

CICCH - EDUCATION
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TO: Common-Interest Community and Condominium Hotels Commission
FROM: Charvez Foger - Ombudsman
 Monique Williamson, Education and Information Officer
SUBJECT: Education Summary – approvals from **March through May 2018**

NEWLY APPROVED COMMUNITY MANAGER CONTINUING EDUCATION COURSES (2)

1.

| <p>Sponsor: The Clarkson Law Group, P.C.</p> <p>Course Title: <i>Lewd Acts, Controlled Substances, and Rock & Roll Lifestyles in Community Associations</i></p> <p>Request: 3 Hours General Classroom</p> <p>Objective: To educate community managers on how to best navigate real situations and scenarios in common-interest communities through enforcement of governing documents and laws that apply.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) information will improve professional knowledge, 1(b), information relates to pertinent Nevada laws and regulations, 2(b) class includes recent legislation, 2(c) class covers enforcement of laws, 2(i) class includes FHA information, 2(j) class discusses health and safety issues, 2(s) class includes dispute resolution techniques.</p> <p>Instructors: Adam H. Clarkson, Esq. John W. Aylor, Esq.</p> <p>Determination: Approved – 3 Hours – General - Classroom</p> | |
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| Content: | Minutes: |
| <p>I. Speaker Introduction and Overview</p> <ul style="list-style-type: none"> a. About Adam Clarkson and Clarkson Law Group, P.C. Staff b. Scope of Presentation: Real case scenarios, Laws at issue, Enforcement, Methods to help managers c. Management: Not a Perfect World | 5 |
| <p>Real Scenarios – Lewd Acts</p> <p>I. Habitual Harasser of Community Manager</p> <ul style="list-style-type: none"> a. Discussion of sexual harassment b. NRS 116.31184 and how law enforcement applies <p>II. Elevator Encounter</p> <ul style="list-style-type: none"> a. Discussion of lewd act in common area b. NRS 201.220 – indecent or obscene exposure c. NRS 116.1108 – a violation of law is a violation of the governing documents d. Look to CC&Rs <p>III. Prohibited Photos</p> <ul style="list-style-type: none"> a. Discussion of unauthorized/prohibited photos b. NRS 116.1108 c. NRS 200.604(8)(e) – shall not capture photos of private areas without consent d. NRS 202.450(3)(b) – every unlawful act which “offends public decency” is a nuisance e. Look to CC&Rs <p>IV. Pool Exhibitionist – Nude Showering</p> <ul style="list-style-type: none"> a. Discussion of indecent exposure in common area b. NRS 201.220 – indecent or obscene exposure | 50 |

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| <ul style="list-style-type: none"> c. NRS116.1108 d. Do not take pictures of this violation; examine pool rules of community V. The Flasher <ul style="list-style-type: none"> a. Discussion of creating a hostile environment b. NRS 116.31184 c. Discussion of Fisher v. San Pedro Peninsula Hosp., 214 Cal.App.3d 590,611,262 Cal.Rptr. 842, 853 d. NRS 116.4117 & NRS 42.005 – injunctive relief and/or obtaining protective order VI. Banning Sex Offenders <ul style="list-style-type: none"> a. Discussion of banning sex offenders in HOAs b. Nevada’s Megan’s Law – prohibits harassment/discrimination against a registered sex offender c. Fair Housing Act – protects those with mental impairments VII. Stripper Pole <ul style="list-style-type: none"> a. Discussion of insurance requirements b. NRS 116.3113(2) – association insurance coverages in adjoined units c. Tips for mitigating damages VIII. Video Violators <ul style="list-style-type: none"> a. Discussion of unauthorized business activities; look to CC&Rs IX. The Creeper <ul style="list-style-type: none"> a. Discussion of open or gross lewdness in common areas b. NRS 201.210(1) c. NRS 201.220(1) X. Q&A – Share your stories | |
| Break | 15 |
| <p>Real Scenarios – Controlled Substances</p> <ul style="list-style-type: none"> I. Marijuana Smoke <ul style="list-style-type: none"> a. Discussion of how to stop marijuana smoke in common areas; CC&Rs and offensive odors II. Marijuana Grow Houses and Nevada law <ul style="list-style-type: none"> a. Discussion of how to stop unlawful cultivation of marijuana plants III. Meth Labs <ul style="list-style-type: none"> a. Discussion of abating meth labs b. Discussion of gaining entrance to unit IV. The Fence – buys stolen property for resale <ul style="list-style-type: none"> a. Discussion of fencing goods and selling drugs from a unit b. NRS 116.3103(1) – fiduciary duty c. NRS 116.31031(1)(b) – health, safety, welfare violation V. The Hoarder <ul style="list-style-type: none"> a. Discussion of various dangers of hoarding b. Reporting suspected hoarding to local government agencies VI. Q&A – Share your stories | 40 |
| Break | 15 |
| <p>Real Scenarios – Rock & Roll Lifestyles</p> <ul style="list-style-type: none"> I. Large Scale Events <ul style="list-style-type: none"> a. Discussion of effects of large scale events on community associations b. Association standing to intervene in county or city administrative matters c. Appealing a planning commission decision II. Rap Video <ul style="list-style-type: none"> a. Discussion of unauthorized commercial use of common areas | 50 |

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| <ul style="list-style-type: none"> b. NRS 116.3102 c. NRS 116.31031 d. NRS 116.31065 | |
| <ul style="list-style-type: none"> III. Celebrity Story – Floy Mayweather, Jr. <ul style="list-style-type: none"> a. Discussion of Southern Highlands’ court case b. Discussion of initiating suit to obtain injunction | |
| <ul style="list-style-type: none"> IV. Celebrity Story – Steven Seagal <ul style="list-style-type: none"> a. NRS 116.31065(5) - Discussion of non-uniform enforcement b. NRS 116.3103 c. NRED AO 16-01 – Capital Improvement d. NAC 116.405 – failure to utilize appropriate experts | |
| <ul style="list-style-type: none"> V. Celebrity Story – Donny Wahlberg & Jenny McCarthy <ul style="list-style-type: none"> a. Discussion of deviating from governing documents for safety of residents b. Discussion of Frances T. v. Vill Green Owners Ass’n, 42 Cal. 3d 490, 229 Cal. Rptr. 456, 723 P.2d 573 c. NRS 116.3102(3) d. Comment 15 to UCIOA 3-102 | |
| <ul style="list-style-type: none"> VI. Celebrity Story – Flavor Flav <ul style="list-style-type: none"> a. Discussion of illegal fireworks use in private gated community b. Enforcement of rules and working with law enforcement c. Discussion of health, safety, welfare violation | |
| <ul style="list-style-type: none"> VII. The College Party House <ul style="list-style-type: none"> a. Discussion of nuisances b. FHA Sec. 802. [42 U.S.C. 3602] c. Discussion of Seeley v. Phi Sigma Delta House Corp., 245 Mich. 252 d. References to local government agencies | |
| <ul style="list-style-type: none"> VIII. High Rise Shooter <ul style="list-style-type: none"> a. Discussion of an active shooter in a high rise building b. NRS 116.31031(1)(b) c. NRS 116.3115(6) – assessing responsible party exclusively | |
| <ul style="list-style-type: none"> IX. Couch Surfing <ul style="list-style-type: none"> a. Discussion of “free” temporary housing vs. AirBNB b. Clark County Code Section 30.44.010(b)(7)(c) – short-term rentals | |
| <ul style="list-style-type: none"> X. Valet Paring <ul style="list-style-type: none"> a. Discussion of restricting owners’ privileges for safety reasons b. Fair Housing Act c. NAC 444.662 – blood is a medical waste biohazard | |
| <ul style="list-style-type: none"> XI. Q&A – Share your stories | |
| Questions | 5 |
| TOTAL: 150 minutes of instruction + 30 minute break = | 180 minutes (3.0 Hours) |
| | 180 |

2.

| Sponsor: Leach Johnson Song & Gruchow Course Title: <i>R.I.P. – How to Handle the Death of an Owner in a HOA</i> Request: 1 Hour General Classroom Objective: Overview of what to do when someone has died on-site: collections, probate, etc. Standards: Complies with the following provisions of NAC 116A.232: 1(a) improves professional knowledge, 1(b) relates to pertinent Nevada laws and regulations, 2(a) covers ethics, 2(m) includes disclosures required when dealing with a death, 2(o) interpersonal communications between different parties, 2(s) dispute resolution techniques. Instructors: John E. Leach, Esq. Donna A. Zanetti, Esq. Kirby C. Gruchow, Jr., Esq. Cheri A. Hauer, Esq. Determination: Approved – 1 Hour – General - Classroom | |
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| Content: | Minutes: |
| I. Introduction <ul style="list-style-type: none"> a. What should I learn? <ul style="list-style-type: none"> i. What to do when someone dies on property; ii. What to expect regarding payment of assessments and resolution of covenant violations; iii. What types of documents give a person the right to access, vote or make decisions regarding the deceased person's property; iv. Resources to check on the status of probate matters b. Aging in place – most older adults intend to continue living in their homes; c. Causes of death and percentage of population living in CICs; | 5 |
| I. Applicable Provisions of NRS 116 <ul style="list-style-type: none"> a. NRS 116.31034; who may serve on the board; fiduciary of an estate | 1 |
| I. Overview of Statutes Pertaining to Wills and Estates of Deceased Persons <ul style="list-style-type: none"> a. NRS 132-NRS 156 | 1 |
| II. Review/Discussion of 4 Typical Incidents Where the Death of a Resident Impacts the CIC <ul style="list-style-type: none"> a. #1 Death in the community and manager's response (3 minutes) <ul style="list-style-type: none"> i. Call 911 and contact board ii. Check emergency contact list b. #2 Access to Unit (10 minutes) <ul style="list-style-type: none"> i. Power of Attorney v. Letters of Administration; ii. Letters Testamentary c. #3 Distribution of Deceased Person's Property (12 minutes) <ul style="list-style-type: none"> i. Timelines for property changing hands; ii. Levels of Administration and role of Public Administrator; iii. Probate Courts and information available from Courts d. #4 Property maintenance issues (13 minutes) <ul style="list-style-type: none"> i. Exercising the right of entry and self-help; ii. Check CC&Rs for language iii. NRS 116.3107(1) & NRS 116.31073 – upkeep of community and security walls iv. NRS 116.310312 – entering grounds of unit to abate nuisance v. NRS 155.020 - Association creditor claims on estate; vi. NRS 147.195 - Payment priorities | 38 |
| Questions | 5 |
| Break | 10 |
| TOTAL: 50 minutes of instruction + 10 minute break = 60 minutes (1.0 Hour) | 60 |