

**From:** [Michael Kosor](#)  
**To:** [Charvez Foger](#); [Terry Wheaton](#)  
**Cc:** [Kelly Valadez](#); [Sharath Chandra](#)  
**Subject:** Homeowners" Matter  
**Date:** Tuesday, August 3, 2021 5:24:43 PM  
**Attachments:** [NRED response to Review petition Jul 29 2021.pdf](#)  
[Petition for Review by Nevada Supreme Court.2021.07.09.pdf](#)

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Mr Foger & Mr Wheaton

I write to ensure both of you have been kept abreast of your Administrator's absurd position, taken on behalf of the Division, related to declarant control and associated statutes. I ask you to explain this position if you can. I also ask it be placed on the upcoming CIC agenda for review and action.

Attached is a recent filing by Mr. Keegan in response to my Nevada Supreme Court request (also attached) for a review of a flawed lower court ruling that has devastating impacts on all Nevada HOA homeowners. Should the current decision and the Division's position prevail, **all consumer protection provisions of NRS 116 are effectively set aside**. There is no point in having, much less reviewing, the "Resale Package" when buying into a development, if the declaration and rules can be arbitrarily changed by the declarant during the control period and the control period indefinitely extended by the declarant. It can be asked, do owner's even have a proper contract prior to the termination of the declarant control period under the Division's position when the terms of their CC&R's, R&R's, etc. can be unilaterally changed by the declarant?

The Division's conduct and Ombudsman's "blind eye" attitude on this issue and others over the past several years is a manifestation of bureaucrats setting aside their integrity in favor of a few politically connected deep pockets intent on evading the Nevada legislature. We should not need a Nevada "Homeowners Matter" movement (patterned after the Black Lives Matter movement) to get justice.

I have copied the CIC Commission coordinator and Administrator asking this email and its attachments be provided to each CIC board member. I recognize the CIC has ignored my prior appeals for help. All I can do at this point is make yet another request for help in the hopes this one does not garnish a similar non-action.

If the Committee is truly an advisor to the Division, recommends policy adjustments, and in doing so seeks to represent all stakeholders, as the legislators intended, it appears they have much work ahead.

At what point do you get off the sidelines and act on what I believe we all know to be wrong?

Mike Kosor