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JAN 18 2023

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

*Copies e-mailed*  
January 9<sup>th</sup>, 2023

Commission for Common Interest  
Communities and Condominium Hotels  
Dept. of Business and Industry  
3300 W. Sahara Ave., Suite 350  
Las Vegas, Nevada 89102-3203

ATTN: Maria Gallo, Commission Coordinator  
RE: Dec. 15<sup>th</sup> ORDER - Case # 2018-1663

JAN 18 2023

REQUEST FOR INFORMATION AND FOLLOW-UP DISCUSSION

Dep. Attorney General Briggs and Commissioners :

As Secretary of Sierra Ranchos Property Owners Association (SRPOA) and a Named Respondent to the Dec. 15<sup>th</sup>, 2022 Commission ORDER RE: Case # 2018-1663 (“2019 Order”), I have comments and evidentiary questions that remain from status hearings I attended and testified before on May 31<sup>st</sup>, Sept. 14<sup>th</sup>, and Dec. 6<sup>th</sup> 2022, after reading this new 2022 Order. **I would like to discuss these items before preparing any formal documentation for my appearance at your March 7 - 9<sup>th</sup>, 2023 session of the Commission.**

### Overview

While the Sept. and Dec. 2022 Orders in this case accurately reflect our general discussion and agreements at these Commission sessions, some assumptions and directives of / by the Commission appear to be guided by misinformation. I, as the 2020 President, and 2021 through 2023 Secretary of SRPOA, have assembled significant documentation of the source(s) and motivation of this misinformation, but may be missing several pieces of the puzzle. I am also unsure of what evidence - if any - the Commission has in its possession on the Washoe County issues below, much less who or what Official source may have provided any (mis) information NOT provided by myself or Joy Marvin.

### Stipulated Facts / ORDERS

#### I. 2019 Order

On Sept 26<sup>th</sup>, 2019 the Commission filed a Stipulation and Order for Case # 2018-1663 which was signed on Sept. 11<sup>th</sup>, 2019 by acting SRPOA President, Loren Pierce. Among individual items agreed to in this Stipulation and Order were

“2. ... *hire and maintain the services of a community manager* ...” and

“3. ... *provide a funding plan for reserves [ new Reserve Study ] to the Division within 180 days.*”

#### Compliance with 2019 Order

RE: 2. The first Community Manager (CAM) was hired in July of 2019, and other CAMs were retained in succession until Terra West’s unilateral termination of its contract in

December of 2021. After a aborted start with another CAM - *Controlled Resources Management* in April 2022, SRPOA secured a new CAM and is operating under a contract with *Equus Management Group* of Reno, NV.

RE: 3. A Level 1 Reserve Study was conducted for SRPOA starting in January 2020, and was submitted to NRED in June of 2020. Improvements planned in this Reserve Study were begun in March 2020, and continued in October 2020 with additional funds from a Special Assessment on members justified by the funding plan from this Reserve Study. Our 2021 Board ignored the 2020 Plan, and damaged road improvements made in 2020.

## II. Washoe County - Warning / Violation Notices

On Sept. 24<sup>th</sup>, 2019 (two days before the 2019 Order filing), Kevin Costa, a Washoe County Code Enforcement Officer, issued two "Administrative Enforcement Warnings" to SRPOA, with a compliance date of Oct. 19<sup>th</sup>, 2019 [WVIO-ENG19- 0029, -0030]. It is not clear, from available SRPOA documentation (emails), what actions were taken, except that OPUS1 (CAM) received the Notices and that SRPOA's attorneys (Gail Kern et al.) had some sort of chargeable interaction with Washoe County. I, as the incoming SRPOA President (Nov. 2019) was handed copies of the Notices by OPUS1 but was unable to communicate with Mr. Costa until I sent him a Certified Letter on August 10<sup>th</sup> of 2020, asking he or his supervisor to respond. A meeting and agreement followed. As SRPOA President from Nov. 2019 through Oct. 2020, I kept detailed records of our meeting and correspondence with Washoe County trying to resolve these cases. **If the Commission does not have copies of the Washoe Co. Notices or communications, I would be happy to provide them as evidence / clarification materials.**

### Compliance with 2019- 2022 Washoe County Violation Notices

**SRPOA communications with Mr. Costa and Washoe County's Engineers are complex, and are best understood by reading documentation SRPOA has kept.**

In summary, Mr. Costa indicated to me (in 2020) that he was "*only a policeman - that the Engineers need to decide*". However, when Washoe Co. Engineering responded that road maintenance work *did not* require a permit, Mr. Costa refused to accept that.

## Discussion Questions

Since the Washoe County Notices were not subjects of the 2019 Order, or of the May 2022 Status Check Summons, neither I nor Joy Marvin provided the Commission with documentation or evidence with respect to this issue for the May 31<sup>st</sup> 2022 session. Since the issue was brought up at that meeting (*de novo*) I provided *some* information in the form of a binder "***Plans and Studies for Improvement of SRPOA Roads from 2003 to 2020***", for the Sept 14<sup>th</sup> Commission meeting in addition to other documentation attached to my Statement. **I don't think any Commission member read this document. Are Washoe County Notices a NEW case ?**

a) Although Association Boards in general are required to *maintain* Common Elements of an Association, neither the State of Nevada nor Washoe County can require an Association to build NEW roads or structures, although the membership may vote to create and fund such NEW

Common Elements. Although it does regulate the construction of NEW roads and structures - via Permits - Washoe County has no authority to regulate repair, or maintenance of existing, privately-owned roads, within specific limits. Washoe Co.'s Chief Engineer confirmed this.

b) Expert inspection / recommendation / testimony from an Engineer (eg. *Sorenson, 2003*) should be helpful in this case. However, when a Washoe Co. Compliance Officer refuses to accept the judgement of the Chief Engineer, it becomes a matter of inter-office politics, which may require formal adjudication by the Washoe County Commission. **Does the CIC Commission want to intervene in Washoe County inter-office conflicts ?**

**As indicated on page 1, I would like to share information and discuss these items before preparing any formal documentation for my appearance at your March 7 - 9<sup>th</sup> session of the Commission. We have already LOST more than 2 years of potential road repair / improvement work through administrative delays and 2021 Board misadventures. We cannot afford to lose any more time because of misinformation / mis-communication.**

Sincerely,



William L. Roth  
Secretary, SRPOA

cc: Common Interest Community Commissioners  
Deputy Attorney General Michelle Briggs  
Joy Marvin, President, SRPOA

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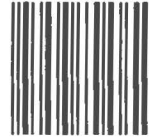
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