

NRED Commission
3300 W Sahara Ave, #350
Las Vegas, NV 89102



Dear Commissioner,

This letter is somewhat unusual since it not only deals with a complaint but it demonstrates a potential flaw in this system. Over 10 years ago I became a Visana BOD member and not knowing anything about HOA's, I took a number of classes regarding NRS 116 and held discussions with various Investigators within the NRED Ombudsman's office. I discovered that there were very few investigators in the Ombudsman's office to oversee what now has grown to approximately 3,000 separate HOA's in Nevada. I was advised that the vast majority of the members of the various HOA's don't have a real estate background and usually serve on their BOD for a relatively short period of time.

I was advised that in order to ensure that the Nevada rules are enforced NRED relies on the professional management companies, through the CAM process, they are tasked to keep the HOA's from violating these rules and regulations. If a HOA CAM is aware of any violation they are to report it either to the NRED office or through their immediate in-house supervisor. All of these individuals are licensed by the NRED office. They are required to take classes every year to remain updated on any changes or additions to NRS 116. I believe that the management companies even have more responsibilities than an individual CAM to report any violations of NRS 116 or violations of law. Without basically relying on the almost 3,000 CAM's and their supervisors, the few NRED investigators in the Ombudsman's office, the entire system would be destined to fail.

I knew that a number of new NRED Commissioners were now on the Commission and that a new Ombudsman had also recently been appointed. With this information I submitted a written complaint (File No: 2021-1222). I was aware that there are specific time elements. I believe these are NRED policy time constraints rather than codified legal restraints. The Ombudsman's comments that Michele Diller submitted a fraudulent Statement in 2018 is correct. I listed this date solely to remind the Ombudsman's office that this had already been submitted to their office two years ago. Apparently there is a strange relationship between Firsts Service Management and the NRED office.

This is why I also listed Mr. Rees' failure to provide any documents that he even owned any Vistana property. In 2017 your office also advised our CAM that they could not verify that Mr. Rees had any Vistana Property. This was after the Vistana BOD requested verification. Your office called Mr. Joseph Rhodes, CAM, and ordered Vistana not to place him on the ballot. In 2019 the Ombudsman's office again called Mr. Rhoades and ordered him to place Mr. Rees on the Ballot. The Vistana BOD requested this in writing however Mr. Rhoades (First Service, CAM) did not receive anything in writing. I assumed that this would generate a search of NRED records to verify this information or prove that First Service provided false information to Vistana.

The second failure of my complaint was that I did not notify the respondent's last known address to try and settle this complaint was not completed. This too is correct since the current Vistana BOD is suing us for over \$100,000 in State Court and our Attorney ordered us not to contact them. What procedure should I have done?

Please review the four statements of the individuals running for the Vistana BOD. These are two sided documents. They made numerous promises including giving every owner \$13,000, no HOA fee's increase, another \$4,200 per owner from surplus funds, a 2019 Civil Litigation Report and numerous other false statements. (hey lied.

Former FBI Special Agent, Carlos Aguirre and I, Lynn Williams, a former Special Agent with the Treasury Department met with U. S. Postal Inspector, Trevor Hudson prior to this election and provided him with copies of these statements that were mailed to 732 separate households. Mr. Hudson called Mr. Aguirre a couple of days later, he stated that these statements clearly were violations of the Federal Mail Fraud laws however his immediate supervisor claimed that since no loss of revenue took place they would not file charges.

After the results of this election were announced at the monthly Vistana public meeting where a large number of owners were present. The first question to Mr. Rees was when would the homeowners receive the promised \$13,000? At this point of the meeting Ms. Barbara Holland, a First Service area **manager**, took over the meeting and advised the audience that there was no \$13,000 nor had

there ever been any excess money coming to Vistana. She further went on to confirm that every one of the four individuals making their promises were false. She verified to the audience that under NRED rules this was **permissible**. That NRED rules only stated that a candidate could not say something bad about another individual running for the BOD. She again advised the home owners that there wasn't any surplus money and they also wouldn't be getting the other \$4,200. This again demonstrates the unique relationship with First Service and NRED. It is obvious why First Service didn't advise the NRED Commission. Fortunately we had a written sign-in sheet to identify the homeowners present. We recorded Ms. Holland statements and they should also be in the written BOD minutes. This is just one of many documented events that First Service has engaged in. Ms. Holland is providing legal opinions to assist the same individuals who are suing us. The suit alleges that my Vistana BOD was trying to collect \$75,000 from First Service for the violations of their previous CAM. They didn't want to pay.

This was the reason I filed the complaint in #2021-1222. NRED should have records of these previous complaints. The system of Management firms assisting the NRED Ombudsman's office apparently breaks down when their employees violate NRS 116. I am only listing the background information that NRED already had in its possession. I can document \$100,000's of loss of funds from the approximately 18 convicted individuals who stole the \$19,000,000 from the Vistana HOA. What happened to the previous complaints? I believe I am aware of other First Service CAM's failures to notify the NRED Ombudsman's office that I will provide the Commission with written documentation of other serious violations.



Lynn Williams
562 708-5178

1/13/22

STEVE SISOLAK
Governor



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
COMMON-INTEREST COMMUNITIES AND
CONDOMINIUM HOTELS PROGRAM
CICOmbudsman@red.nv.gov <http://www.red.nv.gov>

TERRY REYNOLDS
Director

SHARATH CHANDRA
Administrator

CHARVEZ FOGER
Deputy Administrator

JASON O. WYATT
Ombudsman

December 23, 2021

Lynn Williams
3625 Gundry Ave
Long Beach, CA 90807

Re: File No.: 2021-1222

Dear Mr. Lynn Williams:

The Nevada Real Estate Division (the "Division"), Office of the Ombudsman for Owners in Common Interest Communities and Condominium Hotels received your *Incomplete* Intervention Affidavit date stamped December 21, 2021. You allege President Michele Diller submitted a fraudulent Executive Board Statement to the Association in August 2018. In addition, you alleged that Christopher Rees failed to produce the required documents when running for the Board in 2017.

After a review of the Intervention Affidavits submitted, it has been determined that your allegations fail to comply with NRS 116.760 (1) *Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.*

Also, be advised that your complaint submissions are incomplete as the following items were excluded:

1. As per the instructions on page 1 of the Affidavit, statements 1-8 must be met **before** filing an Affidavit; your initials in each box attest to your completion of each item.
2. NRS 116.760 requires the complainant (you) to send the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the affidavit. ***The notice must: (a) Be mailed to the respondent's last known address. (b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.***
3. On page 2, of the Intervention Affidavit (Form 530) the box titled Supporting Law and/or Governing Documents was left blank. In this box statutes from NRS/NAC 116 and/or sections of Governing Documents that support the alleged violations are to be cited.

Based on the fact that your allegations are time barred in addition to the incomplete submissions, please be advised the Division will take no further action and these cases are closed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Wyatt".

Jason O. Wyatt
Ombudsman

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 08/05/19 by 5:00pm. This form can be emailed to Joseph.Rhoades@fsresidential.com or faxed to 702.444-4937. This form will be reproduced and provided in the mailing to the membership.

Name: PAUL FLEMING Address: 7189 S. DURAND DR UNIT 109

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:

PF
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:

PF
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.

Please see attached document

Please specify your experiences and qualifications for the executive board:

I've been on the insurance for 3 days Please see attached document

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.

Paul Fleming
Signature

7/26/19
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.

8009471 0255FCMP-7
7727406 0255FCMP-2

My name is Paul Fleming and I have lived at Vistana since 2009. I have worked in the insurance industry for over 30 years. I would like to use my expertise in this area to assist management in making optimal insurance choices that are in the best interest of the community ultimately saving everyone money without sacrificing quality. I propose the following:

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

= FALSE STATEMENT

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 08/05/19 by 5:00pm. This form can be emailed to Joseph.Rhoades@fsresidential.com or faxed to 702.444-4937. This form will be reproduced and provided in the mailing to the membership.

Name: Marcia Poliandro Address: 7131 S Durango Dr Unit 111

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.

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

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

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.

Please see attachment.

Please specify your experiences and qualifications for the executive board:
Please 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.

Marcia Poliandro 8/5/19
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.

8290 Arville Street
Las Vegas, NV 89139
www.fsresidential.com

My name is Marcia Poliandro, I am an original resident owner since 2003 and would like to see things move in a more positive direction. I have an accounting background and would love to use my data-driven experience to assist our community in every way possible. I propose the following:

1. Refunds, Refunds, Refunds

- a) Association received a \$5.1 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

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.

= FALSE
STATEMENT

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 08/05/19 by 5:00pm. This form can be emailed to Joseph.Rhoades@fsresidential.com or faxed to 702 444-4937. This form will be reproduced and provided in the mailing to the membership.

Name: Michelle Diller Address: 7155 S Durango # 202

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.

MD
 Initials

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

MD
 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

Please see attached

Please specify your experiences and qualifications for the executive board:

Please see attached

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: Michelle Diller

Date: 8/2/19

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.

8290 Arville Street
 Las Vegas, NV 89139
 www.fsresidential.com

8009471 0255FCMP-6
 7727406 0255FCMP-2

I, Michele Diller have been a Vistana homeowner for 8 years. I am a previous Board member. I Am very knowledgeable with the Vistana CC&R's and the Nevada Condo Laws. I would be honored to work with you, the Owners to have Vistana be a wonderful place to live. 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.
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¹ 2019 Civil Litigation Report

² 2019 Budget

= FALSE STATEMENT



FirstService
RESIDENTIAL

Vistaña Condominium Owners Association 2019 – Executive Board Candidate Statement

Community & Lifestyle Services

Template
Effective: 7/1/2019

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

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

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

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

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

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8/5/2019
Signature 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.

I, 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

= FALSE STATEMENT