

**CICCH - EDUCATION**  
 3300 W Sahara Ave  
 Las Vegas, NV 89102  
 (702) 486-4480

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

**NEWLY APPROVED COMMUNITY MANAGER CONTINUING EDUCATION COURSES (8)**

**1.**

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| <p><b>Sponsor:</b> Southern Nevada Water Authority<br/> <b>Course Title:</b> <i>Conservation and Use of Our Precious Resource, Water</i><br/> <b>Request:</b> 3 Hours                      General                      Classroom<br/> <b>Objective:</b> To help community managers and directors understand the critical impact their decisions can have on the State’s water resource.<br/> <b>Standards:</b> Complies with the following provisions of NAC 116A.232: 1(b), information relates to pertinent Nevada laws and regulations, 2(d), reserve studies; 2(h), inspecting the CIC for maintenance, planning, etc.; 2(j), health and safety issues; 2(l), planning and zoning for land use.<br/> <b>Instructors:</b> Sara Barry              Patrick Watson (Conservation Services Administrator-SNWA)<br/> <b>Determination:</b> <b>Approved – 3 Hours – General - Classroom</b></p> |                 |  |
| <b>Content:</b>  | <b>Minutes:</b> |  |
| I. Introductions   | 5               |  |
| II. Goals of Class – “Why are we here?”<br>a. Understand SNWA and the resources they can provide<br>b. Water update on Colorado River and drought<br>c. Water Use Review<br>d. Ways to save water and money; maintenance tips and questions you should ask your landscaper   | 10              |  |
| III. Nevada’s Water Supply<br>a. Colorado River Compact; River Allocations<br>b. Historic Water Use<br>c. Drought Statistics and Response<br>d. Banked Resources and Conservation Methods; Resource Plan   | 15              |  |
| IV. Is Las Vegas Running Out of Water? No<br>a. Intake No. 3 / Low Lake Level Pumping Station<br>b. Efficient Use of Water (regulations, programs, pricing, education)<br>c. Water Cycle from Mountain to Lake<br>d. AB 138 – collection of precipitation<br>e. Residential use is highest cut of the pie (59.2%)  | 15              |  |
| V. Regulation<br>a. Golf Course – restrictions, water-smart landscaping<br>b. Investigating Waste – allowing water to spray or flow off property, watering at a prohibited time/day  | 15              |  |
| <b>Break</b>   | <b>10</b>       |  |
| VI. Programs<br>a. Applied Irrigation<br>b. CAM/Board Responsibilities. Take into account:<br>i. Need  | 15              |  |

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| <ul style="list-style-type: none"> <li>ii. Long-term Cost</li> <li>iii. Aesthetics</li> <li>iv. Cost/Benefit</li> <li>v. Impact on Community Property Values</li> <li>vi. Environmental Impacts</li> </ul>   |  |
| <p>VII. Preliminary Cost Analysis and Priority Categories</p> <ul style="list-style-type: none"> <li>a. Level 1 <ul style="list-style-type: none"> <li>i. Does the common area have low visibility/functionality?</li> <li>ii. Impact to community appearance is low</li> </ul> </li> <li>b. Level 2 <ul style="list-style-type: none"> <li>i. Is the common area somewhat visible with low functionality?</li> <li>ii. Slight impact to community's overall appearance</li> </ul> </li> <li>c. Level 3 <ul style="list-style-type: none"> <li>i. Will there be a significant community impact?</li> <li>ii. Hold for now</li> </ul> </li> <li>d. Level 4 <ul style="list-style-type: none"> <li>i. Critical to community appearance/ highly functional (park)</li> <li>ii. Only remove if mandated</li> </ul> </li> </ul> | 15   |
| <p>VIII. Water Smart Landscapes</p> <ul style="list-style-type: none"> <li>a. Process</li> <li>b. Benefits</li> <li>c. Aerial Photos</li> <li>d. Questions for Landscape Contractor <ul style="list-style-type: none"> <li>i. Current business license?</li> <li>ii. Bonded and insured?</li> <li>iii. Experience/ References?</li> </ul> </li> <li>e. Architectural Control Committee <ul style="list-style-type: none"> <li>i. How to conserve water</li> <li>ii. Grants for conservation?</li> <li>iii. Prioritizing turf</li> </ul> </li> </ul>  | 15   |
| Break  | 10   |
| <p>IX. Maintenance in the Community</p> <ul style="list-style-type: none"> <li>a. Asphalt</li> <li>b. Stucco</li> <li>c. Landscaping – soil, plant and tree care, lawns, irrigation</li> <li>d. Inspections – how often? Put it into RFP and contracts</li> <li>e. Getting rid of grass <ul style="list-style-type: none"> <li>i. Rebates</li> <li>ii. Laws</li> <li>iii. Useful websites</li> </ul> </li> </ul>   | 15   |
| <p>X. For Unit Owners</p> <ul style="list-style-type: none"> <li>a. Types of irrigation systems and types of plants to use</li> <li>b. Aesthetics – rocks and mulch</li> <li>c. Watering schedules and restrictions</li> <li>d. Current developer requirements</li> <li>e. Pools and ponds - evaporation and draining</li> <li>f. Conservation easements</li> </ul>  | 20   |
| Questions and Break  | 20   |
| <p><b>TOTAL: 150 minutes of instruction + 30 minute break =</b></p>  | <p><b>180 minutes (3.0 Hours)</b></p> <p style="text-align: right;"><b>180</b></p> |

**2.**

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| <p><b>Sponsor:</b> Community Association Institute – NV Chapter<br/> <b>Course Title:</b> <i>Magic of Maintenance</i><br/> <b>Request:</b> 1 Hour General Classroom<br/> <b>Objective:</b> The importance of corrective, deferred and preventative maintenance.<br/> <b>Standards:</b> Complies with the following provisions of NAC 116A.232: 1(a) improves professional knowledge, 2(h) inspecting community for the purposes of maintenance, planning or enforcing the governing documents, 2(j) health and safety issues.<br/> <b>Instructors:</b> George Van Oosbree (LEED AP, Senior VP &amp; Director of Operations in Nevada for ProTec Building Services)<br/> <b>Determination:</b> <b>Approved – 1 Hour – General - Classroom</b></p> |                 |
| <b>Content:</b>  | <b>Minutes:</b> |
| I. Introduction – What is Maintenance?<br>a. Corrective – reactive or fix it<br>b. Deferred – lack of maintenance<br>c. Preventative – ideal to get the longest possible life  | 10              |
| II. Water, the Number 1 Agent of Destruction<br>a. Wood Rot<br>b. Subsidence<br>c. Stucco Degradation<br>d. Rust<br>e. Importance of roof gutters  | 10              |
| III. First Line of Defense – Roofs<br>a. Shingles and tiles replaced<br>b. Remove leaves from gutters and downspouts<br>c. Seal penetrations   | 10              |
| IV. Second Line of Defense – Stucco<br>a. Membrane of the structure is the building paper – protect it by keeping water off<br>b. No flat stucco surfaces or ponding on stucco   | 10              |
| V. In Addition, Maintain:<br>a. Wood Fascia<br>b. Windows<br>c. Wood Trim<br>d. Belly Board<br>e. Siding   | 5               |
| VI. What to Look For<br>a. How to spot wood rot<br>b. Don't let paint crack - sealing<br>c. Water theft/ unsafe balconies<br>d. Contemporary light with internal transformer<br>e. Retaining wall with efflorescence<br>f. Fire curb paint   | 5               |
| VII. Overall Solution:<br>a. Focus on preventative maintenance<br>b. Minor repairs and capital improvements as needed  | 5               |
| Questions  | 5               |
| <b>TOTAL: 60 minutes of instruction</b>  | <b>60</b>       |

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| <p><b>Sponsor:</b> HOA Collections LLC<br/> <b>Course Title:</b> <i>Let's Talk Money – Assessments, Liens, Foreclosure, Bankruptcy and Super Priority</i><br/> <b>Request:</b> 1 Hour General Classroom<br/> <b>Objective:</b> To give managers and board members a better understanding of the collection process as outlined in NRS 116.<br/> <b>Standards:</b> Complies with the following provisions of NAC 116A.232: 1(a), improves professional knowledge; 1(b), relates to pertinent Nevada laws and regulations; 2(q), enforcement of financial obligations, including, without limitation, liens and collections procedures.<br/> <b>Instructors:</b> Michael W. Randolph<br/> <b>Determination:</b> <b>Approved – 1 Hour – General - Classroom</b></p> |                 |
| <b>Content:</b>  | <b>Minutes:</b> |
| I. Introduction; look at: <ul style="list-style-type: none"> <li>a. NRS 116.3116-31168</li> <li>b. Governing Documents – CC&amp;Rs &amp; Collection Policy</li> </ul>  | 5               |
| II. Creation of Lien <ul style="list-style-type: none"> <li>a. NRS 116.3116(1) &amp; (9)</li> <li>b. The Declaration creates the lien for all units in the CIC</li> <li>c. Assessments are annual</li> <li>d. Lien is against the unit, no matter who owns it</li> <li>e. CC&amp;Rs state personal liability of owners to pay assessments</li> </ul>   | 10              |
| III. Why do you record a lien? <ul style="list-style-type: none"> <li>a. We record a “Notice of delinquent Assessment Lien” in which we refer to the lien created by the CC&amp;Rs</li> <li>b. Identify the unit by parcel number, name of the record owner, and property address.</li> <li>c. This then provides a recorded document that establishes debt in the public records that the CIC files the default against.</li> </ul>   | 10              |
| IV. How do you enforce? <ul style="list-style-type: none"> <li>a. Refer to Collection Policy for timelines</li> <li>b. Application of Payments <ul style="list-style-type: none"> <li>i. Payments shall be applied first to late fees and/or collection fees, then to interest, and finally to assessments.</li> <li>ii. Payments may not be applied to fines unless authorized by unit owner.</li> </ul> </li> <li>c. Before you can collect – send new military protections letter.</li> </ul>   | 10              |
| V. Collection timeline <ul style="list-style-type: none"> <li>a. Statutory 60 day letter</li> <li>b. NAC 116.470</li> <li>c. Intent to lien</li> <li>d. Forward to collections</li> <li>e. Lien</li> <li>f. Notice of default</li> <li>g. Super priority</li> <li>h. Authorization to publish</li> <li>i. Notice of sale</li> <li>j. Homeowner arrangement</li> <li>k. Sale</li> </ul>   | 10              |
| VI. Redemption   | 5               |
| Questions  | 10              |
| <b>TOTAL: 60 minutes of instruction</b>  | <b>60</b>       |

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| <p><b>Sponsor:</b> The Clarkson Law Group, P.C.<br/> <b>Course Title:</b> <i>Violation Fumbles</i><br/> <b>Request:</b> 2 Hours                      General                      Classroom<br/> <b>Objective:</b> This course covers common missteps made during and following the violation enforcement process and how to ensure compliance with both the governing documents and NRS 116 as it pertains to rules enforcement.<br/> <b>Standards:</b> Complies with the following provisions of NAC 116A.232: 1(a), improves professional knowledge; 1(b), relates to pertinent Nevada laws and regulations; 2(b), pending and recent legislation; 2(c), administration of laws and regulations including enforcement; 2(f), personnel management and recordkeeping; 2(g), accounting; 2(h), enforcing the governing documents; 2(i), federal laws pertinent to the management of a CIC; 2(j), health and safety issues; 2(q), liens and collections procedures; 2(s), techniques and guidelines for internal association procedures related to hearings concerning violations of the governing documents and other disputes.<br/> <b>Instructors:</b> Adam H. Clarkson, Esq.                      John W. Aylor, Esq.<br/> <b>Determination:</b> <b>Approved – 2 Hours – General - Classroom</b></p> |                 |  |
| <b>Content:</b>  | <b>Minutes:</b> |  |
| I. Speaker Introductions   | 5               |  |
| II. Overview   | 5               |  |
| III. Improper Notices <ul style="list-style-type: none"> <li>a. NRS 116.31031(1) &amp; NRS 116.31031(4)</li> <li>b. Failing to send notice to both the property and mailing address</li> <li>c. Not including a clear and detailed photo</li> <li>d. Missing governing document provisions</li> <li>e. Vague description of the violation and/or failure to provide a remedy</li> <li>f. Not allowing a reasonable opportunity to cure</li> </ul>  | 15              |  |
| IV. No Schedule of Fines <ul style="list-style-type: none"> <li>a. NRS 116.31031(3)</li> </ul>   | 5               |  |
| V. New Rule Enforcement <ul style="list-style-type: none"> <li>a. NRS 116.12065</li> <li>b. NRS 116.31031(4)</li> <li>c. SB 255</li> </ul>   | 5               |  |
| VI. Improperly Designating a Violation “Health, Safety, Welfare” <ul style="list-style-type: none"> <li>a. Examples of what should and should not be considered a health and safety violation</li> <li>b. NRS 116.31031(1)</li> <li>c. Discussion of <i>4215 Harding Road HOA v. Stacy Harris</i> (354 S.W.3d296, Court of Appeals of Tennessee, Middle Section, at Nashville No. M2010-01467-COA-R3-CV)</li> <li>d. Discussion of Health, Safety and/or Welfare vs. Regular Violations (examples)</li> <li>e. NRS 116.3103</li> <li>f. NRS 116.332 – storage of solid waste containers</li> </ul>   | 20              |  |
| Break  | 10              |  |
| VII. Hearing Issues <ul style="list-style-type: none"> <li>a. NRS 116.31031</li> <li>b. Imposing fines and/or suspending privileges prior to the hearing</li> <li>c. Not providing reasonable notice</li> <li>d. Missing information in the hearing notice</li> <li>e. Missing amount of the fine in a hearing notice for a Health, Safety, Welfare violation</li> <li>f. Delinquent directors participating in hearings</li> </ul>  | 10              |  |

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| VIII. Fine Issues  |                                |
| <ul style="list-style-type: none"> <li>a. NRS 116.31031</li> <li>b. NRS 116.310315- Improperly accounting for fines (separate ledger)</li> <li>c. NRS 116.31031(11) – Improperly charging interest</li> <li>d. NRS 116A.640(8) Improperly applying payments</li> </ul>   | 10                             |
| IX. Abatements   |                                |
| <ul style="list-style-type: none"> <li>a. Super-Priority Abatements NRS 116.310312</li> <li>b. Exterior of unit subject to foreclosure</li> <li>c. Vacant unit – defined NRS 116.310312(10c)</li> <li>d. Vacant unit – exterior vs interior</li> <li>e. Properly noticing the violation NRS 116.31031</li> <li>f. Fees and costs recoverable through foreclosure</li> <li>g. Effects of failure to comply with the statutory abatement lien process</li> </ul> | 15                             |
| X. Violation Fine Collection Issues  |                                |
| <ul style="list-style-type: none"> <li>a. NRS 116.31162(4)</li> <li>b. Failure to send the statutory pre-collection notice or sending too soon</li> <li>c. Sending fines account to collections too early</li> <li>d. Commencing collection action too late</li> <li>e. Sending an incomplete file to collection agent</li> <li>f. NRS 116.3116(3) Improperly carrying over fine account balances (foreclosure)</li> </ul>                                     | 10                             |
| XI. Doing it Right – Recap   | 5                              |
| Questions  | 5                              |
| <b>TOTAL: 110 minutes of instruction + 10 minute break =</b>   | <b>120 minutes (2.0 hours)</b> |
|  | <b>120</b>                     |

## 5.

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| <p><b>Sponsor:</b> The Clarkson Law Group, P.C.</p> <p><b>Course Title:</b> <i>Sexual Harassment: What You Should Know</i></p> <p><b>Request:</b> 3 Hours                      General                      Classroom</p> <p><b>Objective:</b> This course covers sexual harassment in the CIC by clarifying harassment vs. non-harassment, how to recognize sexual harassment and the steps to take to prevent and mitigate the effects of sexual harassment.</p> <p><b>Standards:</b> Complies with the following provisions of NAC 116A.232: 1(a), improves professional knowledge; 1(b), relates to pertinent Nevada laws and regulations; 2(f), personnel management and recordkeeping; 2(i), federal laws pertinent to the management of a CIC; 2(o), interpersonal communications; 2(s), techniques and guidelines for internal association procedures related to hearings concerning violations of the governing documents and other disputes.</p> <p><b>Instructors:</b> Adam H. Clarkson, Esq.      John W. Aylor, Esq.      Cheri A. Hauer, Esq.</p> <p><b>Determination:</b> <b>Approved – 3 Hours – General - Classroom</b></p> |                 |  |
| <b>Content:</b>  | <b>Minutes:</b> |  |
| I. Speaker Introductions   | 5               |  |
| II. Overview   | 5               |  |
| III. Sexual Harassment Exposed <ul style="list-style-type: none"> <li>a. Recent Media Attention – Me Too Movement</li> <li>b. Statistics of men and women experiencing/witnessing sexual harassment at work.</li> </ul>  | 5               |  |
| IV. Harassment Defined <ul style="list-style-type: none"> <li>a. Black’s Law Dictionary Definition</li> <li>b. Defining Harassment in the Workplace</li> <li>c. Why People Harass Others – power, control, peer approval, bullying mentality</li> </ul>  | 5               |  |
| V. Sexual Harassment Defined <ul style="list-style-type: none"> <li>a. EEOC &amp; Title VII of the Civil Rights Act of 1964</li> <li>b. NRS 613.330</li> <li>c. NRS 200.571 – harassment</li> <li>d. Elements of Sexual Harassment</li> <li>e. Types <ul style="list-style-type: none"> <li>i. Quid Pro Quo</li> <li>ii. Hostile Work Environment</li> <li>iii. Verbal &amp; Non-Verbal</li> <li>iv. Other Examples of Workplace Sexual Harassment</li> </ul> </li> <li>f. Non-Sexual Harassment Defined – racial, ethnic, religious</li> </ul>  | 15              |  |
| VI. #ThatsHarassment Video Clips   | 10              |  |
| VII. Harassment Hypotheticals <ul style="list-style-type: none"> <li>a. Manager and Board Member</li> <li>b. Manager and Homeowner</li> <li>c. Manager and Vendor</li> <li>d. Amongst the Board</li> </ul>   | 10              |  |
| Break  | 15              |  |
| VIII. Identifying Risk Factors <ul style="list-style-type: none"> <li>a. Sexist Attitudes <ul style="list-style-type: none"> <li>i. Women and Sexism</li> <li>ii. Cases of Discrimination against men</li> </ul> </li> <li>b. Generational Perspectives</li> <li>c. Unprofessional Work Environment</li> </ul>   | 20              |  |

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|  | <ul style="list-style-type: none"> <li>d. Skewed Gender Ratios</li> <li>e. Knowledge of Grievance Procedures</li> </ul>  |                                |
| IX.  | <p>Federal Sexual Harassment Cases</p> <ul style="list-style-type: none"> <li>a. Gurshin v. Bank of America</li> <li>b. Falvan v. Del Taco</li> <li>c. Little v. Windermere Relocation, Inc.</li> <li>d. Folkerson v. Circus Circus</li> <li>e. Nichols, et al v. Azteca Restaurant Enterprises</li> <li>f. EEOC, et al v. Prospect Airport Services, Inc.</li> </ul>  | 30                             |
| Break  |  | 15                             |
| X.   | <p>Effects of Sexual Harassment</p> <ul style="list-style-type: none"> <li>a. Consequences for the Victim – stress, anxiety, sleep disturbances, etc.</li> <li>b. Trauma – panic attacks, PTSD, shame/guilt</li> <li>c. Effects on Employment Status – fired, demoted, denied opportunities for advancement</li> <li>d. Consequences for the Organization – turnover, absenteeism, lawsuits, medical claims</li> </ul>                               | 10                             |
| XI.  | <p>Prohibited Retaliation</p> <ul style="list-style-type: none"> <li>a. Adverse employment action <ul style="list-style-type: none"> <li>i. Title VIII of the Civil Rights Act of 1964</li> <li>ii. EEOC</li> </ul> </li> <li>b. Examples of Retaliation</li> <li>c. State law NRS 613.340</li> <li>d. Gerving v. Opbiz, LLC</li> </ul>  | 10                             |
| XII.   | <p>Employer Liability</p> <ul style="list-style-type: none"> <li>a. EEOC Defined</li> <li>b. Violation of Federal Law</li> <li>c. Who qualifies as a Supervisor</li> <li>d. When an employer is legally responsible</li> <li>e. Individuals sued</li> </ul>  | 10                             |
| XIII.  | <p>Reporting and Investigating</p> <ul style="list-style-type: none"> <li>a. Why we fail to report <ul style="list-style-type: none"> <li>i. Fear of Retaliation</li> <li>ii. Bystander Effect</li> <li>iii. Masculine Culture</li> </ul> </li> <li>b. How to encourage reporting</li> <li>c. Reporting sexual harassment tips</li> <li>d. What to expect during an investigation</li> <li>e. Filing EEOC Claim for continuous harassment</li> </ul> | 10                             |
| XIV.   | <p>Sexual Harassment Prevention</p> <ul style="list-style-type: none"> <li>a. EEOC Recommendations on Policies</li> <li>b. Tips for Supervisors – zero tolerance, monitor environment</li> </ul>   | 5                              |
| Questions  |  | 10                             |
| <b>TOTAL: 150 minutes of instruction + 30 minute break =</b> |  | <b>180 minutes (3.0 hours)</b> |
|  |  | <b>180</b>                     |



6.

| <p><b>Sponsor:</b> Kern &amp; Associates, LTD<br/> <b>Course Title:</b> <i>Bullying, Harassment, Defamation and Slander</i><br/> <b>Request:</b> 1 Hour General Classroom<br/> <b>Objective:</b> This course will enable community managers to respond in a professional manner when dealing with issues of bullying, harassment, defamation and slander in the communities they manage.<br/> <b>Standards:</b> Complies with the following provisions of NAC 116A.232: 1(a), improves professional knowledge; 2(f), personnel management; 2(j), health and safety issues; 2(o), interpersonal communications.<br/> <b>Instructors:</b> Gayle A. Kern, Esq. Sara E. Barry<br/> <b>Determination:</b> <b>Approved – 1 Hour – General - Classroom</b></p> |           |
|---|-----------|
| Content:  | Minutes:  |
| I. Introduction<br>a. What constitutes bullying, harassment, retaliation, hostile environment?  | 5         |
| II. What is an anti-bullying resolution and why do you need one?<br>a. Threats of physical violence or other harm<br>b. Verbal abuse<br>c. Intimidation<br>d. Bullying<br>e. Physical abuse<br>f. Committing any tortious acts<br>g. Committing any criminal acts<br>h. Cyber threats or harassment<br>i. Stalking<br>j. Sexual harassment  | 10        |
| III. How can NRS 116.31184 be enforced?<br>a. Through the governing documents<br>b. Anti-bullying resolution; NRS 116.31065<br>c. Clarify threats to health and safety  | 10        |
| IV. Other Remedies<br>a. Application for Order for Protection<br>b. Restraining Order – Association   | 10        |
| V. What constitutes defamation, slander, business disparagement, false light?<br>a. What proof and/or damages are required?<br>b. What can be done?   | 5         |
| VI. Intentional interference with contractual relations   | 5         |
| VII. Intentional interference with prospective economic advantage   | 5         |
| VIII. Civil Conspiracy  | 5         |
| Questions   | 5         |
| <b>TOTAL: 60 minutes of instruction</b>   | <b>60</b> |

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| <p><b>Sponsor:</b> Level Property Management</p> <p><b>Course Title:</b> <i>Lawsuits, Litigation, Judgments and their Impact on the Association</i></p> <p><b>Request:</b> 3 Hours                      General                      Classroom</p> <p><b>Objective:</b> What you need to know when lawsuits, litigation and judgments are brought against the association.</p> <p><b>Standards:</b> Complies with the following provisions of NAC 116A.232: 1(a), contains information on managing a CIC; 1(b), contains pertinent laws and regulations; 2(a), the ethics of managing a CIC; 2(c), enforcement of laws and regulations; 2(e), insurance and risk management; 2(f), recordkeeping.</p> <p><b>Instructors:</b> Anne Calarco      Edward Boyack, Esq.      Mark Coolman</p> <p><b>Determination:</b> <b>Approved – 3 Hours – General - Classroom</b></p>   |                 |
| <b>Content:</b>   | <b>Minutes:</b> |
| I. Class Objective, Disclaimer, Speaker Introductions   | 10              |
| II. BOD and Community Manager’s Role in Mitigating Risk <ul style="list-style-type: none"> <li>a. Fiduciary Responsibility – NRS 116.3103</li> <li>b. Risk Management Preventative Measures               <ul style="list-style-type: none"> <li>i. Common area property walks</li> <li>ii. Documenting possible risks timely</li> <li>iii. Reviewing reserve study</li> <li>iv. Scheduling repairs</li> <li>v. Blocking off area to avoid injury</li> <li>vi. Consequences of deferring maintenance</li> </ul> </li> <li>c. Creating New Policies/Rules and Regulations – NRS 116.31065               <ul style="list-style-type: none"> <li>i. NRS 116.12065 – delivering changes to unit owners</li> <li>ii. NRS 116.31031(4)(a) – 30 days before enforcing changes</li> </ul> </li> <li>d. Delinquencies, Collections, Foreclosures and Litigation/Claims               <ul style="list-style-type: none"> <li>i. NRS 116.31151 – distributing Collection Policy</li> <li>ii. NRS 116.4109 – disclosing litigation</li> </ul> </li> <li>e. Manager’s Role – Notice the BOD and facilitate the process</li> </ul>  | 40              |
| Break   | 10              |
| III. Common Area Insurance <ul style="list-style-type: none"> <li>a. Directors &amp; Officers – Covers decisions of the BOD (delinquencies, foreclosures, etc.)</li> <li>b. We have a claim, now what? – Put insurance company on notice</li> <li>c. ADR or Lawsuit – Should they be filed as a claim?</li> <li>d. Foreclosure Claims</li> <li>e. Wrongful Foreclosure – Work with attorney; D&amp;O policy</li> <li>f. Other Claims               <ul style="list-style-type: none"> <li>i. Obstruction of view</li> <li>ii. Quiet enjoyment</li> <li>iii. Failure of fiduciary duty</li> <li>iv. Challenges to assessments</li> <li>v. Failure to maintain common elements</li> </ul> </li> <li>g. What if a claim is denied or the policy is rescinded? – contact legal counsel</li> <li>h. What legal counsel does to challenge/appeal decision               <ul style="list-style-type: none"> <li>i. Negotiate with and/or send a demand to the insurance company</li> <li>ii. Seek reimbursement for the association’s expenses</li> <li>iii. Trigger the insurance company’s obligations under the policy</li> <li>iv. File a bad faith claim against the insurance company</li> </ul> </li> </ul> | 50              |

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|--|------------|
| <ul style="list-style-type: none"> <li>i. Insurance after a claim – Rates</li> <li>j. Current D&amp;O market</li> </ul>  |            |
| Break  | 10         |
| <p>IV. The HOA is Being Sued</p> <ul style="list-style-type: none"> <li>a. What should the board do now that they have been served with a lawsuit? <ul style="list-style-type: none"> <li>i. Immediate tender to insurance or general counsel</li> <li>ii. Gathering of relevant documents</li> <li>iii. Discussion of ethical issues</li> <li>iv. Manager or BOD involvement in defense</li> <li>v. Communication with defense counsel and requests for updates</li> <li>vi. Review of letters and evaluations</li> <li>vii. The need for board appearances in mediation or court</li> <li>viii. Insurance carrier’s rights and obligations for defense</li> <li>ix. Document preservation and evidentiary issues</li> </ul> </li> <li>b. Foreclosure Lawsuits <ul style="list-style-type: none"> <li>i. Bank cases</li> <li>ii. SFR decision</li> <li>iii. Federal vs. state outcomes</li> <li>iv. Higher ground cases</li> </ul> </li> <li>c. Judgment against the association, no insurance coverage, and the worst case scenario <ul style="list-style-type: none"> <li>i. Areas where insurance coverage does not apply</li> <li>ii. Statutes related to homeowner’s responsibility for judgment</li> <li>iii. Use of reserve funds to satisfy judgments</li> <li>iv. Policy limit demand issues</li> <li>v. Bad faith claims</li> <li>vi. Bankruptcy?</li> <li>vii. Dissolution of the association and special assessments</li> </ul> </li> </ul> | 50         |
| <p>V. Recap</p> <ul style="list-style-type: none"> <li>a. Mitigate risk</li> <li>b. Obtain appropriate insurance</li> <li>c. Seek proper professional advice</li> <li>d. Follow laws adopting resolutions, policies, and rules</li> <li>e. If the association is sued, how should the BOD/ manager respond?</li> </ul>   | 2          |
| Questions  | 8          |
| <b>TOTAL: 160 minutes of instruction + 20 minute break = 180 minutes (3.0 hours)</b>   | <b>180</b> |

## 8.

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|---|-----------------|
| <b>Sponsor:</b> Community Association Solutions<br><b>Course Title:</b> <i>Board Meetings, Member Meetings, and Elections</i><br><b>Request:</b> 3 Hour            General                            Classroom<br><b>Objective:</b> To educate those industry regarding meetings and elections pursuant to NRS 116.<br><b>Standards:</b> Complies with the following provisions of NAC 116A.232: 1(a), information on managing a CIC; 1(b), pertinent laws and regulations; 2(c), enforcement of laws and regulations.<br><b>Instructors:</b> Gayle Kern Esq., John Leach Esq., Michael Schulman Esq., Greg Kerr Esq., Donna Zanetti Esq., Cheri Hauer Esq., Ed Song Esq., Sara Barry<br><b>Determination:</b> <b>Approved – 3 Hours – General - Classroom</b> |                 |
| <b>Content:</b>   | <b>Minutes:</b> |
| I. Introduction   | 5               |
| II. Meeting Types <ul style="list-style-type: none"> <li>a. Board Meetings</li> <li>b. Executive Session</li> <li>c. Committee Meetings</li> <li>d. Ad Hoc Committee Meetings</li> <li>e. Special Members' Meetings</li> <li>f. Annual Members' Meetings</li> <li>g. Recall Election Meetings</li> </ul>  | 20              |
| III. Voting <ul style="list-style-type: none"> <li>a. Quorum</li> <li>b. Disclosures before voting</li> <li>c. When can you vote by ballot/ proxy?</li> <li>d. Lessees? – NRS 116.311(8)</li> </ul>   | 35              |
| Break   | 10              |
| IV. Election and Removal of BOD <ul style="list-style-type: none"> <li>a. Officer vs. Director</li> <li>b. Nomination Form and disclosures</li> <li>c. Composition of Board – Husband and Wife</li> <li>d. Secret Ballot – 3 envelope system – no incumbents can handle</li> <li>e. Candidate statements</li> <li>f. Ballots counted in public</li> <li>g. Election inspectors</li> <li>h. Tally sheet and confirmation</li> <li>i. Record keeping</li> <li>j. Appointments</li> </ul>  | 40              |
| Break   | 10              |
| V. Notices of All Meetings <ul style="list-style-type: none"> <li>a. Dates for distribution of notices</li> <li>b. Proof of mailing</li> <li>c. Agenda preparation for board meetings vs. owner meetings</li> <li>d. Roberts Rules vs. Conducting Owner Meetings/Roles</li> <li>e. Minutes</li> <li>f. Action/Task List</li> </ul>  | 50              |
| VI. Common Problems Managers Cause and Questions  | 10              |
| <b>TOTAL: 160 minutes of instruction + 20 minute break = 180 minutes (3.0 hours)</b>  | <b>180</b>      |