

AGREE

All Good Resolutions Empower Everyone

- ◇ A mediation is an opportunity for parties to work together to find a solution to a specific situation.
- ◇ Parties should not dwell on attempts that were perhaps unsuccessful in the past, and instead focus on a future they would like to see and help create.
- ◇ Parties should enter the situation having respect in mind. They should allow others to speak and should not point fingers, place blame, attack or belittle the other party.
- ◇ Parties should have the sincere goal of trying to understand the other side, and feel comfortable asking questions in order to gain further clarity.
- ◇ Even if you leave a mediation still in disagreement, it is important to leave knowing that a sincere attempt to resolve the matter was made, and that each person is entitled to their own perspective.

The Informal Conference is just one path a complaint can take in the Ombudsman's Office. Please see additional brochures to gain a better understanding of other programs available.

Remember, only the Ombudsman has the power to determine the pathway that a complaint takes once it arrives in our office.

State of Nevada
Department of Business and Industry
Real Estate Division
Ombudsman for Owners in Common-Interest
Communities and Condominium
Hotels

3300 West Sahara Avenue, Suite 325
Las Vegas, Nevada 89102

Or
1818 East College Parkway, Suite 110
Carson City, Nevada 89706

Statewide toll free: 877-829-9907

Telephone: 702-486-4480

(Southern Nevada)

775-684-1900 (Northern Nevada)

Facsimile: 702-486-4520

www.red.nv.gov

CICOmbudsman@red.nv.gov



THE OMBUDSMAN INFORMAL CONFERENCE PROGRAM



Within the Nevada Real Estate Division's Office of the Ombudsman for Owners in Common-Interest Communities (CIC) and Condominium Hotels, the Ombudsman's duties are, in part, to assist homeowners and board members in understanding their rights and responsibilities under the law, and give guidance to such parties when attempting to resolve CIC disputes ([NRS 116.625\(4\)\(b\)](#) and [116.765\(2\)](#)).

For those seeking the intervention of the Ombudsman when attempting to resolve such disputes, the Informal Conference Program is one option.

During an Informal Conference, parties of a dispute have an opportunity to discuss, with a third-party, any alleged violations of law that were filed with the Office using Intervention Affidavit [Form 530](#). In order to file a complaint, the complainant must have discovered the alleged violation within the past year ([NRS 116.760\(1\)](#)).

WHAT YOU MUST DO!

The Affidavit Filing Process

While it is free to file, the law requires that parties attempt to settle disputes amongst themselves prior to completing an Intervention Affidavit [Form 530](#). The “aggrieved” person (complainant) must send a letter, *by certified mail, return receipt requested*, to the party he or she is considering filing against (respondent), informing them of the issues at the heart of the complaint.

To be “aggrieved,” the complainant must be directly harmed by the actions taken by another in violation of NRS or NAC 116 or the governing documents of the association.

In the letter, the complainant must include the same information as will potentially be included in the complaint form, namely: the alleged violation(s) of law (provisions of law should be cited), any actual damages that resulted from the alleged violation(s), and any proposed corrective action to resolve the alleged violation(s).

The complainant must allow a reasonable amount of time for response to the letter prior to filing with the Ombudsman’s Office (at least 10 business days). If, after sending written communication, a resolution is not reached regarding the alleged violations of law or governing documents of the association, the complainant can file the complaint using Intervention Affidavit [Form 530](#). The allegations in the letter should be listed exactly as they are in the Intervention Affidavit, including supporting documentation, and the affidavit must be notarized ([NRS 116.760\(3\)\(a\)](#)).

WHAT HAPPENS NEXT?

The Informal Conference Process

After receiving a complete [Form 530](#) (meeting all the requirements of [NRS 116.760](#)), and reviewing allegations and supporting documentation, the Ombudsman determines whether or not an Informal Conference is appropriate. If so, a letter is sent to all parties to attend, and *all* parties are required to attend.

During the conference, both parties are given an opportunity to state their position; the goal is to obtain a resolution by allowing both parties to be heard.

After opening statements from each party, a facilitator from the Ombudsman’s Office will promote dialogue to reach a resolution. The expectation is that parties will actively participate in a civil manner, working in good faith to resolve the allegations. The Informal Conference Program has an extremely high success rate when both parties are willing to hear each other’s sides and resolve issues with an open mind.

If the parties are able to reach a resolution, the verbal agreement is immediately reduced to writing for signatures. The parties are then provided a copy of this agreement, which they are expected to abide by after leaving the office. The case closes, and closing letters are mailed out.

If the matter is not resolved through Informal Conference, then the Ombudsman determines the next step.

There are two options at this point: if it has been discovered during the conference process that there are violations of law that should be investigated, the case may be referred to the Compliance Section; if the allegations involve the interpretation, application or enforcement of the association's governing documents, the parties may be made aware of the Alternative Dispute Resolution (ADR) process.

Only the Ombudsman can make the determination of which option the parties will be referred to.

BOARD ACTION!

Action after Conference

If action on the respondent’s part is needed, the board member(s) will take any tentative agreement to a meeting of the board for approval.

If the issues addressed in the Informal Conference Agreement pertain to a homeowner’s violation of law, the agreement should be discussed in executive session, unless the owner requests that the matter be discussed in an open meeting (see [NRS 116.31085](#)).

If the matter in the agreement concerns actions of the executive board, specifically an alleged violation of law or the association's governing documents, the board should discuss the agreement at its next open meeting (see notice, agenda and minute requirements of [NRS 116.31083](#)).