

**TO:** Commission for Common-Interest Communities  
**FROM:** Gail J. Anderson, Administrator  
**SUBJECT:** Education Summary – October 17-19, 2006

**DISCUSSION AGENDA EDUCATION COURSES**

**NEW COMMUNITY MANAGER’S CONTINUING EDUCATION**

1. Canepa Riedy & Rubino  
“Developer Transition”

**Request:** 3 Hours Nevada Law Classroom

**Recommendation:** **DISCUSSION for 3 hours General. Commission should consider whether they choose to approve for continuing education credit for licensees curriculum that teaches construction defect law (Chapter 40) as part of developer transition in a course offered by a law firm specializing in construction defect litigation. Division has requested behavioral objectives to be submitted prior to October 17, 2006. Sponsor must submit a new title for course as the submitted title is already assigned to another approved course.**

**Notes:** Sponsor has been requested to provide Division multiple behavioral objectives for each major section of the course outline. One general objective does not meet educational standards for continuing education credit for licensees.

Sponsor has been requested to provide Division a different course title as this title is already assigned to CE.00048001-CAM by sponsor Robert C. Maddox & Associates.

**Instructors:** Scott K. Canepa Terry W. Riedy Michael C. Rubino  
Bryan T. Abele Edward J. Song

**Objective:** An overview of the process of Developer Transition for the community manager. This course will take a development from time of inception through the transition from the developer to the HOA.

**Comments:**

**Justification:** Pertinent sections of NRS 116 dealing with transition.

**Content:**

Creation of the Common Interest Community	5
NRS 116.2101	
Recordation of CC&R’s	
Plats and Plans	

Articles must state purpose	
Development Plans	
Organization of Association (NRS 116.3101)	5
Organized as profit or non-profit corporation, association, llc, trust or partnership	
Articles must state purpose	
Contain specific language in its name	
What does this mean?	5
Common property subject to condominium laws	
Transfer of common property occurs before sales	
Property has already "turned over"	
So, what is transition?	5
Transfer of information, material and property	
Transfer of control	
Declarant defined	5
NRS 116.035	
Any person or persons	
Part of a promotional plan	
Offers to sell	
Period of Declarant's Control	10
NRS 116.31032	
Sixty days after 75% of units conveyed	
5 years after last sale or last right to add new units, whichever is earlier	
Period may be shortened or graduated in declaration Importance of a smooth transition	
Cooperation results in a well-run association	
Poor planning leads to bad declarant-owner relations	
Transition planning and committees	
Keys to a smooth transition	5
Advance planning	
Owner involvement	
Board training	
Owner education	
Hiring professionals	
Duty of executive board to act on behalf of association	5
NRS 116.3103	
Fiduciary duty	
Business Judgment Rule	
Best interest of association	
Avoid real and potential conflicts	
Obligation of good faith	5
NRS 116.1113	
Obligation of good faith and fair dealing	
In performance and enforcement	
NRS 116.1112	
Court may refuse to enforce the clause or the whole contract	
Unconscionability *sic defined	
Termination of contracts and leases of declarant	5
NRS 116.3105	
Requirement of good faith	
Unconscionable contracts	
Self dealing	

How to terminate	
Tort and contract liability	10
NRS 116.3111	
Declarant is liable when it is in control	
Statutes of limitation/repose are tolled	
Situations covered by statute	
Delivery of records and property (NRS 116.31038)	30
The original or certified copies of:	
Declaration and all amendments	
Articles of Incorporation and acceptance by the Secretary of State	
Bylaws, including all properly adopted amendments	
Originals of:	
Minute books	
Other books and records	
Rules, regulations, and procedures adopted by the board	
Copies of:	
Site plan, plats and plans	
All deeds	
Annual state and federal tax returns	
All construction plans and drawings	
As-built drawings	
Any tax exempt election made by the developer's board	
All insurance policies	
Certificates of occupancy	
Public reports	
Public offering statements	
Disclosure documents provided to purchasers	
Permits issued by governmental bodies	
Declarant's promotional materials	
Declarant's express warranties	
All approved/disapproved architectural review requests	
Financial Records:	
Release and control of all association funds	
Accounting for all money	
Financial statements	
Complete set of financial books, records, ledgers, and bills	
Reserve study and reserve account	
Written disclosure of Declarant's subsidization of dues	
A certified audit prepared by an independent CPA	
Delivery and release of all tangible association property with an inventory	
Contracts:	
All association employment contracts	
All contracts or leases by the developer-controlled board	
Warranties still in effect from:	
Contractors	
Subcontractors	
Suppliers	
Manufacturers	
Complete lists of:	
Owners names and addresses with mortgage companies	
Construction subcontractors and their principals	

Legal proceedings and/or papers	
Manufacturers and specification of materials used in common areas	
Statements reflecting	
Signs are installed in conformance with laws and association documents	
Determination of responsibility for street lights maintenance	
Determination of responsibility sewer systems maintenance	
Improvement bonds have or have not been released	
Confirmation that:	
Fire hydrants were placed under the local government maintenance plan	
Community has been mapped for the dispatching of emergency vehicles and that private addresses are visible	
Important Calendar Dates:	
Determine whether Declarant's business entity has been dissolved	
Determine if the Declarant's effectively limited NRS 116.4114	
Transition in Special Conversion Communities	5
What is conversion?	
Special Disclosures	
Budgets and Reserves	
Retain Professionals	10
Business Judgment Rule	
General counsel	
Professional community manager	
Accountant	
Insurance agents	
Construction professionals	
Collections	
Role of general counsel	10
Selection of Counsel	
Advise of legal issues	
Contracts	
Warranties	
Construction deficiencies	
Statutes of limitation	
NRS Chapter 40 rights and entitlements	10
Construction deficiencies and entitlements	
Defect claims process	
Notice of claims	
Inspection	
Response	
Mediation	
Special rights in conversion communities	
NRS 116.4116 and NRS Chapter 11	5
Statutes of limitation/repose	
What are they?	
When do they start?	
When do they expire?	
Common Pitfalls	
Determine financial status	5
Reconciliation of accounts	
Budgets and reserves	
Delinquencies and collections	

Inspect the condition of property	10
Warranty, maintenance and repairs	
Reserve study analysis	
Construction deficiencies and warranty issues	
Insurance: general requirements	5
NRS 116.3113	
Property insurance	
Liability insurance	
Other recommended insurance	
Exercise of development rights	10
NRS 116.211	
Reserved right to develop	
Compliance with declaration, plats and plans	
Use for purposes of sale	5
NRS 116.2115	
Offices for sales and marketing	
Models	
Signs	
TOTAL: 170 min ÷ 60 min = 2.8 Hours	

2. Canepa Riedy & Rubino  
 “Fair Housing Law for the Community Manager”

**Request:**                   3 Hours                   Nevada Law                   Classroom

**Recommendation:**   **APPROVE for 3 hours General. The law designation is for courses which consist of instruction relating to NRS and NAC Chapter 116. This course does not qualify for the law requirement defined in NAC 116.160(2)(d). Division has requested behavioral objectives to be submitted prior to October 17, 2006.**

**Notes:**                   Sponsor has been requested to provide Division behavioral learning objectives for each major section of the course outline. One general objective does not meet educational standards for continuing education credit for licensees.

**Instructors:**           Terry W. Riedy           Hank Falstad

**Objective:**           Provide education, training and technical guidance to community managers on requirements of the FHA in the common interest communities.

**Justification:** Federal laws and guidelines

**Content:**

Introduction – The Fair Housing Amendments Act (FHAA) for community managers	2
Purpose of Course	3
History of the Fair Housing Act	5
Nevada’s Fair Housing Act	5
Unlawful Conduct	5
Definitions of Key Terms	10
Covered Dwellings and Exemptions	10
Design and Construction Requirements	5
Seven Basic Accessibility and Usability Concepts	5
Reasonable Accommodations	5
Example 1 of Reasonable Accommodation	7
The students are given a handout with a fact scenario taken from an actual case. They are asked to evaluate the situation and debate solutions. For example, must a blind individual be exempted from a community’s no pet policy if she chooses to live with a seeing eye dog? A court’s opinion follows. (The actual fact scenario may differ from the above)	
Example 2 of Reasonable Accommodation	7
The students are given another handout with a fact scenario taken from an actual case.	
Enforcement	5
Remedies	5
Statutes of Limitations	10
Who can make a claim/ how is it made	7
Site	30
Accessible Route	
Accessible Parking	
Passenger Loading Zones	
Units	30
Type A Units (Accessible)	
Type B Units (Adaptable)	
Buildings with Elevators	30
Covered Parking in Garages	
Elevator Controls, Mail boxes, and Building Entrance Keypads	
Exit Stairways	
Common Areas	30
Pool Area	
Trash Enclosure	
Club House	
Play Areas and Picnic Areas	
TOTAL: 216 min ÷ 60 min. = 3.6 Hours	

3. Angius & Terry LLP  
“HOA Insurance and Other Methods of Risk Management”

**Request:** 3 Hours Nevada Law Classroom

**Recommendation:** **APPROVE for 3 hours General contingent upon sponsor providing appropriate behavioral learning objectives for each major section of the curriculum. The law designation is for courses which consist of instruction relating to NRS and NAC Chapter 116. This course does not qualify for the law requirement defined in NAC 116.160(2)(d). Division has requested behavioral objectives to be submitted prior to October 17, 2006.**



**Objective:** Instruction and guidance for community association managers, board members and homeowners.

**Justification:** This class is designed to instruct community association managers board members and homeowners of the many issues involved with Federal and State fair housing laws that effect the communities they service.

**Content:**

Introduction	10
Federal Statutes	10
State Statutes	10
Discrimination	15
Familial Status Discrimination	5
Use of Amenities	10
Are Any Forms of Discrimination Legal?	15
Duty of Reasonable Accommodation	15
Enforcement	10
Who will be a defendant	10
What remedies are available	15
Who will bring these actions	15
What do I do now?	15
Questions	20
TOTAL: 175 min ÷ 60 min.= 2.91 Hours	

5. Community Associations Institute  
 “How to Head a Great Meeting”

**Request:** 3 Hours General Classroom

**Recommendation:** APPROVE for 3 hours General

**Notes:** Sponsor is requesting retroactive approval for this class which was held September 29, 2006, in Phoenix, AZ, pursuant to NAC 116.234(2). If approved, the approval would be effective as of September 29, 2006 for one year.

**Instructors:** Colette Collier Trohan

**Learning**

**Objectives:** To provide attendees with tools for staying on track during community association meetings (board meetings, annual membership meetings, committee meetings, etc.);

To discuss and discover ways to maintain control – tips and techniques for the community manager to gently direct the community association meetings; and

To set guidelines for keeping things fair during association meetings.

**Content:**

Introduction to Course, Part 1	15
Definition of a great meeting	15
It is well organized and stays on track	
It is fair	
It produces decisions resolving issues and directives for the future	
Staying on track	15

Governing documents	
Rights and responsibilities of membership	
Staying on track – Know the process:	15
Six procedural steps to avoid confusion	
Is the motion in order?	
Does it need a second?	
Is it debatable?	
What vote is required?	
Use general consent to help facilitate the decisions	
Use consent agendas where appropriate	
Precedence: how do I know when my motion is in order?	
Keeping things fair – Set a high standard for debate and enforce the rules evenly:	15
Recognize speakers in accordance with the rules	
Keep the discussion on track	
Ensure that everyone has an equal opportunity for participation	
Maintain control of the meeting	
Maintain impartiality to allow the will of the body to prevail by not:	
Debating without giving up the chair	
Answering questions if someone else knows the answer	
Voting unless your vote would affect the result	
Q and A	15
Introduction to Course, Part 2	15
Resolving issues – A great meeting produces clear decisions:	15
Make sure motions are clear before stating them and starting discussion.	
Choose the best method for taking the vote.	
Take the vote and announce the results of the vote carefully and accurately.	
Hints for the presiding officer	15
Take your time. Clearly state each step in the process.	
Clarify the motion before stating it. Don't let there be confusion about the decision that is to be made, or the discussion the assembly will have.	
Hints for the presiding officer	15
Work from the words, not the ideas. Ultimately, the action will be recorded somewhere. Make sure everyone knows what the words will say.	
Keep the members focused on the issue at hand. Use a speaker's list to let people know when they will have their turn to speak, and to let you know who has spoken more than once. Alternate "pro" and "con" as much as possible.	
Hints for the presiding officer	15
Don't be afraid to take a short recess to recapture control or to get things clarified. It will take less time in the long run, and will be much easier on everyone present.	
Maintain your impartiality so that you can better serve all members. The minority of today may be the majority of tomorrow.	
Review and Wrap up	15
Q and A	
TOTAL: 180 min ÷ 60 min = 3 Hours	

6. Community Associations Institute  
"Leadership Practices in Building Community M-360"  
**Request:**               14 Hours               General               Classroom  
  
**Recommendation:**   **APPROVE 12 hours General (2 day course)**

**Notes:** This course is the M-360 Course offered by Community Associations Institute.

**Instructors:** Robert A. Felix

**Learning**

**Objectives:** Analyze the paradigm shift to building community and the role of the community manager in leading the community;

Apply at least 10 building community practices that can be introduced and practiced by the community manager;

Design a mission statement that assists a community in working towards building community;

Defend the benefits and process of using alternative dispute resolution (ADR) in a community. Propose situations where ADR can be applied.

Propose methods of education residents about community associations and explain the importance of the education process in building community;

Discuss new methods for better recognizing volunteers;

Propose methods of educating residents about community associations and explain the importance of the education process in building community; and

Identify organizations within the greater community where a partnership can be developed. Compose a strategy for collaborating with community organizations.

**Content:**

Course Opening	20
Course Design	15
Introduction to Course	15
Overview of Course	15
How to Develop a Mission Statement	15
Activity #1 – Developing a Mission Statement	30
Activity #2 – Self-Assessment Exercise	30
Historical Perspective	25
The Gallup Survey	20
Emerging Perspectives	30
Building Community Practices	45
Activity #3 – Getting Involved in the Outside Community	45
Wrap-up of Day One	15
Introduction / Summary from Day one	15
Advanced Introductions	40
Being Reasonable	15
Activity # 4 – Rule Enforcement	45
Activity # 5 – Preventing Conflict / ADR	35
Groups will report out on Activity #5	25
Activity # 6 – Single Issue Task Forces	30
Activity # 7 – Volunteer Recognition	60
How to Sell the Concept	15
Designing Community Surveys	15

Activity # 8 – Designing Community Surveys	45
Wrap-up / Discussion	20
Evaluations	15
TOTAL: 695 min ÷ 60 min. = 11.58 Hours	