

**COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM
HOTELS MEETING MINUTES MARCH 1-2, 2022**

**VIA IN PERSON AND WEBEX VIRTUAL MEETING
MARCH 1, 2022**

Nevada State Business Center
3300 W. Sahara Avenue
4th Floor, Tahoe Room
Las Vegas, Nevada 89102

The meeting was called to order at 9:05 A.M.

1-A) Introduction of Commissioners in attendance

Michael Burke, Charles Niggemeyer, Richard Layton, Phyllis Tomasso, Patricia Morse Jarman, James Bruner, and Deputy Attorney General Asheesh Bhalla sitting as Commission Counsel.

1-B) Swearing in of reappointed Commissioner

Chairman Burke swore in Commissioner Tomasso.

1-C) Introduction of Division Staff in attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Jason Wyatt, Ombudsman; Shareece Bates, Administration Section Manager; Terry Wheaton, Chief Compliance Audit Investigator; Sonya Meriweather, Senior Resolution Specialist; Monique Williamson, Education and Information Officer; Gary Little, Training Program Officer; Evelyn Pattee, Commission Coordinator; and Kelly Valadez, Commission Coordinator.

2) Public Comment

John Radocha, HOA board member, stated that there are serious flaws in the Alternative Dispute Resolution (ADR) mediation process. Mr. Radocha stated that the plaintiff nor the defendant can have a knowledgeable witness to provide reliable documents to be on the table when you have mediation. Mr. Radocha stated that he is asking the Commission to speak with legislators to have this changed. Mr. Radocha stated that when filing an ADR, you should be advised that a witness will not be allowed. Mr. Radocha stated that in NRS 116.31175, it mentions "other papers" and he would like other papers to be defined.

Dan Lucero, Ardiente HOA board member, stated that he has taken over 160 hours of training, and would like to compliment the Division on their training program because he feels it has helped him to be a good board member. Mr. Lucero stated that he has concerns about the operation of the Ombudsman's office. Mr. Lucero stated that this year he has submitted 6 complaints on Forms 530 and 514A which have resulted in no action being taken. Mr. Lucero stated that his complaints have been detailed citing NRS and government document violations, along with example emails, etc. and this is a disservice to the Nevada CIC taxpayers who depend on adherence to these statutes for protection. Mr. Lucero stated that in one case during a resolution conference, the Ombudsman's staff brought up examples that were not even in the complaint, which makes it appear that there was a preconference between the opposing side and the Ombudsman's office to determine the desired outcome without him being present. Mr. Lucero stated that this was clearly not an unbiased hearing.

Cameron Clark, president, and part owner of United Assessment Recovery, stated that he and other colleagues at Community Associations Institute, submitted recommendations in October 2020, regarding the proposed fee schedule which appears to have been overlooked by the Division. Mr. Clark asked why the Commission had not consulted his company or other companies within the industry for a more balanced recommendation as opposed to the lower, arbitrary fees proposed by the Division. Mr. Clark stated that the proposed fees do not reflect the rising costs of doing business in Nevada. Mr. Clark stated that it has been over 10 years since the fee schedule has been adopted. Mr. Clark stated that the Division's proposal did not include the additional steps required by collection agencies pursuant to NRS 116, including the super-priority lien release and the affidavit of mailing. Mr. Clark stated that the collection agencies should be fairly compensated for the work performed and that the nominal fee increase of \$600 will not create diversity within the industry for associations which can limit their ability to choose a collection agency. Mr. Clark stated that he recommends removing the reduction cap on total fees because if every fee is regulated in the amount and frequency in which it can be charged in a lifetime of a homeowner's account, there would be no reason to have to lower the overall cap. Mr. Clark stated that in this scenario the collection agency and/or law firm, is effectively working for free. Mr. Clark stated that the additional costs are passed on to the homeowners who are already paying assessments. Mr. Clark stated that the fees should be tied to the Consumer Price Index (CPI) so that this process doesn't have to be repeated every time an increase is warranted.

Robert Tait, a homeowner in Ardiente, stated that his concern is with the Compliance section of the Ombudsman's Office. Mr. Tait states he submitted complaints in October 2021 and February 2022 against two separate community managers. Mr. Tait stated that the two complaints listed a total of 30 violations against the two managers and the complaints included detailed explanations of the violations of provisions of NRS/NAC 116 and 116A, supporting documentation and lists of witnesses. Mr. Tait stated that he only received a standard letter informing him that his allegations could not be substantiated, and no continuing investigation was warranted, and the case was closed. Mr. Tait stated that after he filed the complaint on Friday, February 4, 2022, he received a letter from the Division on February 7, 2022, stating the same general language as his previous complaint, and the case was closed. Mr. Tait questioned how a thorough investigation could have been done in such a short amount of time. Mr. Tait stated that the Division has failed in its regulatory compliance responsibilities to protect the public and Nevada's real estate sector by fairly and effectively regulating real estate professionals and the enforcement of homeowner complaints.

Jenine Rogers, a homeowner of two homes in Southern Highlands, within the Ansedonia and Bella Terra communities, and president of the Affinity Condominium Owners Association stated that she has concerns regarding declarant control. Ms. Rogers stated that she was previously the only homeowner on a declarant-controlled board and is now the president of a homeowner association run by unit owners. Ms. Rogers stated that declarants have different priorities than homeowners which is evident in the way the association is run. Ms. Rogers stated that there is a conflict of interest with the declarant having the majority of votes and she is asking that the Commission address the issue of extended declarant control. Ms. Rogers stated that she is concerned with the use and abuse of workshops by associations due to them not being addressed in NRS. Ms. Rogers stated that in her experience on a prior board, she felt the board utilized workshops out of their scope. Ms. Rogers stated that while the board never took a vote during the workshop, there were important details discussed in the 3-hour workshop that homeowners were not privy to before the voting was conducted by the board. Ms. Rogers stated that when she was no longer on the board, she was denied access to any records of the workshop and was not allowed to attend the workshops when confidential information was not being discussed. Ms. Rogers stated that she is concerned about

that information not being shared with homeowners.

3) Regulation Workshop for proposed changes to NAC 116

Section 2

Shareece Bates read the section into the record.

John Leach, an attorney with Leach Kern Gruchow Anderson and Song, commented. Mr. Leach summarized the public comment submitted in writing on February 24, 2022. Mr. Leach expressed his concern with Section 2 that requires an association to obtain a court order to impose a fine over a certain amount. Mr. Leach stated that such a requirement is inconsistent with Nevada law which does not require court action, rather the association may proceed through the nonjudicial foreclosure process for a lien imposed by a Health Safety Welfare violation. Mr. Leach stated that there are two remedies an association may pursue, one is the lien and the other is civil action for money damages which begins with the ADR process facilitated by the Division. Mr. Leach stated that if the violation is a true health safety welfare violation, pursuant to NRS 116.31162 (6), an association may proceed with the nonjudicial foreclosure process, no court order is required. Mr. Leach recommends that the Commission abandon the requirement of obtaining a court order or any kind of court remedy to implement a statutory remedy that the legislature has already given, not to mention the cost and time involved for court proceedings. Mr. Leach's second recommendation is to consider health and welfare violations in Tier 2 as well because as written, the section appears to have only focused on safety. Mr. Leach stated that he felt the two tiers proposed present unworkable standards. Mr. Leach stated that the Nevada Supreme Court belabored the difference between negligence, gross negligence, and intentional acts. Mr. Leach argued that if it's difficult for the supreme court to determine, why would Nevada ask volunteer homeowners to come to a conclusion. Mr. Leach stated that he would recommend reducing to only two tiers divided by conduct, negligence, or gross negligence. Mr. Leach stated that he would ask the commission to consider NRS 116.3115 (6) stating gross negligence or willful misconduct is under the same category for enforcement. Mr. Leach stated that he was concerned with the language regarding violations deemed as nuisances not being considered health safety welfare violations. Mr. Leach stated that the nuisance provision is generally used by most associations for health safety welfare violations. Mr. Leach stated that it is uncommon for associations to adopt rules that state unlawful, offensive, detrimental conduct is unacceptable within the community. Mr. Leach stated that fair housing laws are now written that a single foul, vulgar or racially discriminative term warrants board action. Mr. Leach stated that he asks the Commission to consider deleting the prohibition on nuisance as being a violation and just because something is profane, vulgar or abusive that it is not effective. Mr. Leach stated that he asks the Commission to consider the interference in an individual's rights as an important part of the provision. Mr. Leach stated that as an example, a person's marijuana usage and how it may affect others, would result in a potential health and safety violation being imposed by the board. Mr. Leach provided written comment.

Adam Clarkson, owner of the Clarkson Law Group and vice-chair of the Community Associations Institute Legislative Action Committee (LAC), commented. Mr. Clarkson stated that the LAC would have liked for the Task Force to have been involved in drafting the proposed regulations as they had the previous legislative cycle. Mr. Clarkson stated that the LAC agrees with the comments made by Mr. Leach except for including marijuana as a health safety welfare violation. Mr. Clarkson stated that the issue of requiring court orders for health safety violations will cost the associations and its homeowners a lot of money. Mr. Clarkson stated that the cost of the court proceedings is recoverable so on top of the fine, the homeowner would be subjected to additional court costs. Mr. Clarkson stated that LAC's recommendation is to require associations to consult

with the appropriate professional for guidance before imposing a health safety violation. Mr. Clarkson stated that the imposition of such a violation is a non-standard action which occurs rarely, therefore a consultation with an attorney, community manager, etc. would be the appropriate action for the board to take. Mr. Clarkson stated that he would ask that the language be added to the statute to be consistent with language already in NRS 116.3103 and NAC 116.405. Mr. Clarkson stated that an association may impose health and safety violations to help cut down on bad actors within the community who commit such violent acts. Mr. Clarkson stated that LAC is recommending additional factors, which they've identified what constitutes a health safety violation. Mr. Clarkson stated that the LAC recommends a focus on the factors will make the development of the statute easier to understand and to adhere to. Mr. Clarkson stated that the LAC recommends against a broad exception to vulgar, profane and abusive language. Mr. Clarkson stated that the LAC recommends that if the proposed language was changed to include the factors, the nuisance exception could be eliminated. Mr. Clarkson provided written comment.

Joel Just, CEO of Camco, past president and current vice president of Cameo, commented. Mr. Just stated that he agrees with Messrs. Leach and Clarkson. Mr. Just stated that an example of dog feces in a common area would be a health safety violation, a minor infraction that could be resolved simply with the imposition of the violation however, requiring judicial action in order to require a homeowner to clean up, would be much more expensive to get the same result. Mr. Just provided written comment.

Lyle McKenzie, president of Eldorado Neighborhood Second Homeowners Association in North Las Vegas commented. Mr. McKenzie stated that the requirement to obtain a court order to issue a health safety welfare violation would cost the association approximately 5 percent of the annual budget to collect a fine over \$500 with no guarantee of recovery of costs. Mr. McKenzie stated that this requirement would prohibit the association from imposing health safety violations, and he therefore requested that the court ordered requirement be eliminated.

Section 3

Shareece Bates read the section into the record.

Adam Clarkson commented. Mr. Clarkson stated that the LAC objects to the requirement of forcing board members to have their electronic mailing addresses submitted to the Division, the submission should be optional. Mr. Clarkson stated that the LAC also objects to the idea that board members would be solicited on an email list for educational purposes; the members should engage by their own will.

Section 4

Shareece Bates read the section into the record.

John Leach commented. Mr. Leach stated that although not in the proposed language, he recommends removing negligence and gross negligence from the same sentence. Mr. Leach stated that the regulation has inconsistent standards when both words are included. Mr. Leach stated that in subsection (3) (c), the term 'notice' be clarified to better identify the steps taken within an association's process. Mr. Leach stated that in subsection (3) (d), he recommends that the language be revised to state 'acting without authority granted by the board to a director'. Mr. Leach stated that in subsection (8) (1), he recommends that associations be required to act based on the orders by the Commission as opposed to the Ombudsman's Office.

Adam Clarkson commented. Mr. Clarkson stated that he agreed with Mr. Leach's comments. Mr. Clarkson stated that he recommends that subsection (3) (a) be deleted as it is vague and ambiguous as written and may lead to a large number of complaints.

John Radocha commented. Mr. Radocha stated that the provision, subsection (3) (b) should be more explicit. Mr. Radocha stated that an example of a situation in his association would be board members refusing to place items on the meeting agenda despite the request of other board members or homeowners.

Section 5

Shareece Bates read the section into the record.

No public comment.

Section 6

Shareece Bates read the section into the record.

No public comment.

Section 7

Shareece Bates read the section into the record.

Adam Clarkson commented. Mr. Clarkson stated that in (2)(a) his recommendation is to keep the 'governing documents' in the regulation. Mr. Clarkson stated that in respect to reserve studies there may be many different descriptions for how funding levels should be met. Mr. Clarkson stated that declarants often establish minimum levels within the CC&Rs, so the language is already there for associations to use as guidance.

Section 8

Shareece Bates read the section into the record.

Robert Forney of Complex Solutions commented. Mr. Forney stated that his concern with section (3) and defining the 5-year period with the start date. Mr. Forney stated that the start date can get earlier with each cycle depending upon the date of the actual inspection, of which the association has no control and proposed defining an end date as opposed to the start date. Mr. Forney stated that he provided written comments supporting his position that the 5-year period concludes with the adoption of the study in the 5th year on or before, but no later than the adoption date of the proposed budget in the upcoming fiscal year. Mr. Forney stated that the board would be required to have an updated reserve study at the time they are reviewing the budget in the 5th year. Mr. Forney stated that regarding section (4), he would suggest that the term 'full' be removed as the term means a full site visit to align with the language in section (3).

Section 9

Shareece Bates read the section into the record.

Robert Forney stated that he is posing the question whether the Commission intended for level 3 studies and/or financial updates, be submitted to the Division on form 609.

Section 10

Shareece Bates read the section into the record.

Adam Clarkson commented. Mr. Clarkson stated that in 2015 the Division asked for an increase to the \$3.00/door fee, which was supported by CAI. Mr. Clarkson stated that in reference to section 13, he would like to see an increase in collection fees to be considered by the Commission.

Mike Kosor, homeowner commented. Mr. Kosor stated that he would have liked to see the proposed regulations to have been put forth through the CIC Task Force. Mr. Kosor stated that he would like the language to include 'used for residential use' to be added to the regulation to conform with the statute. Mr. Kosor stated that he would ask that the Commission identify how the Division determines what information is gathered on the master roster form. Mr. Kosor stated that the form can be confusing as it does not distinguish between developer units and/or commercial units. Mr. Kosor stated that he would like to see the Division modify the form to track declarant control threshold percentages. Mr. Kosor provided written comment.

Section 11

Shareece Bates read the section into the record.

Gary Lien, with Hilburn & Lien, CPAs and appearing on behalf of Bainbridge & Little commented. Mr. Lien stated that companies often struggle with associations to adopt and approve the audited financial statements within a timely manner. Mr. Lien stated that while homeowners need to be informed timely of the financial status of their association, given the number of associations that require an audit, there is not sufficient time to have all audits completed within the time proposed. Mr. Lien stated that his company would likely have to refuse business and thereby increase the fees for existing associations to make up for the loss in volume, citing a small business impact. Mr. Lien stated that associations may be forced to hire accounting firms with little to no experience in HOA accounting. Mr. Lien stated that he would propose leaving the language in (1)(b) as is but adding additional language that forces the board to adopt the audited financial statements within 100 days of the receipt of the draft of the audit but not later than the adoption of the upcoming fiscal year budget. Mr. Lien stated that he agreed with the Division's intention to force associations to act. Mr. Lien provided written comment.

Section 12

Shareece Bates read the section into the record.

No public comment.

Section 13

Shareece Bates read the section into the record.

Adam Clarkson commented. Mr. Clarkson stated that the current draft fails to make any meaningful increase to the fees even though legal requirements have gone up as has liability. Mr. Clarkson stated that the Division received a cost of business increase and therefore collection agencies should receive the same. Mr. Clarkson stated that the proposed fees do not keep up with the cost of business or the Consumer Price Index (CPI). Mr. Clarkson stated that the Notice of Delinquent Assessment and Notice of Default were notably absent from the proposed language. Mr. Clarkson stated that changes in the law have placed greater requirements on collection agencies which increase the cost of business. Mr. Clarkson stated that many collection agencies have been

declaring bankruptcy thereby putting a bigger strain on remaining agencies to perform work that is not typically profitable. Mr. Clarkson stated that his recommendation is to increase the fees 60 percent across the board. Mr. Clarkson stated that the proposed language imposes an arbitrary fee cap. Mr. Clarkson stated that his recommendation is that the fees be restricted to the process and only be charged one time. Mr. Clarkson also pointed to (4)(a) and asked that the other required notices sent by the collection company such as the federal/tribal/state worker government shutdown notice, the account to collection service provider and any other procedural notices, be included in the section. Mr. Clarkson provided written comment.

Joel Just commented. Mr. Just stated that he agreed with Adam Clarkson and Cameron Clark. Mr. Just stated that several collection agencies sold their company to him for a nominal amount to avoid filing bankruptcy. Mr. Just stated that one such company had up to 800 lawsuits pending due to the liability risk. Mr. Just stated that he was a part of the group that helped draft the current fee cap with the goal to stop egregious actions in the industry. Mr. Just stated that although he is the owner of a management company, he does not require associations to use his collection companies however there are fewer options for associations to choose from. Mr. Just stated that the CPI index should be applied in order to repeat the process of regulation each legislative year. Mr. Just stated that the fee cap should be removed. Mr. Just stated that the fees should accurately reflect the work to be performed with an increase to the cost of business.

Cameron Clark commented. Mr. Clark stated that he was in support of the 60 percent fee increase and removal of the cap. Mr. Clark stated that collection agencies have incurred more costs over the last few years with increases in healthcare, employee related costs, recording costs and mailing costs. Mr. Clark stated that he asks the Commission to take into consideration the cost of business as well. Mr. Clark provided written comment.

Mike Randolph, owner of HOA Collections, LLC commented. Mr. Randolph stated that approximately 12 years ago, he along with Mr. Jorgenson of Red Rock Financial and Mr. Stone of Nevada Association Services, introduced their rendering of R199-09, which is now known as NAC 116.470. Mr. Randolph stated that there are many things that must happen during this proposed regulation that were not included 12 years ago because they were not required. Mr. Randolph stated that he is an endangered species as an independent, non-affiliated collection agency. Mr. Randolph stated that out of the thousands of accounts he collected on last year, only 8 properties went through the foreclosure process and of that, only 5 were completed. Mr. Randolph stated that using the proposed amounts based on what he collected last year, he would only be able to afford one additional \$11/hour employee. Mr. Randolph stated that he understood why the fees for Intent to Lien, Notice of Delinquent Assessment and Notice of Default have not increased as those amounts are listed in statute. Mr. Randolph stated that since the inception of R199-09, employee costs and the costs of paper have nearly doubled. Mr. Randolph stated that he recalled a time during legislation where there was a need for a cap in fees, however the majority of bad actors have since gone and the need for the cap is no longer. Mr. Randolph stated that he is asking for the increase in collection fees to match what is needed to remain in business. Mr. Randolph provided written comment.

Section 14

Shareece Bates read the section into the record.

No public comment.

Section 15

Shareece Bates read the section into the record.

Adam Clarkson commented. Mr. Clarkson stated that has concern with the limited number of provisional community managers being proposed. Mr. Clarkson stated that due to the shortage of super CAMs in the industry, the limited number may further restrict companies from hiring provisional community managers. Mr. Clarkson stated that he suggests the language stay the same with ‘supervision of one or more provision community managers.’

Joel Just commented. Mr. Just stated that the limited number may create an undue burden on smaller companies. Mr. Just stated that there are not enough community managers to manage all the associations within the state. Mr. Just stated that there are not enough supervising managers to manage the number of provisional managers. Mr. Just stated that the Commission has placed arbitrary licensing restrictions when applying for a supervising community manager license. Mr. Just stated that their experience to become a super CAM must be from another licensed community state, so as an example, a person with 40 years community management experience in California, cannot get a super CAM license in Nevada despite the length of experience. Mr. Just stated that the industry cannot support the arbitrary number proposed.

Section 16

Shareece Bates read the section into the record.

No public comment.

Section 17

Shareece Bates read the section into the record.

No public comment.

Section 18

Shareece Bates read the section into the record.

No public comment.

Section 19

Shareece Bates read the section into the record.

No public comment.

Section 20

Shareece Bates read the section into the record.

No public comment.

Section 21

Shareece Bates read the section into the record.

No public comment.

Section 22

Shareece Bates read the section into the record.

No public comment.

Section 23

Shareece Bates read the section into the record.

No public comment.

Section 24

Shareece Bates read the section into the record.

Adam Clarkson commented. Mr. Clarkson stated that he suggests that the language remain as written with a copy of the complaint being provided to ensure clear information is provided to the parties in order to seek a timely resolution.

Mr. Radocha commented. Mr. Radocha stated that he believes that if information is not provided in writing it's as if it did not happen. Mr. Radocha stated that often times a community manager does not respond within 12 working days. Mr. Radocha also stated that community managers have a lot of control over homeowner associations.

Section 25

Shareece Bates read the section into the record.

No public comment.

Section 26

Shareece Bates read the section into the record.

No public comment.

Section 27

Shareece Bates read the section into the record.

Adam Clarkson commented. Mr. Clarkson stated that he is in support of Mr. Lien's comments on the identical provision under NAC 116.

Section 28

Shareece Bates read the section into the record.

No public comment.

6-D) Discussion regarding proposed changes to NAC 116

Chairman Burke stated that to sum up what he heard during public comment for the regulation workshop was that the rates are not high enough, health and safety needs to state what it means and some guidelines, and a cost-of-living increase is needed.

Commissioner Jarman stated that the primary link seems to be the disparity and the fees that are

being proposed, and the fees should not be so low that additional businesses cannot continue to do business. Commissioner Jarman stated that once the economy begins to pick up, it will be incumbent upon everybody to catch up, but sixty percent might not be possible.

Commissioner Niggemeyer stated that the experts have spoken to the Commission, and he is in support of getting rid of the designated three tier and two tier. Commissioner Niggemeyer stated that the lawyers or other professionals made great points about how the wording goes, and he supports what has been said. Commissioner Niggemeyer stated that the use of professionals cannot be stressed enough and HOAs rely on them, and that the sixty percent increase might be tough, but if that is what is needed, then he is in support of that. Commissioner Niggemeyer stated that Nevada is unique in that we have certified managers and the managers that supervise other community managers know what they can handle, and provisionals should not be limited to three. Commissioner Niggemeyer stated that regarding Mr. Lein's comment regarding the audits and 100th day after the initial receipt of that needs to be honored. Commissioner Niggemeyer stated that regarding the reserve studies he would defer to the experts and their analysis.

Commissioner Layton stated that he supports the fee increase, whether sixty percent or some other adjustment as costs go up so that the professionals are adequately compensated. Commissioner Layton stated that he supports what Gary Lein stated. Commissioner Layton stated that full funding, threshold and baseline are the three methods of funding reserves, but nowhere in the regulations does it specify a method that has to be followed and he thinks that the regulations should state specifically which method should be used and he highly supports the full funding method.

Commissioner Tomasso stated that she agrees that rate increases are necessary, and the use of professionals is very important. Commissioner Tomasso stated that reserve studies should be done or updated more frequently than every five years. Commissioner Tomasso stated that Nevada has been a leader in HOA regulations.

Commissioner Bruner stated that he supports that the court order for the small fines should go away because it is not worth going through the whole process costing the homeowners and the associations the extra money. Commissioner Bruner stated that he supports the comments made by Rob Forney regarding the reserve studies. Commissioner Bruner stated that he agrees that the fees should be increased and a discussion if there should be a cap or some sort of program that can adjust for inflation or how the industry is moving. Commissioner Bruner stated that the restrictions on the supervising community managers should be adjusted to the comments given by our industry leaders.

Chairman Burke stated that he is in favor of the fee increases that is long overdue and sixty percent sounds like a lot but in the grand scheme considering where it was, it might not be a lot because you have to look at the time value of money and inflation and the cost of living. Chairman Burke stated the restriction of the three provisionals on the super community managers does not work either because you cannot put limitations to the point where you are regulating yourself into extinction because people cannot comply with the law. Chairman Burke stated that Mr. Clarkson's comments regarding section 4 talking about incurring the excessive costs or liabilities is right and statute should be the model of clarity and the way it is written is begging for confusion. Chairman Burke stated agrees with what everyone has said about the court order, but it would be reasonable to say there should be an amount where they would have to go to court and get a court order, but it should be done in proration of the fines. Chairman Burke stated that the cap should be attached to a

Consumer Price Index (CPI) so you are not locked in place and not able to make money as inflation occurs or put reasonable stair step increases so the statute grows with the community and society.

Commissioner Jarman stated that some sort of reciprocity should be considered for managers coming from other states to utilize the resources that people are bringing into our state without making it difficult to work.

5-A) Administrator's report

Sharath Chandra stated that the Division has been working on the regulation changes and the language was developed based on the Ombudsman's office getting a lot of feedback, looking at the complaints coming in, and the last legislative session. Mr. Chandra stated that during the last legislative session the original proposal was to put a \$1000 cap on health and safety violations, but discussion in the legislature was that with the different levels of health and safety violations, a cap would be hard to do, but that the Commission could look at the regulation more in depth and come up with language that could tier the different levels of violations. Mr. Chandra stated that when the Division develops regulations, the regulations need to work for all 3800 homeowner's associations and not just one set. Mr. Chandra stated that when an HOA puts out health and safety violations it arbitrarily affects homeowners because it could eventually lead to foreclosure. Mr. Chandra stated that the Division has put the framework around what health and safety violations are and the homeowner's associations will have to look at them carefully and decide whether it is a violation or not. Mr. Chandra stated that the Division will consider all the public comment given and make a revised version of the proposed regulation changes and present it for the Commission to discuss. Mr. Chandra stated that the Division will look at the feedback given for the fee increases and propose a revision, but two important things to remember are that during the last legislative session there was big concern about fees hitting homeowners and with these fees being in regulation, if the legislature decides to pull these fees into statute, it will become harder to change. Mr. Chandra stated that today was the first step with the proposed changes and there will be another iteration of taking public comment and discussion, but then the Commission would have to make a decision.

5-B) Ombudsman's summary report

Jason Wyatt provided the Commission with these reports in the meeting packet.

5-C) CIC Compliance caseload report and summary

Terry Wheaton provided the Commission with this report in the meeting packet.

5-D) Education and Information Officer report

Monique Williamson provided the Commission with this report in the meeting packet.

5-E) Licensee and board member discipline report

Shareece Bates provided the Commission with this report in the meeting packet.

6-A) Discussion regarding Commissioners' speaking engagement requests.

The Commission stated that there was nothing to report.

6-B) Discussion regarding the State of Nevada Controller's Office debt collection process for fines issued by the Commission.

Commissioner Niggemeyer stated that the amount referred to collections is \$1,378,000 and the result is that it cannot be collected. Commissioner Niggemeyer stated that judgements have the

ability to track people if one can be obtained. Commissioner Niggemeyer stated that he would continue to provide this report to the Commission for future discussion.

6-C) Discussion and decision to approve minutes of the December 7, 2021 Commission meeting.

Commissioner Layton moved to approve the December 7, 2021 meeting minutes. Seconded by Chairman Burke. Motion carried.

7) Discussion and decision on date, time, place and agenda items for upcoming meeting(s).

- May 31-June 2, 2022.

8) Public Comment

None.

9) Adjournment

Meeting recessed at 2:35 p.m. on March 1, 2022.

TO BE APPROVED BY COMMISSION

**COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM
HOTELS MEETING MINUTES MARCH 1-2, 2022**

**VIA IN PERSON AND WEBEX VIRTUAL MEETING
MARCH 2, 2022**

Nevada State Business Center
3300 W. Sahara Avenue
4th Floor, Tahoe Room
Las Vegas, Nevada 89102

The meeting was called to order at 9:01 A.M.

1-A) Introduction of Commissioners in attendance

Michael Burke, Charles Niggemeyer, Richard Layton, Phyllis Tomasso, Patricia Morse Jarman, James Bruner, and Deputy Attorney General Asheesh Bhalla sitting as Commission Counsel.

1-B) Introduction of Division Staff in attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Jason Wyatt, Ombudsman; Shareece Bates, Administration Section Manager; Terry Wheaton, Chief Compliance Audit Investigator; Sonya Meriweather, Senior Resolution Specialist; Monique Williamson, Education and Information Officer; Gary Little, Training Program Officer; Evelyn Pattee, Commission Coordinator; and Kelly Valadez, Commission Coordinator.

Deputy Attorney Generals Virginia Tomova and Matthew Feeley present representing the Division.

2) Public Comment

Chris Lyngstad stated that when Highlands Road Association case numbers 2021-807, 2021-808 and 2021-810 are before the Commission with a stipulation for settlement, as a homeowner in Highlands Road Association, he would like to speak regarding the stipulation.

Mary Lyngstad stated that when Highlands Road Association case numbers 2021-807, 2021-808 and 2021-810 are before the Commission with a stipulation for settlement, as a homeowner in Highlands Road Association, she would like to speak regarding the stipulation.

4-C) NRED v. Rose Garden Owners Association, Gary Martin, Lynne Fillingame, Jeff Hahn, and Barbara Brink, for possible action

Case No. 2020-566

Type of Respondent: Board Members

Parties Present

Virginia Tomova, Deputy Attorney General was present representing the Division.

Chairman Burke stated that this complaint has been withdrawn.

4-B) NRED v. Rancho San Juan Homeowners Association, Christopher Seckler, Sebastian Mayo, and Cesar Valdez, for possible action
Case No. 2021-161
Type of Respondent: Board Members

Parties Present

Virginia Tomova, Deputy Attorney General was present representing the Division.
Patrick Orme, Esq. was present representing the board members

Preliminary Matters

Commissioner Layton stated that, as Secretary of the Commission, he had received a continuance request on Monday from Mr. Boyack because he had just been retained and needed time to prepare. Commissioner Layton stated that although he believes that Mr. Boyack's request should be granted, because of the association's failure to submit documents requested by the Division, the underfunding of the association's reserves in the approximate amount of \$325,000, and the association having gone through four management companies in a short time is concerning, and that the continuance request should be discussed and determined by the Commission as a whole.

Chairman Burke asked Mr. Orme when his office was retained to represent the defendants.

Mr. Orme answered late afternoon on Friday, February 25, 2022. Mr. Orme stated that everything Commissioner Layton had conveyed are the issues that he is aware of, and the association had tried to handle the matter for the last year without counsel and they have retained his office to help resolve the matter and are requesting the continuance. Mr. Orme stated that the association has been through four management companies within the last sixteen months which causes some concern.

Chairman Burke stated that there is no question to say that there is a need for a continuance, but also fair that some parameters should be placed on getting some documentation to the Division ahead of the next Commission meeting so coming into the next meeting that the Commission will have some sort of foundation and knowledge.

Mr. Orme stated that Ted Boyack, Esq. was speaking with the community manager and relayed that the discussion was that Phillip Griswold who managed the association for seven or eight years, has been unresponsive or stated that he does not have the documents that the Commission has requested.

Ms. Tomova stated that the specific documents that have been requested and not received are the meeting minutes from January 2018 through February 2021, financial statements from 2018, 2019, 2020, 2021, and bank statements from 2018, 2019, 2020, 2021. Ms. Tomova stated that the last communication regarding the status of the reserve fund for this association is that this association has been funded to nearly 10 percent and that information was provided on June 21, 2021, by Amy Groves with Nevada Finest Properties, LLC which was the property management company at the time. Ms. Tomova stated that the Division is fine with a continuance but need the parameters. Ms. Tomova stated that the Division would recommend giving 30 days for these documents to be provided to give the Division time to analyze the documents, make sure the association is responsive and make sure that the association is on target to fulfill their obligation under the reserve study recommendations which is dated 2019. Ms. Tomova stated that then the Division could decide if this is a workable solution or whether the allegations should be brought before the Commission during the next Commission hearing.

Commissioner Layton stated that the records were only requested through the end of 2021, but he is interested in seeing the records all the way through January and February of 2022, because part of the reserves have not been funded for so long and whether the association's assessment have been increased at the beginning of this year and if the board is trying to do something.

Chairman Burke moved that the association's minutes, bank statements, financial statements, and reserves from 2018 to present be provided to the Division by end of business on April 15, 2022, and then this matter will be continued until the next scheduled Commission hearing that begins on May 31, 2022. Seconded by Commissioner Layton. Motion carried.

4-D) NRED v. Highlands Road Association, Charles Lane, Eric Mortara, Cathy Lynch, and Barbara Small, for possible action

Case No. 2021-807 (combined with 2021-808 and 2021-810)

Type of Respondent: Board Members

Parties Present

Matthew Feeley, Deputy Attorney General, was present representing the Division. Sheila Van Duyne, Esq. was present virtually representing the board members.

Preliminary Matters

Chairman Burke stated that he wanted to disclose that in his own practice he currently has a matter involving a different homeowners association against Ms. Van Duyne, but Chairman Burke stated he does not think it poses any conflict in this matter.

Ms. Van Duyne stated that she does not think that is an issue right now.

Chairman Burke stated that there is a proposed settlement that was provided, and he is aware that there some homeowners that would like to speak against the proposed settlement after it is presented.

Settlement

Mr. Feeley read the factual allegations and violations of law into the record. Mr. Feeley stated that the terms of the settlement are as follows:

- Respondents neither admit nor deny any of the allegations set forth in the complaint in this matter.
- Respondents shall pay the Division an administrative fine in the amount of \$750.00 (Amount Due"). The Amount Due shall be paid in full within thirty days of the entry of this Order.
- Respondents, through counsel, represent that they have the required majority amount of Association members to terminate their common-interest community, have declared the intent to do so, and as such, hereby agree to terminate their common-interest community pursuant to NRS 116.2118. Respondents have declared their intent, and as such hereby agree to, enter into an agreement pursuant to NRS 116.1209 concerning the roads within the Association. Respondents agree to complete this process within eighty days of the entry of this Order.
- The Division agrees to close Case Nos. 2021-807, 2021-808 and 2021-810 against the Respondents.

Chairman Burke asked if the Division agrees with the stipulation for settlement that was read into

the record.

Mr. Feeley answered yes.

Chairman Burke asked Ms. Van Duyne as counsel for the board members, if her clients approved the stipulation for settlement that was read into the record.

Ms. Van Duyne stated yes and that her clients are all in agreement and available to sign the stipulation.

Chairman Burke asked how many units make up the association.

Ms. Van Duyne stated that there is a lack of clarity regarding the association. Ms. Van Duyne stated that the association has been viewed as a road association since its inception. Ms. Van Duyne stated that the association only has two separate roads, there is no enforcement of youth restrictions, and primarily 28 owners, with snow removal, weeding and road maintenance. Ms. Van Duyne stated that there had been a vote way back in the day that was not accurately clarified in the documents and the association is working with the Attorney General's office to clear that up.

Chairman Burke asked Ms. Van Duyne if there was 80 percent of the homeowners voting to terminate the homeowner's association.

Ms. Van Duyne stated yes and that she believed there was more than 80 percent of homeowners.

Chairman Burke asked Ms. Van Duyne if there has been a vote.

Ms. Van Duyne stated that they have a meeting scheduled and have polled many of the members. Ms. Van Duyne stated that through their own investigative process that there was a vote quite some time ago that they are trying to get ratified and understand that everyone wants an agreement regarding a 1209 road association.

Chairman Burke stated that he is not sure a stipulation can be entered into unless there has been a prior vote with 80 percent of the homeowners agreeing to the dissolution of the homeowner's association.

Ms. Van Duyne stated that it is the respondent's position that this organization has always been a road association, and the association that is discussed in the complaint is not this current group, the documents for this group were filed later as a road association with the Secretary of State's office and none of the recorded restrictions against the lots in question have set this up as a formal homeowners' association as of today's date, creating a lack of clarity which they are taking the steps to remove. Ms. Van Duyne stated that there are a couple of alternative paths that by consent or formal vote amending the existing restrictions to clarify the situation, or to do it by full termination. Ms. Van Duyne stated that they are trying to clarify it by making sure that it is a road association, but also terminate it to make it clear that it was no longer any sort of homeowners' association.

Chairman Burke stated that in paragraph 3 of the stipulation for settlement it states, respondents, through counsel, represent that they have the required majority amount of association members to terminate, and from what he is hearing that is not an accurate representation.

Ms. Van Duyne stated that she believes they have 27 of the 28 homeowners who understand that they are to be a road association and not a homeowner's association.

Mr. Feeley stated that the stipulation for settlement is conditional on that portion of the settlement stating that they have the agreed upon vote and the stipulation also states that if the terms and conditions are not met, the Division may, at its option, rescind this stipulation and order and proceed with prosecuting the complaint before the Commission. Mr. Feeley stated that the stipulation mentions that the association has eighty days to complete the vote and the Division is willing to wait the eighty days.

Chairman Burke asked to hear the public comment from the homeowners that wanted to speak on this matter.

Chris Lyngstad, a homeowner in Highlands Road Association, stated that NRS 116.31175 states that he is entitled to financial statements, budgets, and the Highlands Road Association's board has none of those documents, and now it is expected that they can dissolve the HOA and walk away without producing any documents to support their fiduciary duties.

Mr. Lyngstad stated that he had requested documents from the board via certified mail with return receipt requested sent to Highlands Road Association's President, Chuck Lane and the letter was initialed and refused by Chuck Lane on July 22, 2021. Mr. Lyngstad stated that the fine of \$750 that is being presented in the stipulation does not cover the \$25 a day since August 13, 2021, cited in NRS 116.31175(3). Mr. Lyngstad stated that according to NRS 116.31175(6)(a)(b) if the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may, on behalf of the unit's owner and upon written request, review the books, records and other papers of the association during the regular hours of the association, and if the Ombudsman's office is denied access to the books, records or other papers, request a subpoena for their production. Mr. Lyngstad stated that NRS 116.31175(7) states that an association's records must be maintained for at least ten years, but he has never received any documents from Highlands Road Association's board. Mr. Lyngstad stated that the stipulation being presented today circumvents his rights according to NRS 116.31175 and he cited the same statute for the recommended corrective action on Form 530 that was submitted to the Ombudsman's office, stating that the board should provide him with the appropriate documents.

Mr. Lyngstad stated that he is not aware of a member's meeting to discuss the dissolution unless it happened on May 14, 2021, where a meeting was held at the home of Chuck Lane, when he attempted to record the meeting per NRS 116.3108, the board started to conduct a vote with members in attendance to disallow the recording of the meeting and Mr. Lane kicked him off the property and this violated NRS 116.31085(1) and kept him from speaking and discussing important topics with other members of the Highlands Road Association. Mr. Lyngstad stated that in the posted meeting minutes from the May 14, 2021 meeting, there is no mention of his removal from the meeting. Mr. Lyngstad stated that the meeting minutes list him in attendance and notes that he voted on matters as there is mention of a unanimous vote regarding topics and one of the topics was a violation of NRS 116.350. Mr. Lyngstad stated that he did not attend subsequent executive meetings as he felt unsafe to be on Chuck Lane's property for meetings.

Mr. Lyngstad stated that if he had known that his request for the Highlands Road Association documents would have led to a stipulation that the board would be allowed to attempt to dissolve their CIC, he would not have sent his Form 530 intervention to the Nevada Real Estate Division.

Mr. Lyngstad stated that his rights as a member of a common-interest community under NRS 116 have not been protected and nowhere in NRS 116.31175 does it state that the board has the option to dissolve the common-interest community to evade a homeowner's document request.

Mr. Lyngstad stated that he would request from the Commission a full CPA audit of the Highlands Road Association income and expenses from every known monetary account for the last ten years. Mr. Lyngstad stated that over his nine years as a member of the Highlands Road Association, he has never seen a valid budget per NRS 116.31151, as the association does not have separate operating and reserve accounts and the reserve study per NRS 116.31152 that was sent after a certified request contains comingled accounts and therefore is invalid. Mr. Lyngstad stated that the budget that the board recently presented shows no mention of the number of units or the assessment amount owed by each unit which are glaring oversights that would become apparent after any audit of this association. Mr. Lyngstad stated that it is his recommendation that the Ombudsman perform a complete audit of the Highlands Road Association's business transactions including election ballots and results from March of 2021. Mr. Lyngstad stated that he filed an additional Form 530 regarding the association's elections per NRS 116.31034 that is with the Ombudsman's office as of February 28, 2022.

Mr. Lyngstad stated that he implores the Commission to review his affidavit and alleged violations of sections 15 and 16 by the board members and that the validity of the board members be reviewed before any stipulation is approved. Mr. Lyngstad stated that the conduct of the current Highlands Road Association board is abhorrent and completely out of compliance with NRS 116 and this stipulation could allow them to destroy critical investigative evidence if they are allowed to proceed with dissolution. Mr. Lyngstad stated that he hopes that the Commission will consider his testimony, hold a complete hearing and reconsider approving any stipulation presented.

Mary Lyngstad stated that she is a homeowner and dues paying member in the Highlands Road Association and that CC&R documents were provided when she purchased her home. Ms. Lyngstad stated that it became apparent that the illegal dump being run by the former board president was affecting the common element, which is the road, with excessive wear by loaded commercial vehicles. Ms. Lyngstad stated that she requested a meeting to discuss this as a neighborhood and the meeting was illegally denied. Ms. Lyngstad stated that Nevada law is clear when it implores homeowners to ask questions when they see red flags and there were many red flags with her association. Ms. Lyngstad stated that a request for information was filed but she has never seen a legal budget or banking information. Ms. Lyngstad stated that if the State settles with Highlands Road Association's board and fines them a small sum, the board will pay the fine out of homeowner's funds and it will allow the board back into power where their plan is to dissolve the CIC, sell private property, and invalidate the CC&Rs. Ms. Lyngstad stated that her rights have not been protected by the law, but the law is being used to further victimize her neighborhood. Ms. Lyngstad stated that she has requested documents and financial statements from the board and has received nothing and without the current financial statements there is no way to know how much money is in the possession of the association. Ms. Lyngstad stated that now the State is going to let this board, who did not follow any laws, to dissolve her CIC, eliminate her rights, destroy all historical documents, and disperse the funds that the board will not provide statements for. Ms. Lyngstad stated that her rights are being trampled on by the board and these same people that refused to follow the laws are being allowed to continue this illegal behavior and further erode her rights by switching to an 82. Ms. Lyngstad stated that without a hearing, public meeting or vote, the board has already changed the association to an 82 with the Secretary of State's office and this seems underhanded raising more red flags. Ms. Lyngstad stated that she has spoken with two other

homeowners that are not willing to give up their rights as a CIC, so the number of units in favor of this stipulation being presented is not 27 to 28.

Ms. Van Duyne stated that she had sent several certified letters with copied documents and emails to the Lyngstad family, which included insurance contracts, reserve studies, budgets, and financial reports, and none of the mailings have been returned. Ms. Van Duyne stated that Barbara Small, Treasurer, has a binder with all back up documentation that is entered into the annual reports that has been sent out to the Lyngstad family. Ms. Van Duyne stated that last fall, a budget was sent to the membership prior to a full budget meeting and available at the budget ratification meeting where Ms. Lyngstad attended that meeting voting against adopting the budget. Ms. Van Duyne stated that she can scan the documents from Ms. Small's binder and email to the Lyngstad family, make hard copies available or Mr. Lyngstad can come to her office and look through the binder. Ms. Van Duyne stated that she is unaware of any illegal dumping and that issue was not part of this complaint.

Commissioner Layton stated that he is uncomfortable approving a stipulation without knowing a vote of what is going to take place and approval should wait until there has been an actual vote to see the numbers.

Chairman Burke stated that what the stipulation states and what the parties desire to do is fine, but it is problematic to have a stipulation approved by the Commission prior to a vote taking place because the stipulation is going to direct the vote instead of the vote directing the stipulation.

Chairman Burke stated that he would recommend continuing this matter until the next Commission meeting and in the interim have the vote occur and if the vote is approved, then the majority has spoken. Seconded by Commissioner Layton. Motion carried.

Commissioner Bruner stated that he would like to make sure that the reserves and budgeting be provided electronically ahead of the vote.

Commissioner Tomasso stated that she would like to verify Ms. Van Duyne's statement that there was a third-party verification of the documents and who that person was.

Ms. Van Duyne stated that the reserve study specialist who is an independent expert on reserve studies went over the association's documentation and reserve funds and offered his opinions as to the accuracy of the funding for the various items.

Commissioner Niggemeyer asked if the documents have ever been presented to the Division.

Mr. Feeley stated that he has not seen the most recent reserve study that Ms. Van Duyne is speaking about.

Ms. Van Duyne stated that she can email the most recent reserve study, financial statements, or any other documentation that the Division would like to see, but during this process the association entered into a settlement agreement to avoid expending homeowners' money preparing for a hearing because many of the claims in the complaint are disputed. Ms. Van Duyne stated that the comment that the association recently changing to an 82 is incorrect and that the association identified in the complaint is not their association and clarification was provided for that issue with the articles of the association, so there are a lot of issues that would take time to present, and she was trying to resolve this matter short of having a full hearing.

Chairman Burke stated that now he is hearing a different story on items presented in the settlement and Ms. Van Duyne is disputing facts saying the association was wrongly named in the complaint and the Division has not received the most recent reserve study.

Mr. Feeley stated that the dispute regarding the association being an 82 was not mentioned in the complaint but it is correct that the most recent reserve study has not been provided to the Division.

Chairman Burke stated that he amends and makes a second motion that the settlement is denied without prejudice right now, if a vote occurs and a subsequent settlement is entered into, that documentation be attached to the settlement that illustrates an 80 percent percent vote, and if a settlement cannot be reached then this matter will be continued at the next Commission meeting scheduled for May 31 – June 2, 2022. Seconded by Commissioner Jarman. Motion carried.

4-A) NRED v. Srdjan Pantic, for possible action

Case No. 2019-836

Type of Respondent: Board Member

Parties Present

Virginia Tomova, Deputy Attorney General was present representing the Division.
Srdjan Pantic was present.

Preliminary Matters

Ms. Tomova stated that she is requesting for the Commission to take judicial notice of the ruling from the Justice Court where a criminal complaint was filed against the respondent for engaging and providing construction services without having a proper license. Ms. Tomova stated that on August 15, 2019, the respondent pled guilty to a misdemeanor charge in front of the Justice Court and the Justice Court in Clark County Nevada ordered him to pay restitution to the association in the amount of \$77,646.62 and \$ 419.69 to the Nevada State Contractor's Board. Ms. Tomova stated that the basis for the judicial notice is that this is an official court record and court decision from the Justice Court regarding some of the allegations raised in this case against the respondent.

Chairman Burke stated that he would take judicial notice and admit it into evidence.

Opening Statements

Ms. Tomova gave her opening statement.
Mr. Pantic gave his opening statement.

Chairman Burke asked Mr. Pantic if he had any objection to the notice of documents BS 0001-0395 being admitted into evidence.

Mr. Pantic stated that he had no objection.

Chairman Burke stated that the documents were admitted into evidence.

State's Witness

David Bashaw testified.

Mr. Pantic cross-examined Mr. Bashaw.

The Commission questioned Mr. Bashaw.

The witness was dismissed.

State's Witness

Jamie Steinberg testified.

Mr. Pantic cross-examined Ms. Steinberg.

The Commission questioned Ms. Steinberg.

The witness was dismissed.

State's Witness

Christy Staffen testified.

Mr. Pantic cross-examined Ms. Staffen.

Ms. Tomova re-examined Ms. Staffen.

The witness was dismissed.

Respondent's Witness

Dwayne Mauldin testified.

Ms. Tomova cross-examined Mr. Mauldin.

Respondent's Witness

Mr. Pantic testified.

Ms. Tomova re-examined Mr. Pantic.

The Commission questioned Mr. Pantic.

The witness was dismissed.

Chairman Burke stated that there are convincing facts against Mr. Pantic and Mr. Pantic's testimony in his own defense did him a disservice. Chairman Burke stated that Mr. Pantic's testifying that he knew nothing about the company Tesla, Inc. and then later testify that he was allegedly depositing checks into their account for them without an account number, which is impossible. Chairman Burke stated that Mr. Pantic is not a credible witness, and the State has met its burden of proving the factual allegations against Mr. Pantic.

Commissioner Tomasso stated that she agreed with Chairman Burke and that this situation is a preponderance of mistakes, omissions, steps not taken, actions not validated, and a major lack of research done regarding knowledge of the laws in the State of Nevada. Commissioner Tomasso stated that Nevada Real Estate Division's exhibit BS 00235 which is the meeting minutes from June 22, 2017, lists three directors in attendance and Mr. Bashaw as absent, but under new business the minutes reflect Mr. Bashaw making a motion to approve the budget at that meeting.

Commissioner Tomasso stated that she feels information cannot be trusted from the management company or the board members.

Chairman Burke stated that the record should reflect that about a year ago, the Commission did have a case against Denise Vargas that was decided against her.

Chairman Burke moved that the Division has proven the factual allegations as pled in the complaint in paragraphs 1-29. Seconded by Commissioner Tomasso. Motion carried.

Chairman Burke moved that the violations of law pled in paragraphs 30-33 of the complaint have been proven. Seconded by Commissioner Tomasso. Motion carried.

Recommended Discipline

Ms. Tomova presented:

- \$1,000 fine for each violation of law
- Mr. Pantic's Inspector of Structures license number IOS.0002169-RES which is issued by the Division be revoked
- Mr. Pantic not serve on a homeowners' association's board for at least ten years.
- \$7,135.90 for Division's fees and costs

Commissioner Burke stated that this Commission does not have the power to revoke Mr. Pantic's Inspector of Structures license because it falls under 645D.

Commissioner Burke moved that Mr. Pantic pay a total amount of \$11,135.90, which consist of a fine in the amount of \$4,000 and the Division's fees and costs in the amount of \$7,135.90, to be paid within 180 days and that Mr. Pantic not serve as a board member on any homeowners' association board in the State of Nevada for a period of no less than 10 years. Seconded by Commissioner Layton. Motion carried.

8) Public Comment

None.

9) Adjournment

Meeting recessed at 3:50 p.m. on March 2, 2022.

Minutes prepared by: _____
Kelly Valadez
Commission Coordinator