

**COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM  
HOTELS MEETING MINUTES JANUARY 18, 2017**

**HENDERSON CITY HALL  
COUNCIL CHAMBERS  
240 SOUTH WATER STREET  
HENDERSON, NV 89015**

**NO VIDEOCONFERENCE**

**JANUARY 18, 2017**

**9:03 A.M.**

**1-A) Introduction of Commissioners in attendance**

In Las Vegas: Barry Breslow, Ken Williams, James Rizzi, Richard Layton, Doris Woods, Ryan Henderson, and Senior Deputy Attorney General Sarah Bradley as Commission Counsel.

Scott Sibley was not present.

**1-B) Introduction of Division Staff in attendance**

In Las Vegas: Sharath Chandra, Administrator; Teralyn Thompson, Administration Section Manager; Sharon Jackson, Ombudsman; Ingrid Trillo, Education Officer; Darik Ferguson, Chief Compliance Audit Investigator; Claudia Rosolen, Commission Coordinator; and Senior Deputy Attorney General Michelle Briggs serving as Division Counsel.

**2) Public Comment**

None.

**3) Disciplinary action: Hearing and possible action by the Commission**

**NRED v. Jeffrey Allan Frederick, for possible action**

**Case No. 2014-1057**

**Type of Respondent: Community Manager**

**License#: CAM.0007580 (ACTIVE)**

**Parties Present:**

Michelle Briggs was present representing the Division.

Matthew Johnson was present representing Jeffrey Allan Frederick.

Jeffrey Allan Frederick was present.

Mr. Johnson stated that he met with his client for the first time last night. Mr. Johnson stated that Mr. Frederick's current counsel AJ Kung, is in trial on another matter and could not be present. Mr. Johnson asked for a continuance to the March meeting. Mr. Johnson stated that at the March hearing Ms. Kung may be present to represent Mr. Frederick, or alternatively, he will be prepared to adequately present his case.

Ms. Briggs stated that she received an email from AJ Kung stating that she is no longer counsel to Mr. Frederick or PW James with regards to the pending action.

Chairman Breslow asked Mr. Frederick if he had terminated his legal representation with Ms. Kung.

Mr. Frederick stated that he has not terminated his relationship with Ms. Kung. Mr. Frederick stated that Ms. Kung told him that she could not be present for the January hearing.

Ms. Briggs showed the Commission an email from Ms. Kung stating that she no longer represents Mr. Frederick. Ms. Briggs stated that Mr. Frederick was copied in that email. Ms. Briggs stated that Ms. Kung was notified December 2, 2016 about today's meeting. Ms. Briggs stated that she learned about the continuance request late yesterday afternoon.

Commissioner Williams stated that this case needs representation.

Chairman Breslow asked if the Commission has the authority of conditioning postponement on a modest reimbursement of expenses to the Real Estate Division.

Ms. Bradley stated that the Commission has authority to assess cost only if someone is found guilty. Ms. Bradley stated that a motion is supposed to be filed 10 working days prior to the meeting.

Ms. Briggs stated that the Division would not oppose to a continuance if Mr. Frederick surrenders his license until the hearing in March.

Commissioner Williams moved to grant the continuance request with the stipulation that Mr. Frederick surrenders his license until the hearing in March. Commissioner Layton seconded.

Commissioner Rizzi stated that he is opposed to the motion as he feels it penalizes Mr. Frederick for causes out of his control.

Motion failed 2 to 4 with Commissioners Breslow, Henderson, Woods and Rizzi opposed.

Commissioner Rizzi move to grant the continuance until the March meeting. Commissioner Woods seconded.

Motion carried.

Ms. Briggs asked the Commission where the Division should send notices for Mr. Frederick going forward.

Chairman Breslow stated that the Division has to send the notice to Matthew Johnson and AJ Kung until the Division receives something in writing confirming that one of the two mentioned attorneys is no longer representing Mr. Frederick.

#### **4) Public Comment**

Commissioner Layton stated that the agenda item for Commission and Division Business should be done on the first day of the Commission meeting so that the public can be aware of what else the Commission will bring up or conduct.

Arieen Sorenson from Henderson commented. Ms. Sorenson stated that she is a provisional community manager and attended the meeting to learn more about the Commission.

Tony Ledvina, supervisor community manager commented. Mr. Ledvina stated that the current Commission runs cleaner than it used to. Mr. Ledvina stated that he is in favor of Commissioner's Layton recommendation to move Commission and Division Business to the beginning of the meeting. Mr. Ledvina stated that the supervisory time over a community manager should be shorter than the current requirements of 2 years.

Edwina Daly, supervisor community manager commented. Ms. Daly stated that she comes to Commission meetings to stay informed. Ms. Daly stated that she would like suggestions on how to properly handle a rogue board member.

Commissioner Williams stated that he would communicate concerns that he had in writing to that rogue board member and file the document, in order to have record that specific concerns were addressed.

Don Schaefer, board member commented. Mr. Schaefer stated that he attended many Commission meetings and it is a great way to become educated. Mr. Schaefer stated that the Commission puts a lot of weight on managers and what they do. Mr. Schaefer stated that even board members have obligations. Mr. Schaefer stated that there are very few board members that are taking advantage of the free classes that community managers and the Division offers. Mr. Schaefer stated that the Commission should encourage board members to attend Commission meetings and take classes.

Jamie Collins, supervisor community manager commented. Ms. Collins asked how to handle a board member that bluntly disregards a Commission order.

Sharon Jackson stated that Ms. Collins, another board member or a unit owner could file a complaint with the Ombudsman's Office. Ms. Jackson stated that if a complaint is not filed, the Division will not be aware and unable to start an investigation.

Carol Apple, supervisor community manager commented. Ms. Apple stated that ideally encouraging the board to become educated would be great, but not all communities are master communities and have active participation. Ms. Apple stated that placing education as a condition for becoming a board member will restrict the number of people that will run for positions on the board.

#### **5) Commissioner Comment**

Commissioner Layton stated that he is the president of his association and a strong believer of education. Commissioner Layton stated that at least once a year his association includes a class

for the board during the executive session. Commissioner Layton stated that this is what is working for his board, but it is hard for some boards to even find people to run for a position as a board member.

Commissioner Rizzi complimented Ombudsman's Jackson on her dedication to the job.

Ms. Jackson stated that the Ombudsman's Office offers training classes, and on request, will give classes at events and off site even in Northern Nevada.

Chairman Breslow stated that his term will expire September 30, 2017. Chairman Breslow stated that if anyone knows an attorney that fits the criteria to sit on the Commission and is a good fit, encourage them to apply with the Governor's Office for the position.

**14) For possible action: Adjournment**

The meeting adjourned at 2:15 p.m. on January 18, 2017.

Respectfully Yours,

Claudia Rosolen  
Commission Coordinator

NOT APPROVED BY THE COMMISSION