

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 **May through June 2020**

NEWLY APPROVED COMMUNITY MANAGER CONTINUING EDUCATION COURSES (10)

1.

<p>Sponsor: Gibbs Giden Locher Turner Senet & Wittbrodt Course Title: <i>Lockdown, Social Distancing and Compliance with NRS 116</i> Request: 1 Hour Law Classroom Objective: To update managers and directors on the most current legal information regarding the Covid-19 pandemic, how it alters obligations, and how to continue to satisfy their duties during this time. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(b) legislative issues concerning community managers and the management of a common-interest community; 2(c) the administration of laws and regulations; 2(h) inspecting a common-interest community for the purposes of maintenance, planning or enforcing the governing documents; 2(j) health and safety issues; and 2(q) liens and collections procedures. Instructors: Matthew Grode, Esq. Determination: Approved – 1 Hour – Law – Classroom</p>		
Content:	Minutes:	
<p>I. Introduction</p> <ul style="list-style-type: none"> a. Overview of class b. About your speaker c. Governmental orders guiding the class <ul style="list-style-type: none"> i. National and state executive orders declaring states of emergency ii. WHO/ CDC guidance iii. Stay at home orders iv. Ombudsman guidance 	5	
<p>II. Fiduciary Duties</p> <ul style="list-style-type: none"> a. Duty of care – protect health, safety, and welfare <ul style="list-style-type: none"> i. NRS & NAC 116 ii. Compliance with governing documents and law, ordinances and regulations iii. Knowledge and application of: NRS 116.1106, 116.3102, 116.3103, 116.3107, 116.31034, 116.3108, 116.31083, 116.31085, 116.311, 116.31162, 116.31153, NAC 116.405 	20	
<p>III. Meetings and Elections</p> <ul style="list-style-type: none"> a. Virtual meetings b. Notice c. Voting issues 	15	
<p>IV. Enforcement – hearings, fines, assessments</p> <ul style="list-style-type: none"> a. Common area maintenance and repairs – essential services b. Unit lot repair and maintenance c. Disclosures of infections and exposures 	15	
Questions	5	
TOTAL	60	

2.

<p>Sponsor: Leach Kern Gruchow Anderson Song Course Title: <i>Planning for our New Normal: Covid-19 and Community Associations</i> Request: 2 Hours General Classroom Objective: To discuss with community managers their fiduciary duty and how to meet statutory and governing document obligations during this time of Covid-19. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(e) insurance and risk management; and 2(j) health and safety issues. Instructors: Kirby Gruchow, Esq., Cheri Hauer, Esq., Gayle Kern, Esq., John Leach, Esq., Edward Song, Esq., Donna Zanetti, Esq. Determination: Approved – 2 Hours – General – Classroom</p>		
Content:	Minutes:	
I. Introduction	5	
II. What has changed in the last few weeks? a. Ombudsman’s recommendation for a plan b. Board’s fiduciary duty and statutory mandates c. Community manager responsibilities	30	
Break	15	
III. Developing a reopening plan a. What are the community manager’s responsibilities? i. NRS 116A.630 ii. Identifying core functions, resources, adoption of new policies b. Meetings i. NRS 82 ii. Notice examples c. Elections / Budget ratification d. Stay at home order e. Reopening recreational and common areas f. General guidelines i. Symptom tracking ii. Social distancing iii. Sanitizing g. Enforcement and rules i. Ease existing rules ii. Create new rules regarding access h. Assessments i. Prepare for delinquencies ii. Relax late payment penalties i. Resources	55	
Questions	15	
TOTAL	120	

3.

<p>Sponsor: The Clarkson Law Group P.C. Course Title: <i>HOA Interactive Trivia Series 5: Executive Board Fundamentals</i> Request: 1 Hour Law Classroom Objective: To test and educate community managers regarding laws that govern executive board members and basic principles they should be aware of. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(c) the administration of laws and regulations, including enforcement; 2(e) insurance and risk</p>		
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management; 2(f) administering the office of a community manager, including personnel management and recordkeeping; 2(n) parliamentary procedures; 2(p) requests for proposals and obtaining bids; 2(q) liens and collections procedures; and 2(s) dispute resolution techniques. Instructors: Adam Clarkson, Esq., John Aylor, Esq. Determination: Approved – 1 Hour – Law – Classroom	
Content:	Minutes:
I. Introduction	5
II. Trivia Questions <ol style="list-style-type: none"> 1. NRS 116.31034(19) – attestation of understanding the law 2. Fiduciary Obligations – Davis v. Dyson, Maercker Point Villas Condo Ass’n v. Szyski 3. Business Judgment Rule – Davis v. Dyson 4. NRS 116.31034(1) – minimum number of directors 5. NRS 116.31034(10)(a) – board relationship prohibitions, community manager 6. NRS 116.31034(10)(a) – director candidate limitations 7. NRS 116.31034(10)(a) & NRS 116.31034(12) –personal profit or compensation 8. Workshops are not considered meetings of the executive board 9. NRS 116.3109 – Roberts Rules of Order 10. NRS 116.3108 – agendas for meetings of the unit owners 11. NRS 116.31086 – bid requirements 12. NRS 203.090 & 116.31184 – disturbing a meeting and harassment enforcement 13. NRS 116.31031(8) & 116.4114(4) – committees 14. NRS 116.3113 – minimum amount of crime insurance required 15. NRS 116.31133 – each unit owner is an insured 16. NRS 116.2117 – amendment of declaration 17. NRS 116.21175 – procedure for seeking confirmation of amendments 18. NRS 116.3116 – super-priority calculation 19. NRS 116.31166 – right of redemption 20. NRS 116.31031 – compliance and violation hearings and deliberations 	50
Questions	5
TOTAL	60

4.

Sponsor: The Clarkson Law Group P.C. Course Title: <i>HOA Interactive Trivia Series 6: Compliance</i> Request: 1 Hour Law Classroom Objective: To test and educate community managers regarding laws that govern compliance and enforcement obligations. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(b) pending and recent legislation; 2(c) enforcement; 2(f) recordkeeping; 2(h) inspecting a common-interest community for the purposes of enforcing the governing documents; 2(j) health and safety issues; 2(k) issues pertaining to declarants; 2(m) disclosures required; and 2(q) liens and collections procedures. Instructors: Adam Clarkson, Esq., John Aylor, Esq. Determination: Approved – 1 Hour – Law – Classroom	
Content:	Minutes:
I. Introduction	5
II. Trivia Questions <ol style="list-style-type: none"> 1. NRS 116.12065 – notice of changes to governing documents 2. NRS 116.31031(4) – imposing a fine 3. NRS 116.31031(1) & 116.31031(4) – reasonable opportunity to cure 4. NRS 116.31031(4) – written notice requirements 5. NRS 116.31031(4) – notice of violation mailing address 6. NRS 116.31031(1) & 116.31031(4) – violation photo 	50

7. NRS 52.015 – authentication or identification required	
8. Invasion of privacy – Iorio v. Check City P’ship, LLC	
9. NRS 11.190(1)(b) – periods of limitation	
10. NRS 116.310315 – accounting for fines imposed	
11. NRS 116A.630(6)(a) – financial transactions	
12. NRS 116A.630 – standards of practice for CM	
13. NRS 116.31031 – HSW	
14. NRS 116.3103(1)(a) – fiduciary responsibility	
15. NRS 116.310312(2) – exterior of unit	
Questions	5
TOTAL	60

5.

<p>Sponsor: Empireworks Reconstruction and Painting</p> <p>Course Title: <i>The Fine Art of Community Association Painting</i></p> <p>Request: 2 Hours General Classroom</p> <p>Objective: To provide community managers with an overview of association painting projects from RFP through completion.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(h) inspecting a common-interest community for the purposes of maintenance and planning; and 2(p) contracts, including the preparation of requests for proposals and the obtaining of bids.</p> <p>Instructors: Kari Gorzny</p> <p>Determination: Approved – 2 Hours – General – Classroom</p>	
Content:	Minutes:
I. Introduction	5
II. Painting project overview <ul style="list-style-type: none"> a. Types of painting projects b. NRS 116.3107 – upkeep of CIC c. Common maintenance issues d. Determine the type of project e. Determine project funding f. Reserve projects 	10
III. Request for Proposals <ul style="list-style-type: none"> a. Preparing for the project b. Common painting RFP issues c. Job walks d. NRS 116.31086 – soliciting multiple bids 	15
IV. Selecting a bid/proposal <ul style="list-style-type: none"> a. Post-bid opening b. Conducting interviews c. Differences between contractors d. Other questions to ask e. After bid selection f. NAC 116.405(d)&(e) – board requirements g. NRS 116A.630 & 116A.640 – manager requirements h. Pitfalls of taking shortcuts or not understanding full scope of the project i. NRS 116.3107(1) – Communication with owners and residents prior to project start 	20
Break	10
V. What to expect on the job <ul style="list-style-type: none"> a. Staging and storage areas b. Safety markings c. Painters/Carpenters 	45

d. Roof safety e. Scaffolding f. Paint sampling & preparation g. Production mode h. Hidden damage i. Stucco or paint issue j. Deck waterproofing failure k. Rust	
VI. Potential construction defects	5
Questions	10
TOTAL	120

6.

<p>Sponsor: Amaya Roofing Course Title: <i>Roofing 101</i> Request: 2 Hours General Classroom Objective: To educate community managers on the basic types of roofs, the maintenance required, industry terminology, warranties, costs, and the role of the reserve study. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 2(d) reserve studies; and 2(h) inspecting a common-interest community for the purposes of maintenance, planning or enforcing the governing documents. Instructors: Tina Curtis, Byron Goetting Determination: Approved – 2 Hours – General – Classroom</p>	
Content:	Minutes:
I. Introduction	5
II. Basic types of roofs (roofing systems) <ul style="list-style-type: none"> a. Sloped (tile/shingle) b. Single ply c. Coatings d. Torch applied e. Built up f. Standing seam metal g. Spray foam 	20
III. Roofing terminology <ul style="list-style-type: none"> a. Crickets b. Fish mouth c. Bird bath d. Scuppers & roof drains e. Underlayment f. Hips & ridges g. Penetrations 	15
Break	10
IV. Roof inspections and maintenance <ul style="list-style-type: none"> a. Who should inspect and how often? b. What should they look for? c. What should be included in your report? d. What is basic maintenance, what does it include? 	15
V. Roof warranties <ul style="list-style-type: none"> a. NDL manufacturer b. Workmanship contractor 	10
VI. Reserve study basics – physical analysis <ul style="list-style-type: none"> a. What components are included/excluded? b. Site visit 	15

VII. Reserve study basics – financial analysis	
a. Percent funded	
b. Funding plan recommendations	10
VIII. Reserve study roof components	
a. How to develop a funding plan for roofs	
b. Tile roofs	
c. Asphalt roofs	
d. Metal roofs	
e. Various types of flat roofs	15
Questions	5
TOTAL	120

7.

<p>Sponsor: Community Association Solutions</p> <p>Course Title: <i>Transitioning from Developer to Owners</i></p> <p>Request: 3 Hours General Classroom</p> <p>Objective: To assist community managers in understanding some of the steps they can take right from the beginning to ensure a smooth transition from developer to unit owners.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 2(c) the administration of laws and regulations concerning community managers and the management of a common-interest community; 2(d) reserve studies; 2(k) issues pertaining to declarants and developers of common-interest communities; 2(l) planning and zoning for land use and other local laws and regulations pertinent to common-interest communities; and 2(m) the disclosures required in a transaction involving a unit in a common-interest community.</p> <p>Instructors: Sara Barry, Cheri Hauer, Esq.</p> <p>Determination: Approved – 3 Hours – General – Classroom</p>	
Content:	Minutes:
I. Introduction	5
II. What is developer transition?	
a. It is a process, not a complete turnover	
b. Community managers have a role to play	5
III. What steps should be taken at the onset of transition?	
a. Look at the management contract to identify roles	
b. Ensure that the developer allows for a Transition Committee	
c. Ensure meetings are informative for unit owners	10
IV. Review of:	
a. NRS 116.31032	
b. NRS 116.31038	20
Break	15
V. Reserves and Adequate Funding of the Reserves	
a. Remind developer to start reserving from day one	
b. At transition, the developer will be expected to fund their share of the amount due	
c. The manager must watch out for issues of underfunding	15
VI. Other documents that should be provided	
a. Notices of annexations	
b. Shared use agreements	
c. Encroachment agreements	
d. Plat maps	15
VII. Other potential transition issues	
a. Conveyance of property	
b. Additional common elements added to the community – NRS 116.31039	
c. Paying all additional expenses before conveyance	
d. Delivering declarant’s share of the amount specified in reserves	15

Break	15
VIII. Successor Declarant <ul style="list-style-type: none"> a. Transfer of declarant rights – NRS 116.3104 b. Must be in writing, signed by the transferee and recorded c. Liability of transferor declarant 	15
IX. Public offering statement <ul style="list-style-type: none"> a. Samples b. Manager should see all copies 	5
X. Builder’s obligation to complete – NRS 116.4119	5
XI. Checking for issues of underfunding <ul style="list-style-type: none"> a. What do the CC&Rs say? b. Can the developer offset underfunding with capital contributions against the owners? c. Language for discussion in sample set of documents d. What if the CC&Rs are unclear regarding responsibility? Have the developer amend e. Termination of contracts – NRS 116.3105 	15
XII. Condo conversions <ul style="list-style-type: none"> a. Most were converted during the last real estate boom from apartments to condos b. Many of the buildings were already 15-20 years old when converted c. NRS 116.4105(1) d. When do the architect’s or engineer’s reports become useful and are they really affective in disclosing any problems? e. Who needs to do the disclosing of the age and condition of the building? How? f. Problems with condo conversions g. During the real estate bust, many properties were half completed and then rented out as apartments again h. NRS 116.310395 – reserve requirements 	20
Questions	5
TOTAL	180

8.

<p>Sponsor: Nevada Association Services, Inc.</p> <p>Course Title: <i>Collections 101</i></p> <p>Request: 1 Hour General Classroom</p> <p>Objective: To help community managers understand how vital it is to stay timely with collecting delinquent assessments while complying with the law.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(b) pending and recent legislation; 2(g) accounting, including the preparation and monitoring of budgets, the monitoring of expenditures and reserves and the use of financial statements; and 2(q) liens and collections procedures.</p> <p>Instructors: Cameron Clark</p> <p>Determination: Approved – 1 Hour – General – Classroom</p>	
Content:	Minutes:
I. Introduction & Overview <ul style="list-style-type: none"> a. Instructor b. Purpose of class c. What should this class accomplish? 	5
II. Jurassic Park clip <ul style="list-style-type: none"> a. What can we learn from this? b. Discussion 	10
III. Model for sound thinking <ul style="list-style-type: none"> a. Preparing for the worst-case scenario b. Planning for extreme events 	5

IV. The “turkey problem”	
a. Just because the turkey is fed 1,000 days, there is no guarantee he will be fed on Day 1,001	5
b. Predicting Thanksgiving	
V. Overall message	
a. Social, environmental, and political unrest can immediately lead to financial distress for various homeowners, which can in turn lead to financial distress for the HOAs they live in	
b. Thinking that keeping homeowners current with assessments isn’t a priority because the delinquency rate is low can lead to unexpected problems down the line	
c. Today’s negligence and procrastination can lead to tomorrow’s financial catastrophe	
d. Apply your policies during the good times and you will be prepared for the bad times	
e. Fiduciary duty	
f. Stay current with delinquency reports	15
VI. Conclusion - What could happen by not handling delinquent assessment accounts in a timely manner:	
a. Delaying prompt action may result in a delay in desired communication from the homeowner	
b. If budget shortfalls occur on the revenue side, remaining homeowners will inevitably see an increase in their regular assessments to make up for the loss	
c. Recording the Notice of Default & Election to Sell on behalf of the association is time sensitive (super-priority lien)	15
Questions	5
TOTAL	60

9.

<p>Sponsor: Leach Kern Gruchow Anderson Song</p> <p>Course Title: <i>Management Standards of Practice: Understanding Limitations on Board Powers</i></p> <p>Request: 1 Hour General Classroom</p> <p>Objective: To educate community managers on the management standards of practice and how to best assist board members in utilizing their powers and duties.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; and 2(c) the administration of laws and regulations concerning community managers and the management of a common-interest community.</p> <p>Instructors: Kirby Gruchow, Esq., Cheri Hauer, Esq., Gayle Kern, Esq., John Leach, Esq., Edward Song, Esq., Donna Zanetti, Esq.</p> <p>Determination: Approved – 1 Hour – General – Classroom</p>	
Content:	Minutes:
I. Introduction	2
II. Management standards of practice	
a. NRS 116A.630(1) – fiduciary	
b. NRS 116A.630(2) – compliance with law	
c. NRS 116A.630(4) – independent professionals	
d. NRS 116A.630(5) – uniform enforcement	
e. NRS 116A.630(18) – directions of client	
f. NRS 116A.640(7) – field of experience/competence	8
III. Board powers and duties	
a. NRS 116.3103(1) – authority to act on behalf of Association	
b. NRS 116.3102(1) – statutory powers	
c. CAM Role in Board’s exercise of Power	
d. NRS 116.3103(1) – Board’s fiduciary duty	
e. Power v. Duty	
f. NRS 116.3102(3)-(4) – duty to enforce	20
IV. Limitation on board powers	
a. NRS 116.3102(1) – subject to declaration	
b. NRS 116.3103(1)(b) – amount of fines	25

c. NRS 116.3103(2) – amending documents, electing directors	
d. NRS 116.31151(3) – budget ratification	
e. NRS 116.3112(1) – selling/conveying common elements	
f. NRS 116.345(3) – capital improvements	
g. NRS 116.310305 – construction penalties	
h. NRS 116.31088 – commencing civil action	
i. NRS 116.31031(2) – fining guests	
j. NRS 116.31031(1)(b)(2) – vehicle deliveries	
Questions	5
TOTAL	60

10.

<p>Sponsor: Leach Kern Gruchow Anderson Song</p> <p>Course Title: <i>Pets vs. Assistance Animals 2020</i></p> <p>Request: 1 Hour Law Classroom</p> <p>Objective: To assist community managers in understanding the difference between adhering to local, state and federal laws, as they pertain to pets.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) contains information that relates to pertinent Nevada laws and regulations; 2(b) legislative issues concerning community managers and the management of a common-interest community; 2(h) inspecting a common-interest community for the purposes of maintenance, planning or enforcing the governing documents; and 2(i) ADA and FHA.</p> <p>Instructors: Kirby Gruchow, Esq., Cheri Hauer, Esq., Gayle Kern, Esq., John Leach, Esq., Edward Song, Esq., Donna Zanetti, Esq.</p> <p>Determination: Approved – 1 Hour – Law – Classroom</p>	
Content:	Minutes:
I. Introduction	2
II. Changes that took place in 2019 <ul style="list-style-type: none"> a. NRS 116.318 – new legislation b. NRS 202.500 – dangerous pets c. City of Las Vegas and other NV ordinances d. Board resolution adopting dangerous or vicious dog restrictions e. Municipal code 	20
III. What constitutes an assistance animal? <ul style="list-style-type: none"> a. Animals that do work, perform tasks, assist, and/or provide therapeutic emotional support for individuals with disabilities b. Two types of assistance animals: (1) service animals, and (2) support animals 	12
IV. ADA vs. FHA <ul style="list-style-type: none"> a. ADA for HOA - allows for members of the public to utilize facilities b. Unlike with ADA, FHA “Assistance Animals” can be any kind of animal 	6
V. Reasonable Accommodation <ul style="list-style-type: none"> a. A reasonable accommodation is a change, exception or adjustment in a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public or common use spaces b. Readily apparent disability vs. not apparent c. “Nexus” is the connection between the disability and the need for the assistance animal 	8
VI. Enforcement <ul style="list-style-type: none"> a. Governing documents b. Nuisance, noise, waste 	2
Questions	10
TOTAL	60