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NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



From: Samuel Samuel [REDACTED]
Sent: Friday, September 4, 2026 9:07 AM
To: Shareece N. Bates [REDACTED]

Subject: Re: CIC Task Force Workshop and Public Comments Title: CIC HOA Directors Competent, Selective or Enabled Business Judgement

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Good morning Ms. Bates,

Thank you for the additional clarification on "comments" for the Commission meeting and the opportunity to resubmit comments framed for general policy. Please confirm that the below comments are acceptable and will be included in the Commission's public comment materials.

V/r

Ms. Samuel

Commissioners

I am a former HOA director who has experienced Nevada's HOA complaint and ADR processes. I want to raise several general policy questions concerning the fiduciary-duty standard NRED applies under NRS 116.3103 and the Division's use of confidentiality.

My earlier effort to submit these concerns to the Commission was rejected from the public-comment materials because NRED concluded that my submission was too closely tied to my confidential complaint. At NRED's direction, I have therefore resubmitted these comments without identifying my specific case. That experience itself raises part of the policy concern I am asking the Commission to examine.

This arises from a real situation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

That raises three general questions I ask this Commission to take up.

First, does reliance on association counsel, standing alone, satisfy a board's fiduciary obligations under NRS 116.3103 or otherwise defeat a claim of fiduciary failure?

Second, when a board relies on counsel, does NRED independently determine whether that advice is consistent with Chapter 116?

Third, does NRED determine whether the board actually had statutory authority to take the action counsel recommended?

These are general policy questions. They do not require disclosure of confidential investigative evidence.

I also point to the confidentiality restrictions used by NRED in providing my testimony as a larger concern.

I read Chapter 116 as assigning different responsibilities to the Division and this Commission. In my matter, however, NRED appears to have gone further. [REDACTED]

If that is NRED's enforcement standard, when does this Commission ever get to determine whether that interpretation of Nevada law is correct—and how could that review occur if confidentiality is invoked to keep the underlying determination from reaching the Commission?

Confidentiality should protect complainants and legitimate investigative material. It should not allow substantive interpretations of Chapter 116 to be created through confidential closure decisions that never reach this Commission and owners.

Every homeowner and every HOA director should be able to understand the legal standards being applied.

Thank you.