

TO: Common-Interest Community and Condominium Hotels Commission
FROM: Charvez Foger - Ombudsman
 Monique Williamson - Education and Information Officer
SUBJECT: Education Summary – approvals from **March 2019 through May 2019**

NEWLY APPROVED COMMUNITY MANAGER CONTINUING EDUCATION COURSES (11)

1.

<p>Sponsor: Community Association Solutions Course Title: <i>Playground Safety Inspections in the CIC</i> Request: 2 Hours General Classroom Objective: To further community manager understanding of playground equipment within HOAs, and the very serious need for frequent inspections. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 2(e) risk management; 2(h) inspecting for the purposes of maintenance and 2(j) health and safety issues. Instructors: Sara Barry; Lara Garrell (Community Manager for 15 years); Greig Jameson (7 years of landscape architecture experience) Determination: Approved – 2 Hours – General - Classroom</p>	
<p>Content:</p>	<p>Minutes:</p>
<p>I. Speaker introductions and overview</p>	<p>5</p>
<p>II. Playground audit vs. playground inspection</p> <ul style="list-style-type: none"> a. Playground audit <ul style="list-style-type: none"> i. Performed by a Certified Playground Safety Inspector (CPSI) when: a new playground is about to open; if conditions change on an existing playground; or if a playground has never been audited ii. First step in establishing a comprehensive playground safety risk management program iii. Highly detailed inspection of every single piece of the playground iv. Looks at surrounding hazards v. Checks for compliance vi. Documents through video and photographs as well as written documentation vii. Can take anywhere from 4 to 16 hours b. Playground inspection <ul style="list-style-type: none"> i. Routinely scheduled inspection that is intended to be completed once a full audit has taken place ii. CPSI sets up an inspection schedule based on several factors iii. Purpose is to maintain the standard of care and identify any new hazards resulting from changes to the environment iv. Can be performed by site staff v. Documented with ‘frequency inspection forms’ 	<p>15</p>
<p>III. What is considered a public playground?</p> <ul style="list-style-type: none"> a. Commercial (non-residential) child care facility b. Institutions c. Multiple family dwellings d. Parks e. Restaurants 	<p>5</p>

<ul style="list-style-type: none"> f. Resorts and recreational developments g. Schools h. Any other area intended for either supervised or unsupervised public use i. NOT: amusement park equipment, sports or fitness equipment, air inflatables, museum sculptures, water play facilities, home equipment 	
<p>IV. Major types of playground injuries (pictures)</p> <ul style="list-style-type: none"> a. Entanglement is the number one cause of death or serious debilitating injury. An entanglement is a projection that has the potential to catch a loose cord, hood, or any other item around a child's neck b. Falling on the equipment itself, falling onto a non-compliant play surface, etc. c. Head or neck entrapments d. Protrusion impalement caused by a projection that can spike, pierce or stab a child e. Injuries caused by design features f. Injuries caused by incorrect installation or maintenance 	20
<p>V. Site considerations</p> <ul style="list-style-type: none"> a. Intended age of users (range) b. Travel patterns of children to and from the playground. Do they walk there or are they dropped off at a closed facility? c. Nearby accessible hazards such as roads with traffic, lakes, ponds, streams, cliffs, etc. d. Sun exposure e. Slope and drainage 	5
<p>VI. Playground layout</p> <ul style="list-style-type: none"> a. Accessibility – ADA compliant? b. Age group separations? c. Conflicting activities – location of swings vs. other components? d. Sight lines – does layout allow for care givers to keep track of the children without obstructed views? e. Signage or labeling – is informational signage properly posted? 	10
<p>Break</p>	10
<p>VII. Common non-compliance (pictures)</p> <ul style="list-style-type: none"> a. Surfacing – shock absorbing; maximum fall height rating determines type of surface <ul style="list-style-type: none"> i. Loose-fill vs. unitary ii. Loose-fill – engineered wood fiber, pea gravel, sand, shredded rubber mulch iii. Unitary – rubber pour in place or rubber 2x2 tiles, synthetic turf with rated pad beneath iv. Non-compliant – lawn, asphalt, concrete, carpet, dirt, soil, treated woodchips b. Layout – use zones; 6' of clearance or larger for slides, rotating equipment, swings c. Entrapments; Protrusions; Entanglements d. Playground hardware or components e. Crush and shearing parts f. Miscellaneous items – overhead obstructions; tree branches 	20
<p>VIII. Establishing the 'standard of care' and site history file</p> <ul style="list-style-type: none"> a. What is the standard of care? <ul style="list-style-type: none"> i. A standard of conduct to which one must conform ii. There are no federal laws that apply to playground safety, therefore an owner's risk management plan establishes the standard of care precedence iii. We manage risk to reduce loss of life or debilitating injury of users, limit exposure to liability, and show good intent iv. You can never entirely stop children from getting hurt on playgrounds b. Risk management plan 	

<ul style="list-style-type: none"> i. Playground safety policy ii. Leadership (owner and/or safety coordinator) iii. Documentation iv. Audits v. Completed inspection and maintenance forms <p>c. Site history file</p> <ul style="list-style-type: none"> i. Owner contact information ii. Manufacturer contact information iii. Product warranties and maintenance instructions iv. Parts list and owner’s manuals v. Specifications and bid documents vi. Site plans vii. Comprehensive safety audit (pictures and videos) viii. Inspection checklists and reports ix. Surfacing, installation, and equipment compliance letters x. Copies of work orders and any complaints xi. Accident/incident procedures and forms xii. Accident investigation and summary reports 	10
Questions	20
TOTAL: 2 hour class	120

2.

<p>Sponsor: Mutual of Omaha Bank</p> <p>Course Title: <i>Financial Hurdles for Community Associations</i></p> <p>Request: 1 Hour General Classroom</p> <p>Objective: To help community managers understand the financial warning signs pointing to a potentially financially unstable HOA.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations and 2(g) accounting, including, without limitation, the preparation and monitoring of budgets, the monitoring of expenditures and reserves and the use of financial statements.</p> <p>Instructors: Chuck Balacy, Vice President</p> <p>Determination: Approved – 1 Hour – General - Classroom</p>	
Content:	Minutes:
I. Introduction and agenda	5
<p>II. Top 10 reasons communities face financial hardship</p> <ul style="list-style-type: none"> a. #10 – neglecting your fiduciary responsibility to the HOA; NRS 116.3103 & 31083(7) b. #9 – not following the investment policy and chasing rates c. #8 – not updating the reserve study and properly funding it; NRS 116.3115(2)(b) & 116.31152(1)(c) d. #7 – the board will not consider increasing assessments e. #6 – choosing to defer maintenance and using ‘band aids’ on projects f. #5 – not enforcing your collection policy causing higher delinquencies; NRS 116.31162(4) g. #4 – borrowing from reserves to pay operating expenses and skipping reserve transfers. “The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore. <i>The reserves may be</i> 	25

<p><i>used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance.”</i></p> <p>h. #3 – the never-ending special assessment; NRS 116.3115</p> <p>i. #2 – not relying on professionals when necessary; NAC 116.405(8)(e)</p> <p>j. #1 – when you see these issues and are not proactive to address them</p>	
<p>III. Top 10 reasons communities cannot qualify for a loan (used as an absolute last resort, how did you end up here?)</p> <p>a. #10 – governing documents are not in order</p> <p>b. #9 – the community is facing litigation</p> <p>c. #8 – the scope and total cost of the project is not clear</p> <p>d. #7 – financial documents are not up to date</p> <p>e. #6 – the term of the loan does not correlate with the life expectancy of the project</p> <p>f. #5 – the increase in the assessment or special assessment amount is unrealistic</p> <p>g. #4 – the community does not have enough units (less than 25)</p> <p>h. #3 – multiple units (more than 10%) are owned by the same person</p> <p>i. #2 – high percentage of investor owned units (more than 40%)</p> <p>j. #1 – the community has high delinquency rates (more than 10% over 60 days)</p>	20
Questions	10
TOTAL: 1 hour class	60

3.

<p>Sponsor: Community Associations Institute – Nevada Chapter</p> <p>Course Title: <i>Ten Simple Writing Tips to Make You Look Like a Pro</i></p> <p>Request: 1 Hour General Classroom</p> <p>Objective: To help community managers understand the importance of mastering basic writing skills when creating association newsletters, publications, notices, etc.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations and 2(o) interpersonal communications.</p> <p>Instructors: Vicki A. Niggemeyer</p> <p>Determination: Approved – 1 Hour – General - Classroom</p>	
Content:	Minutes:
I. Introduction	3
<p>II. Why are good writing skills important?</p> <p>a. NRS 116.31068 for notices</p> <p>b. Table of types of notices and their method of delivery pursuant to NRS 116</p> <p>c. Samples of common notices distributed (handouts)</p> <p>d. The importance of doublechecking, even triple-checking all communications. One incorrect word or poorly constructed sentence can confuse the recipient and delay the task at hand.</p> <p>e. Be firm, but polite. Remember, an email cannot convey tone or inflection. If you are diffusing a sensitive situation, your choice of words will be important. Don't write anything when you are angry or upset.</p> <p>f. NRS 116.31035 – official publications</p> <p>g. Survey - Out of 100 community newsletters disbursed to residents, approximately half a dozen are produced by the BOD; the rest are written, edited, and produced by management with input from the BOD.</p>	7
<p>III. Elements of good writing</p> <p>a. Substance – ideas</p>	5

<ul style="list-style-type: none"> b. Style – word choice, sentence structure, phrasing c. Organization – structure of ideas d. Correctness – mechanics and format 	
<p>IV. Writing Tips</p> <ul style="list-style-type: none"> a. Tip #1 – be consistent. Consistency and uniformity will give your publication a professional look. b. Tip #2 – choose a specific style guide; a set of standards for the writing and design of print material. The style guide provides uniformity in style and formatting. c. Tip #3 – punctuation. When you write, punctuation marks are the road signs (stop, yield, slow, detour) that guide the reader. <ul style="list-style-type: none"> i. Periods and commas always go inside quote marks ii. Use a comma after an introductory phrase iii. Use a comma after a prepositional phrase that starts a sentence iv. Use a colon to introduce a list v. Use a colon for emphasis vi. Do not over use exclamation marks! d. Tip #4 - When advertising or writing about an event, be sure you have included the five w's: what, where, when, why, and who (sometimes how). <ul style="list-style-type: none"> i. Use bullet points to emphasize the pertinent information ii. Bold the essential information iii. Check it and recheck it to make sure the dates and information are correct iv. Have another set of eyes look it over as well e. Tip #5 - Know who you are writing for. Know your audience when using industry jargon. Be sure to identify the term fully in your first reference, after that use the acronym or industry term. 	15
<p>V. Time to write that article</p> <ul style="list-style-type: none"> a. Pick a topic b. What is the most important point you are trying to make to your reader? c. Are you writing in first or third person? d. Are you an expert in this field? Do you need to do some research? If you are doing research, identify your sources. <ul style="list-style-type: none"> i. You can use footnotes ii. You can cite your source within the body of text by placing in parenthesis iii. You can cite it within the text e. Tip #6 - You need an attention-grabbing opening. It could be a statement, a question, or a quote, but it needs to grab the reader's attention and pull the reader into the article. f. Tip #7 - The body of your article should have logical flow and good transitions. <ul style="list-style-type: none"> i. Examples of good flow ii. If you are writing an article with a variety of elements but one common topic, separate those elements by using: subtitles; bold the font; use larger font g. Tip #8 - Don't repeat words unless you are doing it for effect h. Tip #9 - Keep paragraphs to a reasonable length <ul style="list-style-type: none"> i. Don't begin each paragraph with the same word or phrase ii. Use a combination of simple and complex sentences for variety iii. Never begin a sentence with a cardinal number iv. Stay on topic, it is easy to digress i. Tip #10 - Seal the deal with a solid closing paragraph <ul style="list-style-type: none"> i. Don't just stop! ii. Relate back to the introduction 	25

VI. A few last tidbits of advice ...	
<ul style="list-style-type: none"> a. Rewrite and refine your article until it includes exactly what you want to convey b. Fact check! Make sure everything is accurate c. Proofread thoroughly d. Put it away for a few hours, or a day, then read it again e. Don't beat yourself up when you see your article in print and find a mistake. It happens. 	5
Questions	
TOTAL: 1 hour class	60

4.

<p>Sponsor: The Clarkson Law Group, P.C. Course Title: <i>The Basics of an Effective, Efficient & Compliant Board Meeting</i> Request: 1 Hour General Classroom Objective: To help community managers remain compliant with NRS 116 and association governing documents as they pertain to meetings of the executive board. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations; 2(c) the administration of laws and regulations concerning community managers and 2(n) parliamentary procedures. Instructors: Adam H. Clarkson, Esq. and John W. Aylor, Esq. Determination: Approved – 1 Hour – General - Classroom</p>	
Content:	Minutes:
I. Class introduction and scope of presentation	2
II. Purpose of an executive board meeting <ul style="list-style-type: none"> a. Conduct corporate business b. Minimum financial review requirements – NRS 116.31083(7) c. Membership input/transparency – NRS 116.31083(6) 	3
III. Stages of an executive board meeting <ul style="list-style-type: none"> a. Notice and agenda b. Preparing for the meeting c. Establishing a quorum d. Conducting the meeting e. Post meeting housekeeping 	5
IV. Conducting an effective, efficient and compliant meeting in detail <ul style="list-style-type: none"> a. Notice <ul style="list-style-type: none"> i. Minimum meeting frequency – NRS 116.31083(1) ii. Governing document requirements regarding frequency/additional meetings iii. Negative impacts of not holding meetings iv. Tips for managers to help schedule meetings v. Minimum notification requirements <ul style="list-style-type: none"> 1. Timeline – NRS 116.31083(2) 2. Noticing meetings annually 3. Notice methods – NRS 116.31068 4. Ramifications of improperly noticing meetings vi. Person(s) entitled to notice – NRS 116.31083(2) vii. Information required in compliant meeting notices – NRS 116.31083(5) b. Emergency meetings <ul style="list-style-type: none"> i. Definition of “emergency” – NRS 116.31083(13) 	

- ii. Emergency meeting notice requirements – NRS 116.31083(4)
 - iii. Emergency vs. non-emergency
- c. Setting agenda
 - i. Who sets and prepares agenda?
 - ii. What if the board disagrees about agenda items?
 - iii. Using a timed agenda
 - iv. Agenda requirements
 - 1. NRS 116.31083(6)
 - 2. NRS 116.3108(4)
 - 3. NRS 116.31083(7)
 - 4. NRS 116.31087
 - v. General agenda tips
- d. Meeting preparation
 - i. Prepare meeting package in advance
 - ii. Encourage board to ask questions in advance
 - iii. Pre-meeting workshops
- e. Establishing a quorum
 - i. NRS 116.3109(3)
 - ii. Appearing in person – NRS 82.271(3)
 - iii. Considering vacancies
 - iv. No quorum- now what?
- f. Calling the meeting to order
 - i. Requirement for audio recording – NRS 116.31083(8)
 - ii. Requirement for parliamentary procedure – NRS 116.3106 & 3109(4)
 - iii. Chairing the meeting
 - iv. Motions needed
 - v. Clarifying who can attend and speak at meetings – NRS 116.31085(1)
 - vi. Owner/guest “sign-in”
- g. First homeowner forum
 - i. Time limits
 - ii. Best practices
 - iii. Answering questions and taking action during forums – NRS 116.31083(6)
- h. Final homeowner forum
 - i. Final agenda item before adjournment
 - ii. What can be discussed in this forum?
 - iii. Is the board required to answer questions?
 - iv. Imposing time limits
 - v. Taking action
- i. Conducting board business
 - i. Method of conducting meeting – Robert’s Rules
 - ii. Quick tips for making motions and conducting business
 - iii. Tabling vs. postponing items
 - iv. Allowing homeowner input during business
- j. Closing the meeting
 - i. Motion to adjourn
 - ii. Continuing meetings
- k. Post meeting
 - i. Minutes and content – NRS 116.31083(9)
 - ii. Preparing the minutes
 - iii. Storage of minutes and audio

iv. Utilizing a management action item list	
Questions	5
TOTAL: 1 hour class	60

5.

<p>Sponsor: The Clarkson Law Group, P.C. Course Title: HOA Interactive Trivia Series 1 Request: 1 Hour Nevada Law Classroom Objective: To provide community managers the opportunity to learn various laws pertaining to CIC management of Nevada HOAs through an interactive question and answer format. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations; 2(b) legislative issues concerning community managers; 2(e) insurance and risk management; 2(i) federal laws; 2(m) disclosures; 2(p) contracts and 2(q) the enforcement of financial obligations. Instructors: Adam H. Clarkson, Esq. and John W. Aylor, Esq. Determination: Approved – 1 Hour – Nevada Law - Classroom</p>	
Content:	Minutes:
I. Class introduction and practice questions	5
<p>II. Trivia questions</p> <p>a. Specific questions will be presented with the choice to answer "true or false" or by multiple choice. Participants will have 10 seconds to register their answer using an interactive keypad before responses are tabulated and displayed.</p> <ol style="list-style-type: none"> 1. NRS 116.31034(1) Minimum number of directors 2. NRS 116.31151(1) Annual distribution of budgets 3. NRS 116.31036(1) & NRS 116.1206 Removal of executive board 4. NRS 116.311(6) Use of proxies for election 5. NRS 116.31083(5) & (6) Owner's right to speak at meetings 6. NRS 116.3102(3), NRS 207.200, NRS 40.140 Enforcement video 7. NRED Information Bulletin #017 Unlicensed employees 8. NRS 116.31034(15)(f) Election officials 9. NRS 706.4477(2) Towing 10. NRS 116.1108 & NRS 82.206(3) Committees 11. NRS 116.3116(1)(c) Crime insurance - Video regarding embezzlement 12. NAC 116A.325(f) Management agreement/compensation 13. NRS 203.090 Disturbing a meeting 14. NRS 116.31085(2) & (3) Executive session limitations 15. NRS 426.097 & ADA, 28 C.F.R. § 36.104 Service animals 16. NRS 116.3102, NRS 116.3103, NAC 116.405 Video regarding rules/enforcement 17. NRS 116.4109(2) Cancellation of a sale via email 18. NRS 116.310312(10)(c) Super-priority abatement 19. NRS 116.31031(4) Alleged violation written notice 20. NRS 116.350(2) Parking enforcement- Vehicle storage video 	50
Questions	5
TOTAL: 1 hour class	60

6.

<p>Sponsor: Leach Kern Gruchow Anderson Song Course Title: <i>Committees for the Common Good</i> Request: 1 Hour General Classroom Objective: To help community managers understand the intricacies of maintaining committees, including implementation, appointing/removing members, liaisons, chairpersons and charters. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations and 2(o) interpersonal communications. Instructors: Gayle Kern, Esq., John Leach, Esq., Donna Zanetti, Esq., Cheri Hauer, Esq. Determination: Approved – 1 Hour – General - Classroom</p>	
<p>Content:</p>	<p>Minutes:</p>
<p>I. Introduction – Why have committees?</p> <ul style="list-style-type: none"> a. To meet a governing document requirement - Architectural or Design Review Committees b. To “spread the load” of governance - Hearing Committee c. To provide a channel for owners to contribute - Landscaping and Social Committees d. To meet a short-term need/tap expertise - Transition Committee e. To groom future board members 	<p>2</p>
<p>II. Statutes and Governing Documents</p> <ul style="list-style-type: none"> a. NRS 116.41095(5) - Resale disclosure b. NRS 116.31031(8) - Hearing Committee c. NRS 116.31034(4) - Nominating Committee d. NRS 116.4116(4) - Transition Committee e. NRS 82.206 regarding committees 	<p>16</p>
<p>III. Types of Committees</p> <ul style="list-style-type: none"> a. Mandatory – a committee required by either statute or the governing documents b. Discretionary – a committee constituted by majority approval of the board but not required by statute or governing documents c. Standing - a permanent committee that meets regularly d. Ad Hoc – a committee formed for a specific task or objective and dissolved after the completion of the task or achievement of the objective 	<p>4</p>
<p>IV. General committee guidelines</p> <ul style="list-style-type: none"> a. Applicable to all committees b. Membership requirements c. How to apply; owners only or are tenants welcome? d. Board appoints/re-appoints members annually – unless document requires otherwise e. Mechanism to refresh membership without making it as personal as removing a member mid-term f. Board appoints/removes chairperson and may remove and replace committee members g. Board liaisons; voting/non-voting role h. Indemnification and defense; confidentiality i. Meeting and reporting requirements j. Can owners attend? k. Minutes, agendas, notice, format for making recommendations to board l. Committees are NOT subject to the same requirements NRS 116 imposes on the board, but it is better practice m. Guidelines should outline what the board expects and/or prefers 	<p>3</p>
<p>V. Committee charters</p> <ul style="list-style-type: none"> a. Specific guidelines for each committee 	<p>5</p>

<ul style="list-style-type: none"> b. Mandatory or discretionary; standing or ad hoc c. Duties d. Scope of authority (advisory only; independent authority; limits of authority) e. Minimum/Maximum number of members f. Review CCRs g. Staff support/use of professionals h. Spending authority with scope of authority i. Authority to make decisions or only bring suggestions to the board? <ul style="list-style-type: none"> i. NRS 116 gives committee that hears violations the authority to impose fines ii. Governing documents may give certain committees independent, final authority 	
<p>VI. Confidentiality agreement</p> <ul style="list-style-type: none"> a. Standalone document signed by committee members reiterating the obligation to maintain the confidentiality of information received or discussed b. What is confidential? c. How to handle confidential information d. Confidentiality obligation survives term of membership on committee 	2
<p>VII. Appointing/removing members</p> <ul style="list-style-type: none"> a. At discretion of the board b. At an open meeting such as an agenda item c. Include appointee in minutes 	2
<p>VIII. Board liaisons</p> <ul style="list-style-type: none"> a. Every committee must have a board liaison - Do not create more committees than the directors are willing or able to support b. Role: maintain the lines of communication - Ensure that the board understands the committee's perspective and the committee understands the board c. Voting or non-voting? - Best practice is non-voting to preserve ability to vote at board level, particularly on variances and appeals 	2
<p>IX. Chairpersons</p> <ul style="list-style-type: none"> a. Selection of the Committee Chair is one of the keys to committee success b. Must be someone who shares the board's goals c. Must have leadership skills 	2
<p>X. Headaches</p> <ul style="list-style-type: none"> a. Community Apathy - no volunteers b. Tail wagging the dog - the committee controls or dominates the board <ul style="list-style-type: none"> i. For the most part, committees are advisory in nature ii. The committee makes recommendations; the board decides whether to accept or reject those recommendations c. Aimless and wandering or non-compliant d. Turf wars - committees in conflict with one another or with vendors on which has authority over an issue e. Rogue members and/or weak leaders 	12
<p>XI. Annual goals (written, measurable, achievable); what do we want to achieve:</p> <ul style="list-style-type: none"> a. For the community? b. For the board? c. As a committee? d. As staff? 	2
<p>XII. Consistent management and adequate support</p> <ul style="list-style-type: none"> a. Does the committee have the tools it needs to be successful? <ul style="list-style-type: none"> i. Access to experts 	3

ii. Staff support to manage paperwork iii. Technology	
Questions	5
TOTAL: 1 hour class	60

7.

<p>Sponsor: Community Association Solutions</p> <p>Course Title: <i>CIC Commission Orders</i></p> <p>Request: 3 Hours Nevada Law Classroom</p> <p>Objective: To help community managers understand the importance of following the law by discussing previous violations brought before the CIC Commission.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations; 2(a) the ethics of community management; 2(c) the administration of CIC laws; 2(g) accounting and 2(p) contracts.</p> <p>Instructors: Sara Barry, Michael Schulman, Esq., Gregg Kerr, Esq., John Leach, Esq., Gayle Kern, Esq., Cheri Hauer, Esq., Ed Song, Esq.</p> <p>Determination: Approved – 2 Hours – Nevada Law - Classroom</p>	
Content:	Minutes:
<p>I. Introductions</p> <p>a. Purpose of class</p> <p>b. Top 20 violations seen by the NRED (from posted statistical reports)</p>	5
<p>II. 2015 Orders</p> <p>a. CIS 2013-2973 –Licensed Real Estate Manager & Property Manager who did not have her CAM license. She was tied to a larger scam by an investment company who controlled the board, which was indicted in California for wire fraud, bank fraud, conspiracy and money laundering. Order: \$74,783.00 in fines for managing without a license.</p> <p>b. 2014-1505 – Community Manager. 12 separate clients with 37 allegations against 3 managers in the same family. Management contract fraud. Sole signor of checks. Failure to produce documents. No segregation of incompatible accounting functions. No investment policies. Manager signed management contracts and forged directors’ signatures. Unauthorized automatic transfers.</p>	15
<p>III. 2016 Orders</p> <p>a. 2016-1406 – Community Manager. Did not provide notice of change of company within 10 days as required. Did not send addendum for all managed associations. Order: Fined \$1,000 for not updating information.</p> <p>b. 2014-1053 – Person managed without a license for multiple HOA’s after his license expired 6 years earlier. During an election, candidates were allowed to open ballots and became directors. Order: Fined \$15,758.76 in fines and costs.</p> <p>c. 2013-464 (North) – Supervisory Community Manager. Manager falsified minutes for an executive session meeting stating she was authorized to sign a contract with a financial services company. Contracts cannot be signed in executive session. Order: Fined for \$83,84.09 for fines and costs. Must retake the 60 hours of precertification.</p> <p>d. 2015-3526 - Provisional Community Manager. Managed two associations while his CAM mother was incarcerated. Mother’s signatures continued to be on checks to vendors and electronic transfers of the association’s funds continued to be paid to Manager’s personal accounts while she was in prison. Order: pay a fine of \$1,000 – license revoked for 10 years. Had to pay \$6,000 in payments to 2 associations.</p>	

<ul style="list-style-type: none"> e. 2015-2028 – Community Manager. Committed wire and mail fraud. Sentenced 6 months in prison followed by 3 years of supervised release and ordered to pay restitution in the amount of \$24,000. Had \$125,000 transferred to her personal accounts after she lost her license. Order: pay \$125,000 in restitution and \$1,108.43 in fines for violation of law and costs. License revoked for no less than 10 years. f. 2014-2721, 2014-2965 & 2015-846 – Supervisory Community Manager. Did not respond to any communication from the NRED and disclosed confidential information without board consent. Order: pay \$60,135.76 in fines and costs and \$2,400 to the association. g. 2015-3007 – Supervisory Community Manager. Falsified the association annual registration by stating that they had over a million in reserves when they only had \$40,000. Order: pay \$5,000 plus costs with interest rate of 12%. 	20
<p>IV. 2017 Orders</p> <ul style="list-style-type: none"> a. 2016-3771, 2016-3832 & 2017-0290 – Manager owned a construction company and received payments from the association for work done. She did not disclose this information in writing to the board. Order: license revoked for 10 years and pay \$44,064.60 in fines and costs. She is also to pay the association \$9,000 within 90 days of order. b. 2014-1057 – Community Manager. Signed checks from reserve account. Sole signatory on checks. Gave improper notice for a member’s meeting. Did not send nomination notice. Order: License revoked for no less than 18 months. Pay \$22,300 in fines and fees. Must pay association \$2,709.31 as reimbursement for a check. c. 2017-599 – Same manager as above. Lied that reserves were properly funded. Could not provide audio or minutes for any meetings. Did not submit registration forms for an association. Manager did not respond to the NRED on investigation. Order: pay \$14,053.93. Lost license for no less than 10 years. d. 2016-3885 – Wife of above manager. Failed to appear before commission. Managed without a license. Order: pay \$22,697.01 in fines and costs. e. 2016-4196 – Community Manager. More money was paid out to the company than per the contracts. Order: license revoked for a period of 10 years for not adequately managing and pay \$45,235.28 in fines and fees. f. 2014-1179 – Board. Order: have an audit done, fined for underfunding of reserves, forced to hire a manager. g. 2014-3723 & 2014-3453 – Community Manager. Failed to respond to NRED complaint. Concealed facts from the NRED during their investigation. Didn’t comply with NRS 487.038. Order: license downgraded to a Provisional for a period of no less than 12 months. Pay \$11,108.37 in fines and fees. h. 2016-4210 – Board member. Profited from the association. Order: Director agreed to not serve as a board member or officer for a period of no less than 10 years. i. 2016-628 – Unlicensed manager; Chief Operating Officer and General Manager. Contract says she will work under a community manager. When the management company terminated their contract, she continued on without any supervision. Order: pay \$19,597.85 in fines and costs. j. 2016-3229 and 4 other files –Community Manager. Continued deceitful, fraudulent or dishonest conduct. Received money from associations by way of automatic transfers over 100 times. Order: pay \$1,014,101.57, plus \$75,000 and \$15,793.42, and pay restitution to the Associations in the amount of \$1,642,451.25 k. 2015-4209 – Board member. Paid for work performed while serving on the board. Order: Agreed to not serve on a board or as an officer anywhere in Nevada for a period of no less than 3 years from the date of the order. He will not receive any 	20

money from the association during those three years.	
Break	10
<p>V. 2018 Orders</p> <p>a. 2107-1368 – Board. Did not file the annual registration nor pay the annual fee. Board members did not respond to the division’s requests. Married or residing together and serving on the board. Order: One of the board members agreed to not be a board member for a period of 5 years. Each party to pay their own attorney fees. No fines.</p> <p>b. 2017-1578 - Community Manager. Continued to manage without a license. Order: Fined \$11,516.17 for fees and costs.</p> <p>c. 2017-2111- Community Manager. Misrepresentation on the annual form. Manager refused to give records to board members. Financial records were not kept up to date. Had no contract with the association. Order: License revoked for period of no less than 10 years. Fined \$15,542.21. Pay \$8,209.50 in restitution to the HOA.</p> <p>d. 2017-1743 – Community Manager. Allowed daughter to handle board meetings without a license. Owned two of the vendors of the Association, but this relationship was not disclosed. Failed to respond to NRED. Order: license revoked for 10 years. Pay a total of \$12,930.77 in fines and costs and pay the association \$21,550 in restitution.</p> <p>e. 2017-2082 & 2017-2088 – Community Manager. Failed to cooperate with the Division. Working without a contract. Order: license revoked for 10 years and ordered to pay \$15,595.72 in fines and costs.</p>	20
<p>VI. 2019 Orders</p> <p>a. 2018-1027(Reno) – Supervisory Community Manager. Engaged in deceitful, fraudulent or dishonest conduct by submitting phony invoices for payment and taking checks from her clients that were payable to people or companies that do not exist. 144 times failed to ensure that the financial transactions of her clients are current accurate and properly documented. Failed to act as a fiduciary, didn’t comply with state or federal laws. Order: license revoked for no less than 10 years. Pay a total of \$186,640.55 and restitution to two associations totaling \$419,542.52</p> <p>b. 2017-2046 - Provisional Community Manager. Embezzled using a fraud scheme called lapping. Failed to act as a fiduciary, didn’t comply with state laws, didn’t ensure the financials were accurate, used association money for person use, engaged in deceitful, fraudulent or dishonest conduct. Order: license revoked for no less than 10 years. Pay \$22,345.50 and restitution to the association in the amount of \$75,634.19.</p> <p>c. 2018-68 - Supervisory Community Manager. Husband served on the board and did work that he was not licensed to do. Acted out of reasons of self-interest or gain. Order: license revoked, reimbursement to the association in the amount of \$6,950.</p> <p>d. 2018-680 – Director. Provided bookkeeping services for the association. Claimed to be a company. Committed an act or omission which amounts to incompetence, negligence or gross negligence and failed to act in the best interest of the association. Order: not serve on a board for any CIC in Nevada for no less than 10 years. Pay \$4,962.87 and restitution to the association in the amount of \$3,450.</p> <p>e. 2018-385- Supervisory Community Manager. Impeded an investigation of the Division by failing to comply with a request of the Division to provide documents. Concealed facts or documents relating to the business of a client. Failed to exercise reasonable skill and care with respect to a duty or obligation to a client. Order: pay \$5,000 in fines and complete 10 hours of CE classes approved by the Commission within 6 months.</p>	20
Questions	10
TOTAL: 2 hour class	120

8.

<p>Sponsor: Wolf Rifkin Shapiro Schulman & Rabkin LLP</p> <p>Course Title: <i>Request for Proposals</i></p> <p>Request: 1 Hour General Classroom</p> <p>Objective: To help community managers understand the RFP process, including roles and timeframes.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations and 2(p) contracts, including the preparation of requests for proposals and the obtaining of bids.</p> <p>Instructors: Gregory P. Kerr, Esq.</p> <p>Determination: Approved – 1 Hour – General - Classroom</p>	
Content:	Minutes:
<p>I. Introduction and objectives</p> <ol style="list-style-type: none"> a. Provide clarity of the RFP process b. Content of RFPs c. Concerns surrounding RFPs d. Discussion of legal issues 	5
<p>II. The request for proposal</p> <ol style="list-style-type: none"> a. Purpose/goal of the RFP b. Content <ol style="list-style-type: none"> i. Vendor information ii. Background information on the association iii. Brief overview of the project and goals iv. Timelines v. Points of contact vi. Budgets vii. Scope of work viii. Expected schedule of payment to vendor ix. Selection criteria x. Standard terms and conditions 	10
<p>III. Creation of the RFP – Resources</p> <ol style="list-style-type: none"> a. Board members b. Community managers c. Professionals/experts d. Other vendors e. Committee/membership participation f. On-site inspections and workshops 	10
<p>IV. Issues and suggestions for RFPs</p> <ol style="list-style-type: none"> a. Feedback from managers – requesting information that is easily understandable, can be easily organized in summary fashion for the board for easy comparison b. Feedback from vendors – avoid asking for irrelevant or unlawful information, too much information, and/or proprietary information 	5
<p>V. Final contract considerations</p> <ol style="list-style-type: none"> a. The bid is not the contract b. Important issues to address in final contract <ol style="list-style-type: none"> i. Insurance ii. Indemnification iii. Limits of liability iv. Warranties 	10
<p>VI. Bid requirements – regulation</p>	10

<ul style="list-style-type: none"> a. NRS 116.31086 regarding bids b. NRS 116.31085(2) - an executive board may not meet in executive session to open or consider bids for an association project, or to enter into, renew, modify, terminate or take any other action regarding a contract c. NRS 116A.630(20) - a community manager shall obtain, when practicable, at least three qualified bids for any capital improvement project for the client d. NRS 116.31084(2) - standing to gain disclosure e. NRS 116.31187(1) - a member of an executive board shall not enter into a contract or renew a contract with the association to provide financing, goods or services f. NAC 11.405(8)(d) – 3 bids g. AO 11-02 – “when practicable” h. NRS 116.3103 – business judgment rule 	
<p>VII. General summary of RFP process</p> <ul style="list-style-type: none"> a. Request for information (optional) or on-site inspections b. Determination of RFP requirements and content c. Finalization of the RFP for distribution d. Issuing the RFP to desired candidates e. Deadline for completed submissions f. Comparison/evaluation of responses at a board meeting g. Follow-up interviews/workshops/additional or clarifying information h. Negotiate and sign final contract i. Project commencement/payments due 	5
Conclusion/Questions	5
TOTAL: 1 hour class	60

9.

<p>Sponsor: The Clarkson Law Group, P.C. Course Title: <i>HOA Interactive Trivia Series 2: CAM Law</i> Request: 1 Hour Nevada Law Classroom Objective: This course will provide community managers with the opportunity to learn various laws governing the management of common-interest communities via a question and answer format. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations; 2(a) ethics of community management; 2(c) the administration of laws; 2(f) administering the office; 2(g) accounting; 2(m) the disclosures required; 2(p) contracts and 2(r) the supervision of Provisionals Instructors: Adam H. Clarkson, Esq. and John W. Aylor, Esq. Determination: Approved – 1 Hour – Nevada Law - Classroom</p>	
Content:	Minutes:
I. Class introduction and practice questions	5
<p>II. Trivia questions</p> <ul style="list-style-type: none"> a. Specific questions will be presented with the choice to answer "true or false" or by multiple choice. Participants will have 10 seconds to register their answer using an interactive keypad before responses are tabulated and displayed. <ul style="list-style-type: none"> 1. NAC 116.465(1) – fees for resale certificate 2. NRS 116.4109 – resale package 3. NAC 116.482(2) – disclosure of gifts received by manager 4. NAC 116.480(2) & NRS 116.31185(2) – disclosure of gifts received by the board 5. NRS 116A.610 – disclosures in management agreement 	50

<ul style="list-style-type: none"> 6. NRS 116A.620(4) – providing a copy of the management agreement 7. NRS 116A.620(3) – evidence of insurance 8. NRS 116A.620(6) - transferring association records 9. NRS 116A.630(6)(a) – ensuring financial transactions are current 10. NRS 116A.630(16) – ensuring the board develops and approves written investment polices and procedures 11. NRS 116A.630 – recommending compliance with the law in writing 12. NAC 116A.165(2)(f) – responsibilities of a supervising CAM 13. NAC 116A.630(1)(e) – disciplinary action by the Commission 14. NRS 116.4117(2) – bringing civil action for appropriate relief 15. NRS 116A.640(7) – staying in your scope of expertise 16. NRS 116A.630(4) & 116A.640(7) – answering specific questions of the board 17. NRS 116A.640(9) – accepting a unit owner’s assessment payment 18. NRS 116A.620(1) & NRS 116A.620(2) – management agreement inclusions 19. NRS 116A.630(15) – maintaining internal accounting controls 20. NRED Annual Registration Form 562 – requirements 	
Questions	5
TOTAL: 1 hour class	60

10.

<p>Sponsor: Angius & Terry LLP</p> <p>Course Title: <i>Federal & State Fair Housing Law for Community Managers</i></p> <p>Request: 1 Hour General Classroom</p> <p>Objective: To help those in the industry understand their duties and obligations as they pertain to Federal & State Fair Housing laws by highlighting the legislative history of the Fair Housing Act and identifying what constitutes as discrimination.</p> <p>Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations; 2(b) legislative issues concerning managers; 2(c) the administration of laws; 2(i) pertinent federal laws; 2(j) health and safety issues and 2(s) dispute resolution.</p> <p>Instructors: Scott P. Kelsey, Esq. and David Bray, Esq.</p> <p>Determination: Approved – 1 Hour – General - Classroom</p>	
Content:	Minutes:
<ul style="list-style-type: none"> I. Today’s Agenda <ul style="list-style-type: none"> a. What does fair housing mean? <ul style="list-style-type: none"> i. The right of all people to be free from discrimination in the rental, sale or financing of housing ii. Equal access, equal opportunity b. What is the Fair Housing Act? c. Discrimination d. Duty of reasonable accommodations e. Enforcement f. What do I do now? 	15
<ul style="list-style-type: none"> II. State statutes <ul style="list-style-type: none"> a. Virtually all states mirror the FHA b. NRS 118.020 – Declaration of public policy of state 	5
III. What constitutes discrimination?	10

<ul style="list-style-type: none"> a. Refusal to rent/show property b. Selective enforcement of rules c. Steering d. Different terms or conditions e. Published rules and signs f. Familial status discrimination <ul style="list-style-type: none"> i. What is a family? – one adult and one or more children or emancipated minors <ul style="list-style-type: none"> 1. Biological 2. Adopted or in adoption proceedings 3. Staying with permission legal guardian 4. Pregnant 	
<p>IV. Duty of reasonable accommodations</p> <ul style="list-style-type: none"> a. Reasonable modification b. Request must be made c. Qualified disability d. Logical nexus between disability and requested accommodation e. Right to request verification of disability f. May require design to be compatible with development g. May require reasonable quality and code compliance h. Possibility of alternatives i. Role of cost 	10
<p>V. Enforcement</p> <ul style="list-style-type: none"> a. Who will be the defendant? <ul style="list-style-type: none"> i. Homeowner’s association ii. Board president/ other board members iii. Management b. Who will bring these actions? <ul style="list-style-type: none"> i. Anyone impacted ii. Complaint to public agency iii. Referral to private organization iv. Referral to private law firm v. Parallel proceedings c. What remedies are available? <ul style="list-style-type: none"> i. Injunction – consent decree ii. Compensatory damages iii. Punitive damages iv. Cost and attorney’s fees 	10
<p>VI. What do I do if a claim is made?</p> <ul style="list-style-type: none"> a. Contact experienced attorney b. Review rules and entire history of owner/residence c. Interview board members and other potential witnesses d. Identify exacerbating conflicts e. Consider a physical inspection f. Immediately remedy any potential violation 	5
<p>Questions</p>	5
<p>TOTAL: 1 hour class</p>	60

11.

<p>Sponsor: The Clarkson Law Group, P.C. Course Title: <i>HOA Interactive Trivia Series 3: It Depends</i> Request: 1 Hour Nevada Law Classroom Objective: This course will provide community managers with the opportunity to learn various laws governing the management of common-interest communities via a question and answer format. Standards: Complies with the following provisions of NAC 116A.232: 1(a) contains current information that will improve professional knowledge; 1(b) pertinent Nevada laws and regulations; 2(a) ethics of community management; 2(c) the administration of laws; 2(d) reserve funds; 2(f) administering the office; 2(i) pertinent federal laws; 2(j) health and safety issues and 2(m) necessary disclosures. Instructors: Adam H. Clarkson, Esq. and John W. Aylor, Esq. Determination: Approved – 1 Hour – Nevada Law - Classroom</p>	
Content:	Minutes:
I. Class introduction and practice questions	5
II. Trivia questions <ol style="list-style-type: none"> a. Specific questions will be presented with the choice to answer "true or false" or by multiple choice. Participants will have 10 seconds to register their answer using an interactive keypad before responses are tabulated and displayed. <ol style="list-style-type: none"> 1. NRS 116.3115 – funding of landscape projects 2. NRS 116.345(3) & AO 12-02 – capital improvements 3. NRS 116.3116 & 116.1108; AO 12-01 – attorney’s fees 4. NRS 116.31031(4) – speeding violations 5. Association Bylaws and best practice – board member resignation 6. NRS 116.31034; 116A.630; 116A.640; NAC 116.408(8)(e) – defamation on a candidate’s nomination form 7. NRS 116.31065 – rules enforcement 8. NRS 111.840 – transfer fees 9. NRS 116.31175 – records requests 10. Utilization of attorneys 	50
Questions	5
TOTAL: 1 hour class	60