

**COMMISSION FOR COMMON-INTEREST COMMUNITIES AND
CONDOMINIUM HOTELS MEETING MINUTES MARCH 11, 2025**

**VIA IN PERSON AND WEBEX VIRTUAL MEETING
MARCH 11, 2025**

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

VIDEO CONFERENCE TO:
Nevada Division of Insurance
1818 East College Parkway
Suite 103
Carson City, Nevada 89706

1) COMMISSION/DIVISION BUSINESS:

A) Call to order; introduction of Commissioners in attendance; and establish quorum

Chairman Tomasso called the meeting to order at 9:02 A.M.

Chairman Tomasso led in the Pledge of Allegiance.

Introduction of Commissioners in attendance: Phyllis Tomasso, June Heydarian, Kim Lighthart, Robert “Bob” Sweetin, and Patricia Morse Jarman, a quorum was established. Commissioner Sara Gilliam was absent.

Commission Counsel: Rosalie Bordelove, Chief Deputy Attorney General.

B) Introduction of Division staff in attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Sonya Meriweather, Ombudsman; Shareece Bates, Administration Section Manager; Terry Wheaton, Chief Compliance Audit Investigator; Robert Towle, Compliance Audit Investigator; Maria Gallo, Commission Coordinator; Phil Su, Senior Deputy Attorney General; and Christal Keegan, Deputy Attorney General.

2) Public Comment

Mike Kosor stated his appearance marks the eighth anniversary of appearing at most every quarterly meeting. Mr. Kosor stated the premise of HOA's are, they are governed by elected directors that are accountable to the owners and should a collective of the owners seek to change something in the HOA they can, in theory. Mr. Kosor stated he spent 24 years in the military defending this country's democratic principles and after a second career in the public sector he moved to Las Vegas where he bought a home, in an HOA. Mr. Kosor stated the principles he spent his military career advancing were not part of his retirement community. Mr. Kosor stated his community is developer controlled and has been for 25 years. Mr. Kosor stated his HOA is in violation of the law and the Division has turned a blind eye to him and is ignoring the over 8,000 community owners. Mr. Kosor stated his association's CC&R's set 75% as the threshold

for when the declarant's control ceases. Mr. Kosor stated that NRS 116.31032 (1)(b) establishes 90% as the threshold where the declarant's control terminates. Mr. Kosor stated his long-held position is that declarant control of his HOA ends at 75%. Mr. Kosor stated the Nevada Appeal Court ruled in his favor, however the HOA's master board refuses to act to end the declarant's control of the association and provide for the unit owners to elect all directors, as required by law. Mr. Kosor stated the management company, and their legal counsel is using the purse of the very owners whose rights are being denied. Mr. Kosor stated he has requested the Administrator clarify the statute, the Administrator asserts there is no ambiguity in the statute. Mr. Kosor stated that he and the Administrator agree there is no ambiguity in the statute. Mr. Kosor stated an association's CC&R's can provide for a lessor termination threshold than the 90% maximum. Mr. Kosor stated the Division refuses to act and asserts conducting multiple investigations into his complaint but when asked about the findings, the Division states their findings are confidential. Mr. Kosor stated the Commission serves as the sole adjudicative body outside the courts for alleged violations of NRS 116. Mr. Kosor stated that neither the Administrator nor the Director have authority over the Commissioners, as you were all appointed by the Governor. Mr. Kosor stated the Division's blind eye fails the people of Nevada and asks the Commissioners to do their duty under the law.

William Roth stated he is a member of the Sierra Ranchos Property Owners Association and a past board member. Mr. Roth stated he is frustrated that the Division does not get involved in threats and harassment. Mr. Roth stated several homeowners have spent five months trying to get a conviction of assault and battery against the president of the association. Mr. Roth stated the district attorney and attorney general's office say they do not deal with issues within NRS 116. Mr. Roth stated the Division states that it is not a violation of NRS 116.745, even though it is a clear example of threats and harassments of a member of the association. Mr. Roth stated there is a good reason why people do not engage in the business of the association, they are disgusted with the continuing hostile attitude. Mr. Roth stated people continually ask him what is going on in the association because they are trying to get new bylaws and CC&R's approved. Mr. Roth stated the Commission is not talking to the members and only talking to the lawyers and community managers, and they are only going to tell you what they want the Commission to hear. Mr. Roth stated the members are going to tell a completely different story.

Fred Blaskovich stated he lives in an HOA in Summerlin. Mr. Blaskovich stated there was one opening on the board and an election was conducted. Mr. Blaskovich stated he went to the board meeting to find out who won because there were two people running for one seat. Mr. Blaskovich stated that there were no ballots opened at the meeting. Mr. Blaskovich stated the unit owners were told one person won, and the other person came in second, then the board appointed another person to the board because someone quit. Mr. Blaskovich asked what recourse do unit owners have if they all voted.

Chairman Tomasso stated Mr. Blaskovich could reach out to the Ombudsman's Office for help.

Mr. Blaskovich stated he has submitted complaints to the Ombudsman's Office, and they rule against the unit owner every single time, and they do not represent the unit owners, they represent management companies and HOA's.

Chairman Tomasso stated Mr. Blaskovich should reach out to the Ombudsman's Office for help.

3) DISCIPLINARY ACTION: DISCUSSION AND POSSIBLE ACTION BY THE COMMISSION:

A) NRED v. Sierra Ranchos Property Owners Association, for possible action.

Case No. 2018-1663

Type of Respondent: Homeowners Association

Parties Present

Phil Su, Senior Deputy Attorney General, was present representing the Division.

Loren Pierce – Board Member, was present virtually

Preliminary Matters

Mr. Su stated they are there for a status check for a long-standing matter, and there has been forward progress with this case with the Washoe County violations.

Mr. Su gave a history of the case.

Mr. Pierce stated all the county violations have been cleared and closed and regular road maintenance is being done. Mr. Pierce stated the road work was completed in mid-February.

The Commissioners deliberated on what action to take against the Respondent.

Mr. Su stated the road project was completed. Mr. Su stated the one item the Commission may want to check on is the funding of the project, because the association did implement a special assessment to fund this project that was financed by the contractor.

The Commissioners continued to deliberate on what action to take against the Respondent.

Commissioner Sweetin moved this case be set out for 1 year, but, that if the Respondent files a compliance filing demonstrating proof that the special assessments have been collected to pay for the road work and the Respondent did not have to dip into reserve funding to pay the contractor, if the Respondent does so the matter can be vacated, if not the matter will be heard in June of 2026. Seconded by Commissioner Morse Jarman. Motion carried.

B) NRED v. Del Rey Estates Homeowners Association, for possible action

Case No. 2023-929

Type of Respondent: Homeowners Association

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Jacob Clark Esq., was present representing the Respondent.

Dean Allen, Board Member, was present.

Tony Mark, Board Member, was present.

Preliminary Matters

Mr. Clark stated the association has submitted a response and is seeking an exemption from conducting a reserve study. Mr. Clark stated the community is small and has been operating

very well since 1995. Mr. Clark stated the projections for the reserve balance does not meet the needs for a community of this size and the condition of the community.

Ms. Keegan stated the Respondent has not complied with Order term 2, it has not submitted the reserve study. Ms. Keegan stated the Respondent has continued not to comply with the timeframes of the Commission's Orders. Ms. Keegan stated the association is not taking the reserve study seriously and failing to consider future maintenance of the community in an actuarially sound manner. Ms. Keegan stated NRS states that any assessment imposed by the executive board must be based on the reserve study conducted pursuant to NRS 116.31152, and that a reserve study must be conducted every 5 years. Ms. Keegan stated the association has admitted not doing a reserve study for 25 years. Ms. Keegan stated the Commission should deny the association's request for an exemption from conducting a reserve study.

The Commissioners questioned the board members and stressed to the board members that a reserve study not only benefits the current unit owners, but it also benefits future unit owners and keeps the association in compliance with the law.

The board members stressed that the timeline in the reserve study does not match the past rate of replacement, and they have not had trouble getting the unit owners to pay for a special assessment when necessary.

The Commissioners advised the board members that they should work with the reserve study specialist to modify the study to their individualized need, or they may need to find another reserve study specialist that can modify the study to the specific needs of their small community.

The Commissioners continued to question the board members about the reserve study.

Commissioner Heydarian asked Ms. Keegan what items in past Orders have the Respondents not complied with.

Ms. Keegan stated Order term 2, submitting the reserve study, has not been complied with.

The Commissioners deliberated on what action to take against the Respondent.

Commissioner Heydarian moved to deny the Respondent's request for an exemption from conducting a reserve study, enforcing the Order that the Respondent provides a reserve study within 30 days of today's Order, otherwise a \$1,000 administrative fine will be imposed and will be due within 30 days. Seconded by Commissioner Sweetin. Motion carried.

**C) NRED v Daybreak at Sunrise Highlands Homeowners Association, for possible action
Case No. 2024-592**

Type of Respondent: Homeowners Association

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Alicia Mason, Community Association Manager (CAM), was present virtually representing the Respondent.

Preliminary Matters

Ms. Keegan stated this case was continued from the December meeting to obtain a third board member. Ms. Keegan stated in December the association felt confident they would be able to obtain a third board member by this Commission meeting in March. Ms. Keegan stated the CAM has made multiple attempts to secure a third board member.

Ms. Mason stated she received a call from a unit owner that was interested in filling the vacancy, however that unit owner did not submit a nomination form by the end of the day yesterday and had not been in contact since that initial phone call.

The Commissioners questioned Ms. Mason about her difficulties obtaining a third board member for the community.

The Commissioners deliberated on what action to take against the Respondent.

Ms. Keegan stated that the State is looking for an Order from the Commission, and that Order might help CAM Mason obtain a third board member. Ms. Keegan stated that the State has incurred fees and costs associated with this case, those need to be accounted for in the Order. Ms. Keegan stated the association has not been in compliance since 2017. Ms. Keegan stated that there should be a decision made today and any future appearances by the Respondent would be a status check.

Maria Gallo, Commission Coordinator testified that the Division's reasonable, necessary and actual fees and costs are in the amount of \$2,311.46

Commissioner Sweetin moved that the case be continued until the June meeting, the Respondent can submit a compliance filing within one week of their April 16th board meeting (April 24th) that compliance filing would need to prove that a third board member has been appointed and the issue has been resolved, that would vacate the case, if there is no filing by April 24th the case would be scheduled for the June Commission meeting and a \$1,000 fine would be imposed. Commissioner Sweetin further moved if the Respondent does appoint a third board member after April 25th and before the June Commission meeting the Commission may consider reducing the \$1,000 fine, and the fees and costs of \$2,311.46 be payable within 60 days. Seconded by Commissioner Heydarian. Motion carried.

D) NRED v. Madison Colony at Providence Homeowners Association, for possible action Case No. 2024-858

Type of Respondent: Homeowners Association

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.
Mitchell Fu, Community Association Manager, was present virtually representing the Respondent.

Preliminary Matters

None

Ms. Keegan stated the association has complied with the Commission's Order and if the Commission is satisfied the State can close the file in this matter.

Commissioner Lighthart moved that the Respondent has met all the terms of the Order and for the case to be closed. Seconded by Commissioner Sweetin. Motion carried.

E) NRED v. Piedmont Homeowners Association, for possible action

Case No. 2024-675

Type of Respondent: Homeowners Association

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Jodi Reynolds, Board Member, was present virtually.

Richard Rehm, Board Member, was present virtually.

Preliminary Matters

Ms. Keegan stated the association submitted their certificate of good standing with the Secretary of State (SOS). Ms. Keegan stated the Division's certificate of good standing expires at the end of this month, so the association must file the paperwork and pay the Division their door fee in order for the association to stay in compliance with the Division. Ms. Keegan stated at the last meeting it was suggested that the association hire a CAM. Ms. Keegan stated if the Commission is satisfied the State can close the file in this matter.

Ms. Reynolds stated the association has reached out to management companies and are in the process of vetting them.

The Commissioners questioned the board members about continuing to pay the renewal fees of the SOS and the Division to keep the association in good standing.

Ms. Reynolds stated the association will pay the renewal fees of the SOS and the Division. Ms. Reynolds requested help with filing the correct forms with the Division.

Sonya Meriweather, Ombudsman, stated Ms. Reynolds should call the Division to receive help with filing the correct forms with the Division.

Commissioner Sweetin moved that given the State's representation; the matter be closed. Seconded by Commissioner Morse Jarman. Motion carried.

F) NRED v. Tropicana Square Homes Association, for possible action

Case No. 2023-846

Type of Respondent: Homeowners Association

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Merlin Calimpong, Legal Assistant, was present virtually.

Preliminary Matters

Ms. Calimpong respectfully requested for the case to be heard after lunch because the

Association's Attorney, Ryan Hastings, is in court, but he would be available after lunch.

Chairman Tomasso stated the case would be heard after lunch.

I) NRED v Todd Joslin, for possible action

Case No. 2024-372

Type of Respondent: Board Member

Parties Present

Phil Su, Senior Deputy Attorney General, was present representing the Division.
Kaleb Anderson, Esq., was present virtually representing the Respondent
Todd Joslin, Respondent, was present virtually.

Preliminary Matters

Mr. Su stated the parties have reached a settlement.

Mr. Su gave a summary of the case.

Mr. Su read the factual allegations into the record.

Mr. Su read the violations of law into the record.

Mr. Su read the settlement agreement into the record.

The Commissioners questioned Mr. Su and Ms. Bordelove about the settlement agreement.

Commissioner Sweetin moved to approve the settlement agreement. Seconded by Commissioner Heydarian. Motion carried.

4) COMMISSION/DIVISION BUSINESS:

A. Discussion regarding the Administrator's report.

Sharath Chandra stated there are several bills that the Division is tracking during the current legislative session. Mr. Chandra discussed several bills and their potential impact on the Division and the HOA industry if they become law. Mr. Chandra stated the technology project is progressing and staffing is still a challenge in different areas. Mr. Chandra stated the Division participated in a hiring fair where staff met with several good candidates who will hopefully fill some vacancies.

Commissioner Lighthart asked if any of the bills going through the legislature required a fiscal note from the Division.

Mr. Chandra stated that none of the bills have required a fiscal note from the Division.

Chairman Tomasso asked about tracking the bills online and when is the legislative session scheduled to end.

Mr. Chandra stated there is a way to track the bills online and the legislative session ends June 2,

2025, unless they call a special session.

B. Discussion regarding licensee and board member discipline.

Shareece Bates presented this report. The Commissioners were provided with the report in the meeting packet.

C. Discussion regarding Ombudsman's summary report.

Sonya Meriweather presented this report. The Commissioners were provided with the report in the meeting packet.

D. Discussion regarding Education and Information Officer report.

Ayana Band presented this report. The Commissioners were provided with the report in the meeting packet.

Commissioner Heydarian asked what would happen if the Division had to reject a previously approved class?

Ms. Band stated she reviews the class renewal application and class evaluations that are required to be given to the attendees to submit to the Division to determine if there are any red flags with the class. Ms. Band stated currently class audits are not being conducted by the Division, however that is one thing that will be done in the future as the program develops. Ms. Band stated the content of the class must meet the requirements of the statute and help the attendee with understanding the law.

Commissioner Morse Jarman asked about the participation level of the classes.

Ms. Band stated that attendance levels are decent, however there was a lull during the winter. Ms. Band stated that getting the word out by the newsletter, e-blasts and by posting the Division's class schedule is helping. Ms. Band stated the training officers in charge of responding to the Ombudsman's inbox, also encourage people that have questions about their board to attend the free classes provided by the Division. Ms. Band stated hybrid classes (in-person & online) have been announced and have been well received.

Commissioner Morse Jarman stated the classes the Division provides should be mandated for all new board members to take because there is a wealth of information provided to the board members.

E. Discussion regarding CIC Compliance caseload report and summary.

Terry Wheaton presented this report. The Commissioners were provided with the report in the meeting packet.

Commissioner Heydarian asked what the process is when a unit owner makes a verbal complaint, does the Division reach out to the management company to try and find out what is happening within the community.

Mr. Wheaton stated that there are times when the Division receives informal information that

does not sound right. Mr. Wheaton stated an informal investigation will be conducted to see if there is validity to the statement to find a workable solution.

Ms. Meriweather stated her office takes every allegation seriously and tries to find a resolution, sometimes the allegation requires further documentation by the complainant and a more formal investigation is required. Ms. Merriweather stated due process is given on both sides. Ms. Meriweather stated every opportunity is given to resolve issues sooner rather than later and has found that to be very beneficial.

F) Discussion regarding Commissioners' speaking engagement requests.

The Commissioners questioned Commission Counsel Rosalie Bordelove about speaking as a commissioner and speaking as a member of the public.

F) NRED v. Tropicana Square Homes Association, for possible action

Case No. 2023-846

Type of Respondent: Homeowners Association

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.
Ryan Hastings Esq., was present virtually.

Preliminary Matters

Ms. Keegan gave a summary of the case.

The Commissioners questioned Mr. Hasting about the information in the status report.

Commissioner Lighthart moved that the association had met the requirements of the status report and no further updates with the provision that if an updated funding plan is needed from the sale of the property, it should be provided to the Division for its review within 60 days. Seconded by Commissioner Sweetin. Motion carried.

G) NRED v. John Bielun, for possible action

Case No. 2023-662 & 2023-670

Type of Respondent: Board Member

H) NRED v. John Bielun, for possible action

Case No. 2023-979

Type of Respondent: Board Member

Parties Present

Phil Su, Senior Deputy Attorney General, was present representing the Division.
John Bielun, Respondent, was present.

Preliminary Matters

Mr. Su stated that a settlement has been reached with the Respondent.
Mr. Su gave a summary of the cases.

Chairman Tomasso questioned the fairness of the settlement.

Ms. Bordelove stated the Commission is not making a finding of fact because the parties have agreed to a settlement. Ms. Bordelove stated the complaint contains facts that the DAG believes he can prove by the preponderance of the evidence if it were to go to hearing. Ms. Bordelove stated the Respondent has agreed to a settlement and that does not mean the Respondent agrees to everything in the complaint, and the reason why the Respondent as agreed to the settlement may not be known. Ms. Bordelove stated the Commission is tasked with the decision whether to accept the terms of the settlement or not.

The Commissioners deliberated whether they should accept the terms of the settlement.

Commissioner Heydarian moved to approve the terms of the settlement for cases 2023-622 & 2023-670. Seconded by Commissioner Morse Jarman. Motion carried.

Commissioner Heydarian moved to approve the terms of the settlement for case 2023-979. Seconded by Commissioner Sweetin. Motion carried.

4) COMMISSION/DIVISION BUSINESS:

G. Discussion regarding the State of Nevada Controller's Office debt collection process for fines issued by the Commission.

Commissioner Morse Jarman stated she does not have anything to add about the Controller's report currently and hopes to have an update at the June meeting.

H. For possible action: Discussion and decision to approve minutes of the December 3-5, 2024, Commission meeting.

Chairman Tomasso moved to approve the December 3-5, 2024, Commission meeting minutes. Seconded by Commissioner Sweetin. Motion carried. 4:0 with Commissioner Morse Jarman abstaining because she was not present at the December meeting.

5) FOR POSSIBLE ACTION: FOR DISCUSSION AND DECISION ON DATE, TIME, PLACE, AND AGENDA ITEMS FOR UPCOMING MEETING(S).

June 10-12, 2025, in Las Vegas.

6) Public Comment

Christine Greengrass stated as a homeowner and a licensed community manager for over 20 years she would like to thank the Division and the AG's office for their dedication and diligence. Ms. Greengrass stated that despite opinions recently published in the media, that the pursuit of "low hanging fruit" is essential to nip potential wrongdoings in the bud. Ms. Greengrass stated lack of attention to association operations; their financials paired with widespread apathy is how systemic rot sprouts. Ms. Greengrass stated she would like to recognize DAG Christal Keegan for her composure and professionalism and that her efforts are appreciated. Ms. Greengrass thanked everyone for their diligence in cultivating a healthy association environment for unit owners in Nevada.

Jan Porter stated she has written a class about the Champlain Towers collapse in Surfside, Florida. Ms. Porter stated a report has gone to Congress with some findings and the National Institute Safety Commission (NIST) is delaying their report for a year due to the extensive investigation into the collapse. Ms. Porter stated that one item that she teaches in the class is that in Florida they are not required to have a reserve, and the unit owners can vote down a reserve. Ms. Porter stated one of the requirements from the federal mortgage lenders now requires associations to do a reserve study. Ms. Porter stated a lot of the requirements of federal mortgage lenders are spreading to the secondary markets, and the industry may need some more regulations. Ms. Porter stated in 2023 the legislature passed a law about the transfer of associations records between management companies. Ms. Porter stated she has given the Ombudsman some best practices information that she is teaching in the classroom, however there may need to be some regulations in this practice for protection if federal mortgage lenders make changes to their requirements.

Loren Pierce stated he wanted to address an accusation that was made by William Roth during the first public comment session. Mr. Pierce stated the allegation is false and has been addressed by the stakeholders. Mr. Pierce stated that Mr. Roth does not live in the association, he has attached his name to a deed of someone that lives in the association. Mr. Pierce stated he was attacked by a unit owner in September, charges were filed by both parties, both charges were dismissed, however the charges against the unit owner are being refiled as a felony due to the personal injury he sustained. Mr. Pierce stated he felt compelled to address the Commission with this information because of the slander that was made as part of the public record.

9) FOR POSSIBLE ACTION: ADJOURNMENT

Meeting adjourned at 1:57 PM.

Minutes prepared by: _____
Maria Gallo
Commission Coordinator

FILED

MAR 10 2025

Testimony before the CIC Commission 3/11/25

By Mike Kosor

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mzallo

Commissioners, my name is Mike Kosor. I have provided copies of my testimony. I ask it be included in the minutes.

My appearance here this morning marks the eighth anniversary of my appearing at most every quarterly meeting.

The attachment of equitable servitudes to one's home, which form the foundation of what we call HOAs, is premised on the idea HOAs are governed by elected directors accountable to the owners. Should the collective owners seek to change the terms of those servitudes, they can. At least, that's the theory.

Nevadans cherish fundamental freedom. I spent twenty-four (24) years as a military officer and combat fighter pilot, defending this great country's democratic principles. After a second career in the private sector, I moved to Las Vegas where I bought my retirement home- in an HOA. Ironically, one of the principles I spent my military career advancing, democratic governance, was not part of my retirement community.

My HOA was and remains today an autocracy. It is developer controlled and has been for twenty-five (25) years. I believe my HOA stands in violation of the law. The Division is aware but has turned a blind eye, not just in ignoring me, but in ignoring the over 8,000 community owners-- as have you.

In my written testimony is an excerpt from the applicable statute supporting my position-

"NRS 116.31032 Period of declarant's control of association; representation of units' owners on executive board.

1. Except as otherwise provided in this section, the declaration may provide for a period of declarant's control of the association, during which a declarant, or persons designated by a declarant, may appoint and remove the officers of the association and members of the executive board. A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period and, in that event, the declarant may require, for the duration of the period of declarant's control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective. Regardless of the period provided in the declaration, a period of declarant's control terminates no later than the earliest of:"

(a) For a common-interest community with less than 1,000 units, 60 days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant;

(b) For a common-interest community with 1,000 units or more, 60 days after conveyance of 90 percent of the units that may be created to units' owners other than a declarant;

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I call your attention to the two underlined phrases- "the declaration may provide" and "terminates no later than the earliest of;". My association's CC&Rs set 75% as the threshold where the declarant's control terminates. This is not disputed. The statute establishes 90% as the no later than termination threshold for my large HOA. As such, it has been my long-held position, the declarant control of my HOA's ends at 75%.

This is not just my opinion. Setting aside multiple attorneys agree with me an Order was issued by the Nevada Appeals Court (*Kosor v NRED*) in May 2021 on this point. It found: ***"Both Nevada common-interest ownership law and the master declaration [CC&Rs] required that the Declarant's control over the XXXX [my HOA] would terminate after conveying 75% of the units within the XXXX."*** The association has acknowledged for many years over 8,000 units conveyed, exceeding 75% of the Maximum Units (10,400). The annual Association Registration filled in January 2022 asserts 8,303 units annexed. Nonetheless, my HOA Master Board refuses to act to end the Declarant's control of the association. It does not provide for the owner election of all directors, as required in law.

Nevada law further establishes a fiduciary duty on the part of the association's contracted management company and legal counsel. Instead of acting on behalf of owners, they defend inaction using the purse of the very owners whose rights are being denied.

I have twice formally requested the Administrator clarify the statute (NRS 116.31032). He asserts no ambiguity in the statute exists and refused my requests.

The Administrator and I agree- the statute is unambiguous. An association's CC&Rs can provide, as mine do, for a lessor termination threshold than the 90% maximum noted in the statute. But the Division refused to act. Why? It asserts having conducted multiple investigations into my complaints, but what it found is confidential. Convenient?

Commissioners, you serve as the sole adjudicative body, outside the Courts, for alleged violations of NRS 116. The Division holds no enforcement authority. Its role is investigative. When the Division fails its duty under the law to investigate allegations of wrong doing, or does so selectively, this Commission fails its duty.

It is no secret, HOAs struggle to find owners to serve on boards. During my testimony at the opening of your last meeting, I noted my HOA was suing me for simply applying to be a director. Here again, the Division is aware and does nothing. Imagine what impact this will have when the word spreads simply applying to serve could lead to litigation.

In conclusion, I remind you neither Administrator Chandra or his boss, Director Sanchez, have authority over this body. You were appointed by the Governor. Your charter is statutory and the Commission is not part of the Division. I ask you to stop simply rubberstamping what you are handed each Commission meeting, while ignoring the importance of what you are not given.

When the Division's blind eye fails the people of Nevada, this Commission cannot complete its adjudicative duty to the people. Commissioners, do your duty under the law. End your blind eye. Someone is giving a false account. Is it me or others in this room?