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NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



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June Heydarian, Chairman
and Members of the Commission for Common-Interest Communities and
Condominium Hotels
c/o Nevada Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, Nevada 89102

**Re: Written Public Comment — LCB File No. R091-25 — Division
Investigation of Complaints of Alleged Violations**

Dear Chairman Heydarian and Members of the Commission:

Thank you for the opportunity to provide written comments regarding LCB File No. R091-25 and, specifically, the proposed revisions concerning the Division's investigation of alleged violations.

I have been a Nevada resident since 1998 and have more than 20 years of experience as both a homeowner and volunteer leader in common-interest communities. My comments are not directed at any particular association, community manager, pending complaint, litigation, or individual investigation. They are offered from the perspective of someone who believes strongly in the common-interest community model while also believing that public confidence depends upon having an accessible, fair, transparent, and understandable regulatory process.

Common-interest communities are no longer a small or specialized component of Nevada housing.

The Nevada Real Estate Division has reported more than 3,600 homeowner associations comprising more than 620,000 housing units statewide. Compared with approximately 1.38 million housing units throughout Nevada, common-interest communities represent a substantial portion of the homes in our state—approaching one out of every two housing units.

That scale matters.

When a regulatory system affects hundreds of thousands of Nevada households, the process available to homeowners when they believe something has gone wrong deserves the same attention we give to the substantive laws themselves.

Fairly or unfairly, homeowner associations also face a significant reputational challenge. In my experience, that reputation is often formed not when everything is operating normally, but when a homeowner believes a problem has occurred and attempts to have it addressed.

The insurance industry provides a useful comparison.

Most consumers do not judge an insurance company by how efficiently it accepts their premium every month. They judge the company when they file a claim. That is when accessibility, communication, transparency, responsiveness, and follow-through determine whether the consumer trusts the institution.

I believe common-interest communities face a similar challenge.

Most homeowners will never have reason to interact with the Nevada Real Estate Division concerning an alleged violation. But for those who do, that experience can significantly influence their confidence not only in their association or management company, but also in the regulatory system designed to oversee common-interest communities.

Nevada appropriately requires safeguards before an Intervention Affidavit proceeds.

NRS 116.760 requires an aggrieved person to provide the respondent written notice of the alleged violation by certified mail, return receipt requested, describe the alleged violation in reasonable detail, identify any proposed corrective action, and provide the respondent a reasonable opportunity to correct the matter.

Those requirements serve legitimate purposes. Respondents deserve notice and an opportunity to resolve concerns before government intervention becomes necessary.

The difficulty is the cumulative effect of the remaining process on an ordinary homeowner.

Under the current Form 530 process, a homeowner must navigate NRS 116, NAC 116, and potentially the association's governing documents; identify and separately present each alleged violation; organize supporting exhibits behind each allegation; complete a sworn affidavit; obtain notarization; and assemble the supporting certified-mail documentation.

The completed package must then be mailed or hand-delivered to the Division. It cannot presently be submitted through a secure online complaint portal, and NRED's current Form 530 expressly states that email and fax submissions will not be accepted.

For an attorney, community manager, experienced board member, or homeowner familiar with NRS 116, these requirements may be manageable.

For the average homeowner encountering the system for the first time, they can be intimidating.

I do not believe the answer is to eliminate procedural safeguards.

Respondents deserve due process. Complainants should be required to provide specific factual allegations and supporting documentation. The Division must be able to identify matters outside its jurisdiction and screen complaints that are frivolous, false, fraudulent, or unsupported.

But due process and accessibility are not competing principles.

The goal should not be to make complaints easier to win. The goal should be to make legitimate complaints reasonably easy to submit and evaluate on their merits.

There is another side of the process that deserves equal consideration.

Once a homeowner successfully navigates the filing requirements and a matter proceeds through the Ombudsman and, where appropriate, into a Division investigation under NRS 116.765, the process becomes considerably less visible to the complainant.

I recognize and support the legitimate purpose of NRS 116.757, which protects confidential information relating to complaints and investigations.

An investigation should not become a public proceeding merely because an allegation has been made. Respondents deserve protection from premature disclosure, investigators need the ability to conduct their work appropriately, and confidential information must remain protected.

But confidentiality does not necessarily require opacity.

There is an important distinction between disclosing confidential investigative material and providing a complainant with enough information to understand the disposition of the matter.

When an investigation concludes without a formal complaint before the Commission, a homeowner should reasonably be able to understand, within the limitations of NRS 116.757:

Was the matter outside the Division's jurisdiction?

Did the investigation determine that good cause did not exist to proceed?

Were the allegations unable to be substantiated?

Were remedial or corrective measures requested?

If corrective measures were requested, was compliance achieved?

Or was the matter closed for another identifiable reason?

The complainant does not necessarily need investigative notes, witness statements, confidential communications, or privileged evidence.

But the complainant should understand the basic reason the regulatory process has ended.

This issue becomes even more important under proposed Section 4 of R091-25.

Section 4 would expressly authorize the Division, during an investigation under NRS 116.765, to provide the subject of the investigation with remedial measures that may bring the subject into compliance. I support that concept.

Not every correctable violation requires a contested disciplinary hearing before the Commission. Appropriate voluntary remediation can protect homeowners, obtain compliance more quickly, reduce unnecessary litigation, and conserve Division and Commission resources.

But if the regulatory framework expressly recognizes remedial measures, I respectfully suggest that it should also address how completion of those measures is documented and how the final disposition is communicated to the complainant within the limits of statutory confidentiality.

Recommendations for Consideration

I respectfully encourage the Commission and Division to consider the following as R091-25 and Nevada's complaint process continue to develop:

1. **Create a secure electronic complaint portal.** Permit electronic filing of Intervention Affidavits, supporting exhibits, certified-mail documentation, and other required records. Provide an electronic acknowledgment showing that the submission was received.
2. **Provide guided complaint intake.** Homeowners should still be required to identify the conduct they believe constitutes a violation. However, the Division could provide an electronic guide, searchable statutory references, checklists, or other tools to help homeowners identify the appropriate

provisions of NRS 116, NAC 116, or the governing documents. A homeowner should not need the equivalent of legal training simply to get through the intake process.

3. **Keep related allegations organized within one complaint matter.** Separate allegations where necessary for investigative clarity, but allow related allegations arising from the same factual circumstances to remain within one organized case structure rather than creating unnecessary procedural complexity.
4. **Provide meaningful case-status communication.** A modern system should allow a complainant to determine basic information such as whether the complaint has been received, whether additional information is required, what general stage of review the matter has reached, and whether the matter remains open or has concluded.
5. **Provide a meaningful written disposition.** When a matter closes without a formal Commission complaint, provide the complainant, to the extent permitted by NRS 116.757, with the general basis for closure and whether remedial action played a role in resolving the matter. Transparency does not require disclosure of confidential investigative evidence.
6. **Measure and report the performance of the complaint system.** Without identifying complainants or respondents, the Division could provide the Commission with aggregate information concerning the number of complaints received, matters entering investigation, matters resolved through corrective or remedial action, matters closed without further action, matters referred for disciplinary proceedings, and typical processing times. What gets measured can be evaluated, and what can be evaluated can be improved.

Building Confidence Rather Than Conflict

I want to emphasize that these recommendations are not anti-HOA, anti-management, or anti-regulation.

Quite the opposite.

Nevada has thousands of volunteer board members and community management professionals working every day to serve their communities responsibly. They also benefit from a regulatory system that distinguishes legitimate violations from misunderstandings, resolves correctable problems efficiently, discourages frivolous complaints, and applies its standards consistently.

Homeowners benefit from knowing that there is somewhere to go when legitimate concerns cannot be resolved internally.

And the Division benefits when the public understands its process and has confidence in the decisions it makes.

The complaint system should therefore work in both directions.

At the front end, it should be accessible enough that a legitimate concern is not abandoned simply because a homeowner cannot navigate procedural hurdles.

During the investigation, it should protect confidentiality and provide appropriate due process to everyone involved.

At the back end, it should provide sufficient follow-through so that the homeowner understands how the matter concluded.

With more than 620,000 Nevada housing units located within common-interest communities, this is not a minor administrative issue. It is an important component of public confidence in a system governing a substantial portion of Nevada homeownership.

I respectfully suggest a simple standard:

Make legitimate complaints reasonably easy to submit.

Investigate them fairly.

Protect confidential information.

Provide appropriate follow-through.

And make the final decision understandable.

A regulatory system earns confidence not simply because a process exists, but because the people who use that process can understand how it works and have confidence that legitimate concerns will receive meaningful consideration.

Modernizing Nevada's CIC complaint process while preserving due process and confidentiality would strengthen—not weaken—the common-interest community model.

Thank you for your consideration, your service to Nevada's homeowners and common-interest communities, and the opportunity to participate in this important regulatory discussion.

Respectfully submitted,

Darren J. Cobb

Nevada Homeowner and Volunteer Community Association Leader