs cross-examined Mr. Seifert.

Mr. Johnson re-directed Mr. Seifert.

The witness was dismissed.

Respondent's Witness:

Ronald Wix testified.

Ms. Briggs cross-examined Mr. Wix.

Mr. Johnson re-directed Mr. Wix.

The witness was dismissed.

Respondent's Witness:

Joy Marvin testified.

Ms. Briggs cross-examined Ms. Marvin.

Mr. Johnson re-directed Ms. Marvin.

Commissioner Williams questioned Ms. Marvin.

Commissioner Breslow questioned Ms. Marvin.

Commissioner Woods questioned Ms. Marvin.

The witness was dismissed.

The hearing was continued to the next day due to time constraints.

14) Public Comment

None.

16) For possible action: Adjournment

The meeting recessed at 4:30 p.m. on August 16, 2016.

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AUGUST 17, 2016

9:00 A.M.

1-A) Introduction of Commissioners in attendance

In Carson City: Scott Sibley, Barry Breslow, Ken Williams, Richard Layton, Doris Woods, and Senior Deputy Attorney General Sarah Bradley as Commission Counsel.

James Rizzi was not present.

1-B) Introduction of Division Staff in attendance

In Las Vegas: Sharath Chandra, Administrator; Teralyn Thompson, Administration Section Manager; Stacey Spoerl, Education and Information Officer; Darik Ferguson, Chief Compliance Audit Investigator.

In Carson City: Sharon Jackson, Ombudsman; Michael Jory, Deputy Administrator, Chris Cooke, Compliance Audit Investigator; and Senior Deputy Attorney General Michelle Briggs serving as Division Counsel.

2) Public Comment

In Las Vegas: Mike Kosor, Nevada resident commented. Mr. Kosor provided the Commission with written public comment and read his comment into the record.

9-A) Disciplinary action: Hearing and possible action by the Commission

**NRED v. Sierra Ranchos Property Owners Association; Roger Seifert; Scott Dalman; Scott Crow; Brent Johnson and Ron Wix, for possible action
Case No. IN-1608**

Type of Respondent: Executive Board

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Brent Johnson was present.

Ms. Briggs requested the rule of exclusion of witnesses.

State's Witness:

Don Jeppson testified.

Ms. Briggs submitted State's Exhibit 7 which was accepted into evidence with no objection.

Mr. Johnson cross-examined Mr. Jeppson.

Ms. Briggs re-directed.

Mr. Johnson re-cross examined Mr. Jeppson.

The witness was dismissed.

State's Witness:

Harold Stone testified.

Ms. Briggs submitted State's Exhibit 8 which was accepted into evidence with no objection.

Mr. Johnson cross-examined Mr. Stone.

The witness was dismissed.

Respondent's Witness:

Jennifer Ford testified.

Ms. Briggs objected for relevance of the witness.

Chairman Sibley overruled Ms. Briggs' objection.

The witness was dismissed.

Respondent's Witness:

John Spencer testified.

Commissioner Breslow made a statement.

Mr. Johnson submitted Respondent's Exhibit A.

Ms. Briggs made an objection for relevance Respondent's Exhibit A.

The document was not admitted into evidence.

The witness was dismissed.

Respondent's Witness:

Brent Johnson testified.

Ms. Briggs cross-examined Mr. Johnson.

The Commission questioned Mr. Johnson.

The witness was dismissed.

Ms. Briggs made her closing argument.

Mr. Johnson made his closing argument.

Commissioner Breslow made a statement.

Commissioner Layton made a statement.

Commissioner Breslow moved to accept as true the findings of fact other than those that are alleged against those respondents that already settled, and that violation of law 58 was proven and 61 was not proven. Commissioner Woods seconded.

Motion carried.

Division's Recommendation for Discipline

Ms. Briggs gave the Division's recommendation for discipline:

- Respondent shall not serve on the board or as an officer for any common-interest community located in the State of Nevada for a period of 10 years from the date of the Order.
- To pay the 1/5 of the total cost of the hearing \$4,528.46.
- To pay an administrative fine to the Division in the total amount of \$1,000; all of which to be paid in full no later than 90 days from the date of the Order.

Mr. Johnson made a statement.

Commissioner Breslow moved approved the Division's recommendation for discipline.

Motion failed due to lack of second.

Commissioner Williams moved to order the following discipline:

- Respondent shall not serve on the board or as an officer for any common-interest community located in the State of Nevada for a period of 10 years from the date of the Order.
- To pay an administrative fine to the Division in the total amount of \$3,648.90, representing a fine of \$1,000 for the violation of law and Division costs of \$2,648.90, all of which to be paid in full no later than 90 days from the date of the Order.

Commissioner Layton seconded.

Motion carried.

8) For possible action: Motion to dismiss complaint due to failure to file against Freih with

the Division within one year

NRED v. Rhonda Freih, for possible action

Case No. 2013-464

Type of Respondent: Community Manager

License#: CAM.0000084-SUPR (INACTIVE)

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Sheila D. Van Duyne was present representing Rhonda Freih.

Rhonda Freih was present.

Discussion:

Ms. Van Duyne spoke to the motion.

Ms. Briggs spoke against the motion.

Ms. Van Duyne responded to Ms. Briggs' argument.

Commissioner Breslow questioned Ms. Van Duyne.

Ms. Briggs responded to Ms. Van Duyne's argument.

Ms. Van Duyne responded to Ms. Briggs.

Commissioner Layton moved to deny the motion. Commissioner Woods seconded.

Motion carried 4 to 0 with Commissioner Williams abstained.

9-C) Disciplinary action: Hearing and possible action by the Commission

NRED v. Rhonda Freih, for possible action

Case No. 2013-464

Type of Respondent: Community Manager

License#: CAM.0000084-SUPR (INACTIVE)

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Sheila D. Van Duyne was present representing Rhonda Freih.

Rhonda Freih was present.

Preliminary Matters:

Ms. Briggs made an opening statement.

Ms. Van Duyne made an opening statement.

State's Witness:

Christopher Cooke testified.

Ms. Briggs submitted State's Exhibits 1, 2, 3, 7, 5 and 9 which were accepted into evidence with no objection.

Ms. Van Duyne cross-examined Mr. Cooke.

Ms. Van Duyne submitted Respondent's Exhibits Freih 1 and Freih 2 which were accepted into evidence with no objection.

Ms. Briggs re-directed.

Commissioner Breslow questioned Mr. Cooke.

Ms. Briggs re-directed.

Ms. Van Duyne re-cross examined Mr. Cooke.

Chairman Sibley questioned Mr. Cooke.

The witness was dismissed.

State's Witness:

Michael Thomey testified.

Ms. Van Duyne cross-examined Mr. Thomey.

Ms. Van Duyne submitted Respondent's Exhibit Freih 7, which was accepted into evidence with no objection.

Ms. Briggs re-directed.

Commissioner Breslow questioned Mr. Thomey.

Commissioner Woods questioned Mr. Thomey.

The witness was dismissed.

Respondent's Witness:

James Gibson testified.

Ms. Van Duyne submitted Respondent's Exhibit Freih 4, which was accepted into evidence with no objection.

Ms. Briggs cross-examined Mr. Gibson.

Ms. Van Duyne re-directed.

Commissioner Layton questioned Mr. Gibson.

Commissioner Woods questioned Mr. Gibson.

Commissioner Breslow questioned Mr. Gibson.

The witness was dismissed.

The hearing was continued to the next day due to time constraints.

14) Public Comment

In Carson City: Greta Anderson, homeowner in Nevada commented. Ms. Anderson provided pictures of her property to the Commission and commented on the Sierra Ranchos Property Owners Association case.

16) For possible action: Adjournment

The meeting recessed at 4:30 p.m. on August 17, 2016.

NOT APPROVED BY THE COMMISSION

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AUGUST 18, 2016

9:00 A.M.

1-A) Introduction of Commissioners in attendance

In Carson City: Scott Sibley, Barry Breslow, Ken Williams, Richard Layton, Doris Woods, and Senior Deputy Attorney General Sarah Bradley as Commission Counsel.

James Rizzi was not present.

1-B) Introduction of Division Staff in attendance

In Las Vegas: Sharath Chandra, Administrator; Teralyn Thompson, Administration Section Manager; Stacey Spoerl, Education and Information Officer; Darik Ferguson, Chief Compliance Audit Investigator.

In Carson City: Sharon Jackson, Ombudsman; Michael Jory, Deputy Administrator; Chris Cooke, Compliance Audit Investigator; and Senior Deputy Attorney General Michelle Briggs serving as Division Counsel.

2) Public Comment

None.

9-C) Disciplinary action: Hearing and possible action by the Commission

NRED v. Rhonda Freih, for possible action

Case No. 2013-464

Type of Respondent: Community Manager

License#: CAM.0000084-SUPR (INACTIVE)

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

Sheila D. Van Duyne was present representing Rhonda Freih.

Rhonda Freih was present.

State's Witness:

Beckie Richter testified.

Ms. Van Duyne cross-examined Ms. Richter.

Ms. Briggs re-directed.

Ms. Van Duyne re-cross examined Ms. Richter.

Chairman Sibley questioned Ms. Richter.

Commissioner Layton questioned Ms. Richter.

Commissioner Breslow questioned Ms. Richter.

Ms. Briggs re-directed.

Ms. Van Duyne re-cross examined Ms. Richter.

Ms. Van Duyne submitted Respondent's Exhibit Freih 5, which was accepted into evidence with no objection.

Commissioner Woods questioned Ms. Richter.

Chairman Sibley questioned Ms. Richter.

Ms. Van Duyne re-cross examined Ms. Richter.

The witness was dismissed.

State's Witness:

Jolene Fisher testified.

Ms. Van Duyne cross-examined Ms. Fisher.

Ms. Van Duyne submitted Respondent's Exhibit Freih 3, which was accepted into evidence with no objection.

Chairman Sibley questioned Ms. Fisher.

Commissioner Layton questioned Ms. Fisher.

Commissioner Woods questioned Ms. Fisher.

The witness was dismissed.

Respondent's Witness:

Rhonda Freih testified.

Ms. Briggs cross-examined Ms. Freih.

Commissioner Woods questioned Ms. Freih.

Commissioner Layton questioned Ms. Freih.

Chairman Sibley questioned Ms. Freih.

Commissioner Breslow questioned Ms. Freih.

The witness was dismissed.

Ms. Briggs gave her closing argument.

Mr. Van Duyne gave her closing argument.

Chairman Sibley moved to accept as true factual allegation numbers 2, 6, 8, 9, 10, 11, 13 and factual allegations 4 and 6 not proven. Commissioner Layton seconded.

Motion carried 4 to 0 with Commissioner Williams abstained.

Commissioner Layton made a statement.

Commissioner Woods made a statement.

Chairman Sibley made a statement.

Commissioner Breslow made a statement.

Commissioner Woods move to accept as proven factual allegation numbers 1, 5, 7, 12, 14, 15 and amend factual allegation 3 to state 2006. Commissioner Layton seconded.

Motion carried 4 to 0 with Commissioner Williams abstained.

Violations of Law

Chairman Sibley move to accept as proven violation of law numbers 19, 20, 22, 23, 24, 25 and numbers 17, 18 and 21 not proven. Commissioner Layton seconded.

Motion carried 3 to 1 with Commissioner Woods opposed and Commissioner Williams abstained.

Division's Recommendation for Discipline

Ms. Briggs gave the Division's recommendation for discipline:

- Respondent's community manager certificate shall be suspended for a period of two years from August 18, 2016.
- To pay an administrative fine to the Division in the total amount of \$15,000 within two

- years.
- To pay Division costs in the amount of \$16,581.74 to be paid in 90 days.
 - To complete 60 hours of precertification courses.

Ms. Freih made a statement.

Chairman Sibley moved to order the following discipline:

- Respondent's community manager certificate shall be suspended for a period of six months from August 18, 2016.
- To pay an administrative fine to the Division in the total amount of \$833.33 for each of the 6 violations of law, and Division costs in the amount of \$16,581.74 to be paid in one year.
- To complete 60 hours of precertification courses.

Motion failed due to lack of second.

Commissioner Layton moved to order the following discipline:

- Respondent's community manager certificate shall be suspended for a period of six months from August 18, 2016.
- To pay an administrative fine to the Division in the total amount of \$8,384.09, representing a fine of \$5,000 (\$833.33 for each of the 6 violations of law), and Division costs of \$3,384.09, all of which to be paid in full no later than August 18, 2017.
- To complete 60 hours of precertification courses no later than August 18, 2017. The education required by this section shall not be applied to any continuing education requirement for the renewal of Respondent Freih's certificate.

Chairman Sibley seconded.

Motion carried 4 to 0 with Commissioner Williams abstained.

9-B) Disciplinary action: Hearing and possible action by the Commission

NRED v. Belvedere Towers Owners Association, David Lonich; Terry Strongin; and Kelly Vander, for possible action

Case Nos. 2013-2937; IN-1621 (2012-2994); IN-1623 (2012-2870)

Type of Respondent: Executive Board

Parties Present:

Senior Deputy Attorney General Michelle Briggs was present representing the Division.

In Las Vegas: Kaleb Anderson was present representing Belvedere Towers Owners Association and all of the named board members.

Preliminary Matters:

Ms. Briggs provided the Commission with a copy of the stipulation for settlement of disciplinary action signed by the respondents, respondents' attorney, the Administrator and Division's Counsel. Ms. Briggs read the terms of the stipulation for settlement into the record.

Commissioner Layton moved to accept the stipulation. Commissioner Williams seconded. Motion carried 4 to 0. Commissioner Breslow was not present during this matter and did not vote.

14) Public Comment

In Carson City: Commissioner Williams commented. Commissioner Williams provided the Commission with copies of CAMCO registered trade name Complete Association Management Company, LLC, and registered the trademark name CAMCO, both registered to Ken Williams. Commissioner Williams stated that both registrations were active since 2003. Commissioner Williams requested to have those documents entered into the record because there was some confusion that there was another CAMCO in the State of Nevada. Commissioner Williams stated that there is only one registered trade name and one registered trademark in Nevada for CAMCO.

15) Commissioner Comments

Commissioner Williams thanked JD Decker for his job at the Division. Commissioner Williams stated that now that community managers have clear marching orders, they are more comfortable doing their job.

Commissioner Layton thanked JD Decker for his job at the Division, Chairman Sibley for his service on the Commission and the Attorney General's Office for all of their efforts.

Commissioner Woods echoed Commissioners Williams and Layton's comments.

16) For possible action: Adjournment

The meeting adjourned at 3:52 p.m. on August 18, 2016.

Respectfully Yours,

Claudia Rosolen
Commission Coordinator