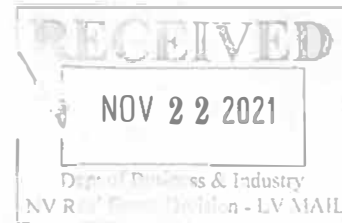


Mr. Michael Burke
NRED Commission
3300 W. Sahara Ave. #350
Las Vegas, NV 89102

November 16, 2021



Dear Commissioner.

You may recall meeting me in Carson City on August 29, 2017 as I appeared before your NRED Commission regarding the issue when the Vistana HOA relied too much on our CAM, Ms. Rosie Orozco. As you may recall the Vistana BOD relied on Ms. Orozco while she had Quality Tow remove a number of vehicles from one portion of our property to another. She demanded that the fines be paid in cash. Ms. Michelle Briggs, Senior Deputy Attorney General, was unable to attend this hearing and she had Mr. Peter Keegan, Deputy Attorney General, took her place. Mr. Keegan read the recommendation that Ms. Briggs had prepared. The initial request against the Vistana Board was a lifetime ban from ever serving on any HOA Board anywhere in the state of Nevada and an additional \$105,000 fine against the Vistana HOA.

After a two day hearing and hearing my testimony and the documents that were presented to the Commission, the Commission determined that all of the current members of the Vistana BOD could remain on the Vistana BOD, pay a fine, pay for the investigation and take 9 hours of CAM training during the next year. The Commission also requested that the Vistana HOA attempt to identify the owners of any vehicles towed and reimburse them for any fine they paid. Both Mr. Lynn Williams, Vistana BOD president, and I completed the required classes and provided the NRED's Ombudsman's office with the completed certificates showing that we had complied with the Commission's requirement.

During the following year we both began making the monthly payments and Mr. Williams working with the Vistana new CAM, Ms. Lynn Blaylock identified a number of individuals who had their vehicles towed and Vistana reimbursed them for any fines paid. During this year an individual, Mr. Chris Rees, claimed to own a Vistana Unit, applied to run for the Vistana BOD. We could not verify that he owned the unit as his name was not registered with the Clark County Register nor did he submit any paperwork to the Nevada Secretary of State as required by Nevada State law. At this time Vistana HOA had obtained another CAM, Mr.

Joseph Rhoades. The Vistana BOD had Mr. Rhoades contact the NRED Ombudsman's office to determine if they could verify by any means possible if Mr. Rees either owned any Vistana unit or if he qualified in any manner to run for the Board. Your Ombudsman's office notified Mr. Rhoades two days later that they too could not verify that Mr. Rees was qualified to be placed on the Vistana ballot. Your office **ORDERED** Mr. Rhoades **NOT** to place him on the ballot. On November 6, 2018 Vistana's attorney, Mr. Richard Haskins notified the Vistana BOD that we were no longer required to attend the Commission meetings as you were satisfied that Mr. Williams had located all of the victims possible and refunded those individual fines. No one from the Vistana Board was present for this Commission public hearing and a new attorney, Mr. Dan Hansen, from Mr. Haskins' office attended only to report back to the office. Unfortunately Mr. Hansen had no knowledge of the case and remained silent.

It is my understanding at the November, 2018 public meeting that the NRED Commission asked the audience for general comments. Mr. Rees testified in the public meeting that he and other Vistana home owners had filed numerous complaints with NRED against the Vistana Board for various illegal acts. According to NRS regulations any homeowner is required to submit a Form #530 to NRED stating what the violations were. All individuals are required to submit a **sworn affidavit** or submit a notarized affidavit to the Ombudsman's office. Mr Rees did not provide either to the Commission. In fact Mr. Rees (according to the NRED Ombudsman's office was not an owner) and was not even eligible to even speak and provide the Commission any testimony). After this false statement from Mr. Rees, NRED Attorney Briggs immediately advised your Commission that she was tired of dealing with the problems by "this Vistana Board" and requested that we immediately be removed by the NRED Commission for serving on the Vistana HOA. The Commission voted to immediately remove us . We were informed by our attorney that we could not serve on any HOA BOD for a period of five years. On November 14, 2018 both Mr. Williams and I were reelected, however the homeowners were advised that we could no longer volunteer to be on any HAO Board.

The reason for this letter is that I just learned that the NRED Commission filed a case against Mr. Carlos Aguirre, Case # 2019-89. The results of this Case was that Mr. Aguirre, president of the Vistana HOA was required to attend 20 hours of NRED classes within 6 months or he would be prohibited from serving on future

Vistanas' Boards. Mr. Aguirre was not only aware of this requirement but he signed such an agreement on April 27, 2020. Please verify that Mr. Aguirre both completed this training and submitted the certificates of attendance for these 20 hours within the dates specified. Be advised that Mr. Aguirre ran for the Vistana Board this month and was elected to the Board. If Mr. Aguirre did not attend these required classes to which he agreed to, is the NRED Commission going to remove him or is he getting special consideration? Mr. Williams and I did attend the required classes and submitted the appropriate certificates. Based on the lies of a non-owner we were removed. Are the same rules being applied in both cases?

In November 2019 additional Vistana elections were held. Mr. John Rhoades received a call from the NRED Ombudsman's office in August 2019. They ordered the Vistana homeowners were now **REQUIRED** to place Mr. Rees on the ballot allowing him to run for the Board. Mr. Rees still did not provide any new evidence that he owned any Vistana property. Attached is his Executive Board Candidate Statement. Mr. Rees and three other individuals submitted exactly the same promises if elected. Please note that they will give each owner \$13,000 cash from a \$10,000,000 additional settlement. They promised pool tables, televisions, year round open pools and numerous other intentional lies. They promised no increased HOA dues and audits of what had been spent on construction defects spending. This is called Mail Fraud. It was your Ombudsman's office that demanded these individuals be allowed to run. All 732 homeowners received this information in the mail.

As you might guess Mr. Rees and others won and 30 to 40 homeowners showed up to their first meeting as elected Vistana Board members. Ms. Barbara Holland, a manager for First Service and Mr. John Rhoades's supervisor, took over the initial part of the meeting and advised the audience of Vistana homeowners that there wasn't any new settlement. That there never was any \$10,000,000. That it is **legal** to lie in your statement to run for a HOA Board in Nevada. She further stated that the only thing that NRED did not allow you to do was say something "**BAD**" about another candidate running for any HOA board. Ms. Holland is not an attorney but is licensed by NRED. Remember that 100% of the Vistana meetings are recorded. Since when does the NRED Commission allow prospective Board members to promise money and not be held accountable

Some of the accomplishments of the new Board are the following:

They fired the law firm that recovered \$11 million for Vistana and cancelled 20 civil lawsuits against the convicted felons who helped steal \$19.1 million from the Vistana HOA. Everyone of these individuals participated in the theft of \$19.1 million from Vistana. NRED took no action against these individuals convicted in Federal Court. Now this Vistana BOD cancelled the ongoing attempt to recover these funds. This cost the Vistana HOA \$600,000.

They removed \$300,000 from a Construction Defect investment account. These monies were set aside to cover ongoing construction defects. A number of identified defects still need repaired. Where and how did they spend this money?

They cancelled the replacement of the fire sprinklers system required by the Fire Marshal that had not been completed. We had spent over \$300,000 in order to maintain our fire insurance. The job still needs to be finished as a number of defective sprinklers need to be replaced. Who is responsible if a fire occurs at Vistana in a unit where the sprinklers haven't been replaced?

They increased HOA dues 7.5% on every homeowner. Remember their pledge while running for the Board.

Please verify these facts as both Mr. Williams and I fail to see how and why we were removed from the Vistana BOD for following the Ombudsman's orders. If requested we have additional documentation where Mr. Rees made false claims in writing.

Respectfully,

Anthony Kniep



Vistaña Condominium Owners Association
2019 - Executive Board Candidate Statement
Community & Lifestyle Services

Template
Effective: 7/1/2019



There are four (4) positions open on the Vistaña Board of Directors (BOD). Two (2) of the positions will have terms of two (2) years and two (2) of the positions will have terms of one (1) year. If you would like to serve on the BOD, please complete this form in its entirety and return on or before 8/15/19 by 5:00pm. This form can be emailed to ~~cs@firstservice.com~~ or faxed to 702.444.4937. This form will be reproduced and provided in the mailing to the membership.

Name: Christopher Rees, Mgr. Address: 7119 S Durango Dr Unit 302

REQUIRED DISCLOSURES FOR ALL CANDIDATES PER NRS 116
(Incomplete applications will not be processed)

- I am the Unit's Owner of a property within the Community Association and my name appears on the Deed.
- I am an officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited liability company that owns a unit, and a fiduciary of an estate that owns a unit. In accordance with NRS 116.31034 I am enclosing documentation to file proof in the records of the association of such.

Each person whose name is placed on the ballot as a candidate for a member of the executive board must make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board. (NRS 116.31034)

- No, I do not have a potential conflict of interest.
- Yes, I have a potential conflict of interest. Please describe in detail:

CR
Initials

Each person whose name is placed on the ballot as a candidate for a member of the executive board must disclose whether the candidate is a member in good standing. For the purposes of this, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association. (NRS 116.31034)

- Yes, I am a member in good standing.
- No, I am not a member in good standing. Please describe in detail:

CR
Initials

Please use the following lines to respond to the statutory requirements cited above. Additional information may be provided and shall be no longer than a single, typed page; and must not contain any defamatory, libelous or profane information.

See Attachment

Please specify your experiences and qualifications for the executive board:

See Attachment

I am requesting my name be placed on the ballot for the BOD. I approve this form and any attachment hereof to be mailed to all members of the community. I understand that the information contained on this form, including any attachment hereof, is prepared and published by me and that I am solely responsible for the content hereof. I also understand that if elected, I am required by NRS116, to certify, in writing, that I have read and understand to the best of my ability, the governing documents of the Association and NRS 116, within ninety (90) days of election.

[Signature]
Signature

8/5/2019
Date

In accordance with NRS 116, if the number of candidates nominated for the Board of Directors is equal to or less than the number of open positions, the Association will NOT prepare or mail any ballots to units' owners and the nominated candidates shall be deemed to be duly elected to the executive board at the meeting of the units' owners at which the ballots would have been counted. A person may not be a candidate for or member of the executive board or an officer of the association if (i) the person resides in a unit with, is married to, is domestic partners with, or is related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association; (ii) the person stands to gain any personal profit or compensation from a matter before the board; or (iii) the person or certain family members perform(s) the duties of a community manager for that association or any related master/sub association. These restrictions may not apply in certain situations, such as if the person/candidate owns 75% or more of the units in the association, or if the number of candidates nominated for membership on the executive board is less than or equal to the number of members to be elected to the executive board.

1. Chris Rees, have been a **Vistana member for six years**. I hold a degree in Business Administration with a Certificate in Finance. I own several rentals and work with other HOA's. I feel that this community has lots of potential and my goal is to hand the power of choice back to you, the homeowner, and improve prudent spending with your best interest in mind. Over the past 12 months I have spent hours learning about Nevada HOA's and HOA laws and would like to bring my experience to the Board of Directors. My proposal is as follows:

1. Refunds, Refunds, Refunds

- a) Association received a \$3.1 million legal settlement in 2017¹ – the surplus money could have been an average refund per homeowner of **\$4200**. Money is currently held in a general operating account as surplus funds. I will audit that account and authorize with the blessings of the majority of the Board, a **maximum homeowner refund**.
- b) We are expecting an additional settlement of up to \$10 million¹ in the near future.
 - 1) **Settlement may be an average refund of up to \$13,000** per unit owner.
 - 2) That is a significant amount if you own one or more units.

2. Balancing the Budget and funding RESERVES

- a) The current budget has **\$0** dedicated to Reserves² (repair and maintenance fund) and the budget depends on fines and late fees from owners to balance it.
- b) Work with Board to balance the budget and eliminate fines as a required revenue item in our budget.

3. Restoring the Common Areas.

- a) **Clubhouses**
 - a. You pay for 2 clubhouses and are not allowed to use them.
 - b. Restore pool tables, televisions, reservations for parties, and full restoration to their original intended use. including kitchen use.
- b) **Open pools year-round**—No more closures from November through April.
 - a. Modernize pool furniture to a mesh style chair and add cabanas.
- c) **24-hour gym access**—We live in a 24-hour town and have plenty of security in case of emergency.
 - a. Restore gym televisions.

4. Implementing procedures for Fines - Owner has the 'Right to Cure' before being fined.

- a) Fining homeowners only when necessary -- not for budget balancing purposes.

5. Implementation of technology to cut costs and to increase efficiency.

- a) **No increase to HOA fees and adding an annual savings of \$350,000** by implementing technology where it is more efficient.
- b) A balanced budget that does not use building defect money for non-building defects.
- c) Audit building defect report and report back to you to see how much of building defect **money was spent on defects and what still needs repairs.**

¹ 2019 Civil Litigation Report

² 2019 Budget