

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
3300 W. Sahara Ave., Suite 325 * Las Vegas, Nevada 89102
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E-mail: CICOmbudsman@red.nv.gov http://red.nv.gov

**COMPLAINT
AGAINST A RESERVE STUDY SPECIALIST**

Please Print or Type

Your Name: _____

Home Phone: _____ Email: _____

Address: _____

(Street)

(City)

(State)

(Zip)

Please complete the following information concerning your complaint. The Division's ability to investigate the matter will depend largely upon you providing a complete and detailed sworn statement. **ATTACH ALL PERTINENT COPIES OF PAPERS AND/OR DOCUMENTS TO THIS FORM. KEEP ORIGINALS FOR YOUR FILE.**

Name of Reserve Study Specialist complaint is against: _____

Name of Reserve Study Company: _____

Address of Reserve Study Company: _____

Telephone No. of Reserve Study Company _____

Is any legal action pending? Yes No If so, what action? _____

Has an Alternative Dispute Resolution (ADR) claim been filed? Yes No If so, what date: _____

CONSIDER THE FOLLOWING CAREFULLY

- The Division is not empowered to compel anyone to accede to demands of any kind. We cannot compel refunds of any kind. In this regard, we suggest that you seek private counsel to protect your interests, as **we are not authorized to give legal advice.**
- Do not delay any civil action you might be considering regarding this matter.
- Should the Division determine that a case warrants opening against the Reserve Study Specialist, an investigation will be initiated. Considerable time may be required to complete our investigation. It may be necessary for you to appear and testify should this matter proceed to a hearing before the Commission for Common-Interest Communities.

To start the process, you must:

1. Provide to the Division proof of written communication with the Reserve Study Specialist.
2. The written communication must include all allegations that you request the Division to consider for possible investigation. The written communication may be in the form of an e-mail, facsimile or letter.
3. Allow the Reserve Study Specialist a minimum of twelve (12) business days to respond before filing a complaint with the Division.
4. Provide copies of all documentation that supports the allegation(s) against the Reserve Study Specialist.

I declare under penalty of perjury under law of the State of Nevada that the foregoing attached statement consisting of _____ pages is true and correct.

Executed on _____
(Date)

(Signature)

NAC 116A.435 Grounds for disciplinary action; criteria for determining unprofessional conduct and professional incompetence. (NRS 116A.200, 116A.420, 116A.430)

1. A reserve study specialist is subject to disciplinary action if the reserve study specialist:
 - (a) Commits any of the following:
 - (1) Unprofessional conduct;
 - (2) Professional incompetence;
 - (3) Gross negligence; or
 - (4) A felony or any offense involving moral turpitude; or
 - (b) Has ever had a permit, license or designation from a nationally recognized professional organization that authorizes him or her to act as a reserve study specialist in another jurisdiction revoked or suspended.
2. A reserve study specialist commits an act of unprofessional conduct if the reserve study specialist:
 - (a) Violates the provisions of:
 - (1) An order of the Commission;
 - (2) An agreement with the Division; or
 - (3) [Chapter 116, 116A](#) or [116B](#) of NRS or any regulation adopted pursuant thereto;
 - (b) Engages in deceitful, fraudulent or dishonest conduct, including, without limitation, knowingly communicating false, misleading or fraudulent information to a client;
 - (c) Submits a registration which contains a false statement of material fact;
 - (d) Fails to cooperate with the Division in the investigation of a complaint, including, without limitation, failure to produce any document, book or record in the possession or control of the reserve study specialist after the Division requests the production of such document, book or record in the course of investigating a complaint;
 - (e) Fails to perform impartially and consistently an activity that is lawful and properly authorized on behalf of a client or fails to perform a duty or obligation owed to a client because of the age, race, color, religion, national origin, disability, marital status, familial status, sex, sexual orientation or ethnicity of any person, including, without limitation, a member of the executive board, an officer of the association or a unit's owner; or
 - (f) Exceeds the authority granted to him or her by the client.
3. A reserve study specialist commits an act of professional incompetence if, without limitation, the reserve study specialist:
 - (a) Demonstrates a significant lack of ability, knowledge or fitness to perform a duty or obligation owed to a client; or
 - (b) Fails to exercise reasonable skill and care with respect to a duty or obligation owed to a client.
4. In determining whether a reserve study specialist has committed unprofessional conduct or professional incompetence, the Commission and the Administrator may consider, without limitation, whether the reserve study specialist has:
 - (a) Done his or her utmost to protect the public against misrepresentation or unethical practices relating to the reserve study;
 - (b) Made reasonable efforts to acquire knowledge of all pertinent facts concerning a client, including, without limitation, all material facts regarding the reserve study that are reasonably ascertainable and are of customary or express concern to the client, and conveyed that knowledge to the client;
 - (c) Provided or attempted to provide to a client services for which the reserve study specialist does not have the appropriate knowledge or experience;
 - (d) Complied with the disclosure requirements of [NAC 116A.430](#);
 - (e) Complied with the client's applicable governing documents, policies and procedures as they relate to a reserve study;
 - (f) Kept informed of current statutes and regulations relating to common-interest communities;
 - (g) Acted in the best interest of the client;
 - (h) Ensured that each agreement for services of the reserve study specialist was in writing; and
 - (i) Obtained all changes of contractual terms in writing and ensured that such changes are signed or initialed by the parties concerned.

(Added to NAC by Comm'n for Common-Interest Communities & Condo. Hotels by R145-06, eff. 4-17-2008; A by R164-09, 5-5-2011; R050-13, 8-10-2015)