

THE OFFICIAL PUBLICATION OF THE NEVADA CHAPTER
OF COMMUNITY ASSOCIATIONS INSTITUTE

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

community interests

WHAT OUR INDUSTRY IS TALKING ABOUT

WHAT HOMEOWNERS NEED TO KNOW

OCTOBER 2017



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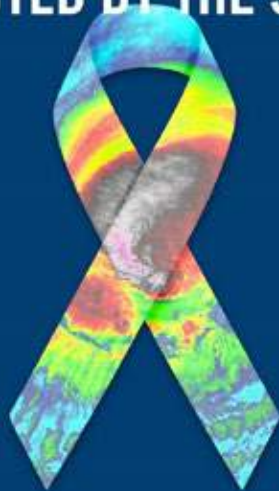
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Resources

In addition to the **community association-specific resources** CAI offers for neighborhoods in need, we encourage you to reference these resources for Hurricane Irma relief:

- <https://www.usa.gov/hurricane-irma>
- <https://www.disasterassistance.gov/>
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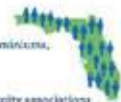
CAI SUPPORTS FLORIDA

Hurricane Irma, a category four storm, prompted nearly 7 million people in the southeast to evacuate their homes and communities for safety. This is a large majority of the 9.5 million total Floridians living in the nearly 50,000 community associations statewide.

FLORIDA AT A GLANCE

- 15.7% of persons age 55 and over live in condominiums, highest percentage in U.S.
- 47,900 community associations
- \$776 billion estimated value of homes in community associations

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Fall is Here Already!



April Parsons, CMCA, 2017 CAI Board of Directors President

Summer is over, and for parents and kids it's back to school as of last month. I hope you and your family had a wonderful transition into the new school year.

Thank you all for attending the summer events; I hope you enjoyed them and the changes. This year we have done our best to try different venues to keep things fresh, new, and interesting for our members. It's great to see members and

guests making friends and cultivating relationships within our CAI Community. Let's keep that unity in our COMMUNITY.

Thank you to those who participated in our Northern Nevada Trade Show and 2017 Legislative Update Seminar last month, as well as the Candlelighter's Childhood Cancer Foundation walk/run in Southern Nevada. Both were great events. Mark your calendars for the Trade Show and Legislative Update on October 20 in Southern Nevada.

This issue is about communication. In our industry, communication is so important and it's okay to be reminded that we all can do better. I can do better. Why is it that we send 20 emails back and forth when we could have easily picked up the phone and had a one minute conversation? I am guilty of that, and I do not know why I do it. So, next time you email me and I call you, it's because I want to be a better communicator. The foundation of great communication is respect, empathy, reliability, responsiveness, and assurance. Keep those things in mind upon responding or setting it aside to deal with later. Another communication tool is body language, use it well.

That is it for now. I hope you have a great fall season. If you have any suggestions for CAI, or for me, please let me know. See you at the next luncheon or event.

April Parsons, CMCA



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Talking is Easy. Communicating? Not Always Easy!



Vicki Niggemeyer, DCAL, Community Interests Magazine Committee Chair

After 52 years of marriage, Chuck & I still find it easy to talk to one another. Even so, there are times when we don't communicate as well as we should. Sometimes we just flat disagree, and struggle to articulate our individual viewpoints so that the other one understands. Oftentimes when we are talking, I am thinking about the magazine instead of paying strict attention to what he is saying. And vice versa when he is thinking about LAC or education!

True communication takes effort, listening, and paying attention. True communication is essential for personal relationships, business relationships, committee efforts, and most definitely for homeowner associations.

it is imperative that HOA boards and managers communicate effectively with homeowners.

Our October issue is focused on the art of communication. Michael Esposito, Esq., provides a factual yet humorous look at communication in *TL, DR*. Dr. Robert Rothwell shares some insights into reading body language in, *Do Any Reading Lately?* If you are like the rest of our society and you prefer using social media for communicating, be sure to read *Free Speech and Social Media* by John Aylor, Esq. And there's more! This issue is jam-packed with helpful articles.

Written communication can be just as tricky as verbal. Maybe more so. Did I use the correct words to clearly state my idea? Does one thought lead to another in a fluid, understandable manner? Am I holding the attention of my readers?

For our HOA communities, communication is essential. Because HOAs are made up of such diverse groups of people

Let's read. Let's tawlk. Let's communicate!

Vicki Niggemeyer, DCAL

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TL;DR

By Michael Esposito, Esq.

When CAI reached out to me and asked if I would write this article introducing the "communications" issue, I hesitated because I was unsure if I could write an entire article in emojis and memes. I am told this is the only means of communications that young millennials understand these days. Ultimately, I decided to do this thing old school, with words that make up whole sentences.¹ I would be the first to admit that I am no expert in communicating appropriately; however, I have spent my entire life trying to improve that particular skill set.

You see, for nearly twenty years now I have made my living by communicating with other people. For the first decade, I was a salesperson and relationship manager. CAI members probably knew me as the quiet² and timid³ representative who worked for what I routinely told people was the best restoration company in town.⁴ My job was to convince people to call me if they had a fire/water/mold/crime scene problem. Trust me on this, asking people to think of you when they find a dead body on their property is no easy task. It isn't something you really want to talk about over lunch, now is it?

Ultimately, however, it was time for a change. For the past eight years or so I have been focusing my communication skills on my clients' legal needs: primarily probate/estate, trust, and business litigation matters. The purposes for honing my communications skills are different now, but the constant awareness of what and how I am communicating with people has remained consistent throughout my various careers.

There are so many ways to approach the topic of communication that it might be fun to start with a few examples. Nearly everything you say, do, or are communicates something, so the list is extensive. My 105-pound golden-blonde black mouth cur, Archer, is a fantastic example. If I decide to sleep-in over the weekend, Archer wakes me by standing next to our bed (he's quite tall) and whimpering or even barking in my face. This is verbal communication, and Archer is telling me that he wants my spot on the bed. He's quite insistent. I can tell by his tone.

You can also communicate non-verbally (I believe Dr. Robert Rothwell's article herein will enlighten you on this topic a great deal). For Archer, this is achieved by lifting his right paw and placing it forcefully on my nose or chest when I do not respond immediately to his whines and cries. By smacking me in the face, he's telling me he really wants my spot on the bed. I told you, he's quite insistent.



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Even the absence of action can communicate a lot of information. Let's say Archer is noticeably absent from the room. His absence means he's probably somewhere doing (most likely eating) something he shouldn't. I've been told this rule can be applied to kids as well.

Archer actually communicates a lot just by existing, and not just about himself. His full name, for example, is Mr. Sterling Malory Archer, Codename Duchess.⁵ His name informs you about my sense of humor and about my stance on adults watching cartoons.⁶ The eye-roll my wife gives me when I use his "full name" tells me that I am hilarious, but then sometimes things get lost in translation.⁷ Archer's size communicates that I should probably walk him more frequently. Archer's greying muzzle communicates that he is way too stressed out about the ongoing turf war for my spot on the bed. The take-away here is that everyone creates a world around them that communicates a wealth of information about who they are, what they believe, and what others can probably expect from them, in any given situation. Every single thing you say or don't say, or do or don't do, becomes a part of your narrative. Because of this, it is important to be cognizant of these various channels of communication and to tailor your words, actions, body language, and other means of communicating to be as purposefully helpful to your goals as possible.

Of course, no introduction to a communications issue would be complete without discussing the single greatest revolutionary upgrade to communication since the cellular phone. Ever since Al Gore invented the internet,⁸ people have used it to communicate: Email, Message Boards, Geocities, AOL Chat Rooms, ICQ, MySpace, Facebook, Reddit, Blogger, YouTube, Instagram, SnapChat, you name it. Electronic communication via the internet has given us Leeroy Jenkins, Chocolate Rain, and Grumpy Cat. It has allowed you to rank your "top 8" friends,⁹ to vigorously "like" that video of cats getting stuck in bread that your friend just posted, and to post three to five thousand photos of that sushi you just ordered.


Internet sensations and 'awesome' cat videos aside, the CAI community does enjoy more practical benefits of electronic communication. For example, you can communicate with your communities like never before. Facebook community pages allow neighbors to share referrals for businesses, look for lost pets, plan community events, and communicate about community issues.¹⁰ Applications like Nextdoor are specifically tailored to community communication. My community manager responds directly to homeowners via email, and we receive newsletters that link to community web pages. These tools allow us to respond to one another faster, and to get to know our neighbors, managers, and vendors better.

The beauty of the internet is that they can't put anything on there that isn't true (I heard that somewhere once).¹¹ The *problem* with the internet is whatever YOU put out there stays there forever - just ask the President of the

United States of America. Despite his best efforts to delete his tweets, well... *covfefe*.

Misuse of electronic communications can haunt you personally, professionally, and in rare cases, electorally. Ghandi (probably) once said, "let he who has not accidentally hit 'Reply All' cast the first stone."¹² He was a forward-thinking guy, that one. Regardless, many of your clients, colleagues, and employers will not be so forgiving. One errant email can cost you a job, a board election, or an entire community. One particularly appealing or unappealing photo can make you an internet sensation practically overnight.¹³ More importantly, in most circumstances, even if you send an email or message to the right person, it can ultimately come back to spook you years later.

Allow me to share some life advice I give my clients, friends, and family: every single communication you send should be done with the expectation that a lawyer like me is going to read and/or view it. This includes your letters, emails, Facebook posts, Instagram photos, banners you hang from planes, ravens' scrolls,¹⁴ YouTube videos, posted comments on the local news stories, Walking Dead spoilers you share online, and your podcast about why the "Fast and Furious" movie franchise is still worth watching.¹⁵ And trust me, if you and I are sitting in a room and I am asking you about something you wrote, I am probably not doing so with your best interests in mind. The point is simply this: make sure that whatever you put out into the universe is something you can take ownership of for the rest of your life.

In the end, learning to communicate is a lifelong endeavor, and like golf, I firmly believe no human being will ever perfect the art. For those of you who did not heed the title, thank you for taking the time to read, and please enjoy this issue of *Community Interests* magazine: Can We Tawk? 

¹ I apologize to anyone under 30 for the inconvenience this may have caused.

² This is not true.

³ See footnote 2.

⁴ If you do not know which company I worked for it kind of proves my point that we all need to improve our communication skills, right? Right.

⁵ Google it.

⁶ I'm "pro."

⁷ Bonus point: the quotes I used around "full name" in this sentence communicate that this is a disputed fact in my house.

⁸ See footnote 3.

⁹ I am informed that anyone under the age of 25 may not get this reference. This is a nod to MySpace, where you could rank your friends like a Buzzfeed article... a foolproof system, really.

¹⁰ My community often discusses possible squatters and we all play our personal favorite game: 'fireworks or gunshots? The good money is on "fireworks."

¹¹ See footnote 10.

¹² See footnote 13.

¹³ Just ask "Bad Luck Brian," "Ridiculously Photogenic Guy," and "Good Guy Greg."

¹⁴ Since the timing is right: "Winter is coming."

¹⁵ See footnote 12.



Michael R.
Esposito,
Esq., GARMAN
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Crafting a Better Newsletter

By Jeff Pope, CMCA



Someday soon, we may get all our news from digital devices. The idea of news on paper may become as quaint and archaic as, well, newspapers. That includes our beloved HOA newsletters. Those lovingly-crafted periodicals of life in the common interest community may have to give way to the technological advancements that actually emerged 20 years ago.

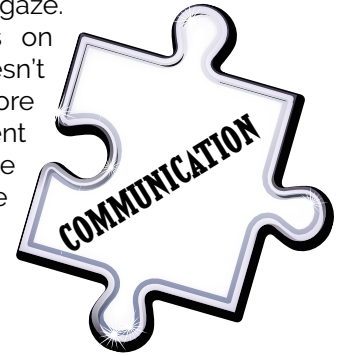
More durable than papyrus scrolls and easier to hold than billboards, newsletters are a staple of communication within HOAs. Regardless of what form they take, they will remain so for decades to come.

The trick with any medium always has been – how do you make the message meaningful? I spent nearly a decade in the newspaper business and part of that time designing the layout and special features of each edition. So here are a few tips I learned over the years about making your front page pop without taking up too much of your time.

Obviously, consider going digital. Paper and toner are expensive and so is your employees' time standing over copier and postage machines. An e-mail blast still isn't free in every sense of the word, but there are some overhead savings and you don't get back piles of undeliverable mail reminding you what a waste it all was to start with. HOAs still need some legislative help to shutter the paper

pathway completely, but at least you can start by sending the community bulletin via the email trail.

Control the flow. There are numerous studies out there (look it up in print or online if you don't believe me) about how the human eye flows over the printed page from one element (photo, story, chart) to the next. A serpentine (or S-Shape) flow is best as it will allow your readers to look over the entire page in a relaxed manner until they see something that catches and holds their gaze. Stacking articles like blocks on the page is boring and doesn't highlight anything as being more important. An announcement that assessments may be increasing is volumes more valuable to your residents than one about the pool deck being resurfaced.



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Headliners. Headlines are like the monument sign on the side of the road. We need to know what stores are in the building before we pass it by. I've seen newsletters that have no headlines and some that are the same font size as the rest of the information. How am I to know that this information is significant? Put your most important information first and in big bold type. Subsequent elements will use slightly smaller font size the further down the page you go.

Choose your words carefully. Messengers get shot. It's what we do. But using the wrong words makes people want to torture you before pulling the trigger. Know the difference in meanings amongst their, there, and they're. Be positive in your language and don't chastise rule breakers. We all HATE those evil monsters that don't clean up their dogs' poop. But consider how much nicer it is to live in a community that says: "thank you to all the owners who clean up after their pets. The Association provides doggie stations in the park for those owners who need them." Adding a dozen exclamation points after a sentence doesn't make it important. It simply means you were using up space with pointless punctuation. And most importantly, never, ever trust spell check. Make someone else read your work before sending it out.

Oh My Emoji! There's texting and then there's text. Text is the most important element of design. It can be gray and boring, but you can manipulate it to make it pleasing to the eye and easy to read. For example, add paragraph breaks and indentations to help readers recognize the beginnings of paragraphs. Vary the size and align it in several different ways. Finally, add bullets, make certain passages are in bold or increase the font size of the first letter of each story or paragraph.


You gotta have art. One picture = 1,000 words. Enough said.

Go with the pros. Your local paper may not win many awards for creativity and design, but chances are those folks doing the layout work have graphic design degrees and are using time-honored practices in print design. Look at your newspaper once in a while for ideas. Use the ones you like, because if it appeals to you, it probably appeals to many others too. 


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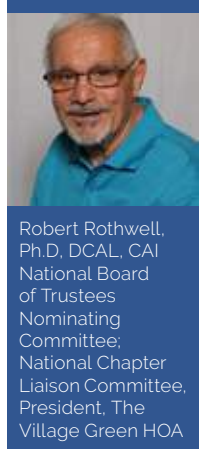
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Do Any "Reading" Lately?

By Robert Rothwell, Ph.D., DCAL



Robert Rothwell, Ph.D., DCAL, CAI
National Board of Trustees
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President, The Village Green HOA

I have to confess ... I'm a "mystery buff" ... an avid reader of Sir Arthur Conan Doyle, Agatha Christie, John Grisham, Kenneth Follett, David John Moore Cornwell aka 'John LeCarre,' and others. Couple this with my role in the Marine Corps and my training in psychology and you should be able to understand my analyzing, inquisitive, probing nature. I love to "read" ... not just the printed word, but also every aspect of "speech" ... the physical communication of thoughts and ideas ... verbal and nonverbal.

Let's talk about the second type ... non-verbal communication.

It's well known that good communication is the foundation of any successful relationship, whether personal or professional. It's important to understand though that it's our non-verbal communication – our facial expressions, gestures, eye contact, posture and tone of voice – that speaks the loudest. So how important is non-verbal communication? Very important! These are the "cues" between people that can include eye contact, frequency of glances, blink rate, gestures, facial expressions, posture, etc. You'll understand a person better if you are aware of that person's non-verbal "cues," like: shaking hands, patting the back, hugging, pushing, or other kinds of touch. What about facial expressions, gestures and eye contact?

This isn't some insight I pulled out of a hat! Renowned communication expert, Dr. Albert Mehrabian, Esq., M.D., Ph.D., author of *Silent Messages* has conducted many studies on non-verbal communication. His research has convinced him that 6 percent of any message is conveyed through words, 38 percent through certain vocal cues, and 56 percent through nonverbal cues (facial expressions, gestures, posture, etc.).

Let's take this out of the realm of my analyzing nature and apply it to you when you are "communicating" with your friends and business colleagues. Here are things of which you should be very aware if you want to 'stand out' head and shoulders above others.

Listening: Being a good listener is one of the best ways to be a good communicator. No one likes communicating with those who only care about putting in their "two cents" and don't take the time to listen to the other person. Take the time to practice 'active listening.' Active listening involves paying close attention to what the other person is saying, asking questions, and rephrasing what the other person says to make sure you understand it completely. ("So, what you're saying is") By active listening, you can understand better what the other person is trying to say and can respond appropriately.

Body Language: Eye contact, hand gestures, and tone of voice all 'color' the message you are trying to convey. A relaxed, open stance (arms open, legs relaxed) and a friendly tone will make you appear approachable and will encourage others to speak openly to you. You also want to look the other person in the eye to show you are focused on that person and that conversation only, but be careful not to 'stare' as that makes everyone uncomfortable.

Be Attentive: Always pay attention to the other person's non-verbal 'cues' while you are talking. Often, these 'cues' convey how a person really feels. For example, if a person is not looking you in the eye, that person might be uncomfortable or hiding the truth.

Be Clear and Concise: Good communication means saying just enough, not saying too little or too much. Say

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what you want clearly and directly. If you ramble on, your listener will either “tune you out” or will “be confused” about what you are saying. Think about what you want to say before you say it. This will help you avoid talking too much and confusing the person you are talking with.

Be Friendly: By using a friendly tone, asking a personal question or simply smiling, you will encourage open and honest communication. It is important to be nice and polite to everyone, whether face-to-face or in a written communication! This is an excellent way of showing the person is appreciated.

Be Confident: Confidence ensures those you are talking with that you believe in and will follow through with what you are saying. Exuding confidence can be as simple as making eye contact or using a friendly tone. Be careful not to sound arrogant or aggressive. Be sure you are always listening to and empathizing with the other person.

Be Open-minded: A good communicator should enter every conversation with a flexible, open mind. Be open to listening to and understanding the other person’s point of view, rather than simply getting your message across. By being willing to enter a dialogue, even with the people with whom you disagree, you will be able to have more honest, productive conversations.

Be Respectful: People will be more open to communicating with you if you show respect for them and their ideas. Simple actions like using a person’s name, making eye contact, and actively listening when a person speaks will make the person feel appreciated. Even when you disagree, it is important to understand and respect the other person’s point of view. Using phrases as simple as “I understand where you are coming from” show you have been listening and respect their opinion.

Use Feedback: Being able to give and receive feedback is an important communication skill. Be constructive! Giving praise can be as simple as saying “good job” or “thanks” for taking care of that ... and those simple words can be a way to increase motivation.

How can we communicate effectively? Here’s a start: practice smiling; practice listening; pay attention to posture; use engaged body language; stop fidgeting; have a strong handshake; dress for confidence and be aware of your surroundings. 🌐

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Did you and your significant other meet through CAI? Do you have a “good” CAI love story? If so, *Community Interests* magazine wants to hear from you!

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Easier Said Than Done

By Richard Salvatore, DCAL



Richard Salvatore,
DCAL, President
of Kensington at
Providence HOA

We have all heard and read about how valuable communication is to an HOA, its board members, and its manager. Why is communication so important in an HOA? That's a great question! Webster defines communication as "a process by which information is exchanged between individuals through a common system of symbols, signs, or behavior." In an HOA setting, communication is mainly through verbal or written exchange.

As an HOA Board of Director member, having open communication with the members of your association can be a very useful tool in your tool bag. It is not only a way of getting information out to homeowners, but also a great way to get information and feedback from them. After all, we are all neighbors.

As we have seen in the September magazine, the world needs cheerleaders, and I truly believe that a board member of an association is the cheerleader for their community. Having a positive attitude for the community, staying productive, and always striving to move forward is a major task for any HOA board. I also believe that good and open communication is very important.

It starts with the board members and the manager working as a team, keeping in contact with each other, sharing information, exchanging ideas, finding reasonable solutions to issues, and, most importantly, all being on the

same page. The community manager is the professional with the knowledge of how an association should run, and can advise the board during decision making. The board members, elected by the members of your association, are entrusted with the responsibility of the fair and reasonable operation of the association on behalf of its members.

Next, develop and implement a plan for having open lines of communication between the HOA board and the members of your association, creating a sense of community, if you will. This, however, is easier said than done. The biggest challenge to any board is a thing called "apathy" by the members of the association, which is defined as "a lack of interest or concern." I have found that an overwhelming majority of homeowners do not have any contact with their board unless it directly affects them. This is where the challenge begins. Let's face it, a board member or manager cannot be everywhere all of the time and know everything that is going on in our communities.

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For your communications plan to be successful, it takes time and some effort.

Communication should be a two-way street if you have a good plan. There are so many ways to communicate with your homeowners: email, web site, direct mailings, social media, and face to face conversation, just to name a few. Each board's situation is different, certain things may work for some, while not for others. Let's look at some basic methods a board can use to communicate with their members:

Direct mailings: Keep your direct mailings to a minimum. When people continually get mail from the HOA, containing what they feel is the same old stuff, they will just throw it away. Any mailing that is important, such as a ballot, should be marked as "Important" or "Your Attention Needed."

Compliance or Courtesy letters: Take some time and review them with your manager. Your letters should not be worded so strongly as to put people off. Try starting them off more as a friendly reminder or neighborly reminder. Describe items not as a violation, but as an item that seems to have been overlooked.

Email: Most people, nowadays, are using email. Always respond back in a timely manner. Stay consistent in your responses or let them know you are referring this to the manager, but always reply.

Email newsletter: Keep the information fresh. This can be a great way to keep homeowners informed of any community event, activities inside and outside the community, sharing helpful home maintenance or repair tips, directing them to informative links.

Community website: Whether you create your own or have a professional do it, continued updating is crucial. Make the website easy to navigate. Provide links to pages, documents, governmental, and utility links. Adding graphics is always eye catching. Posting articles that can be informative and helpful to homeowners is always a plus.


Meet and Greet: Make an effort to stop by and meet new homeowners. Welcome them to the community. Provide contact information and website address. Invite them to the next HOA meeting.

Social Media: Link your association to a social media site. Beware, some homeowners use this as a sounding board. Provide separate contact information for issues or concerns, avoid debating an issue on social media.



Membership Meetings: Allow time during the meeting for homeowners to provide input on agenda items. Invite informative guest speakers. Make the meeting less formal.

There are numerous ways of communicating, these are just a few so that you can stay in contact with your homeowners/neighbors.

In everything we do, if you want it to be successful you need to put time and effort into it. 



CAI was well represented at the Ribbon Cutting Ceremony for the new Nevada State Business Center which houses the NRED Division and Ombudsman's Offices plus several other state agencies.

Free Speech and Social Media

By John Aylor, Esq.



Judging from the statements made on public social media platforms, associations and individuals, more commonly individuals, appear to sometimes either simply fail to appreciate the potential liability associated with their statements, or believe that their “free speech” rights under the First Amendment entitles them to make false assertions of fact and otherwise state anything they please on social media. Associations’ and individuals’ apparent increased desire to make statements on social media platforms, and, in some cases, attack the credibility and/or reputation of another person or entity, likely may be related to the constant attention social media statements receive by both local and national news sources.

It is important to understand that “free speech” rights do not shield individuals from civil liability related to their statements. Associations and individuals must remain cognizant of potential claims for defamation and business disparagement, which may be alleged against them pursuant to the statements they have made on social media platforms. In addition to the aforementioned concerns related to individuals in their personal capacity, board members must also remain cognizant of their fiduciary duties and the extent of their authority to make statements on behalf of their association when making statements on social media that appear to be an official statement of the association.

“Free Speech” does not shield social media statements from liability stemming from defamation and business disparagement.

Defamation and Defamation Per Se

“An action for defamation requires the plaintiff to prove four elements: **(1)** a false and defamatory statement ...; **(2)** an unprivileged publication to a third person; **(3)** fault, amounting to at least negligence; and **(4)** actual or presumed damages.” *Clark Cty. Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 385, 213 P.3d 496, 503 (2009) (citation omitted) (emphasis added). “However, **if the defamatory communication imputes a ‘person’s lack of fitness for trade, business, or profession,’** or tends to injure the plaintiff in his or her business, it is deemed defamation per se and **damages are presumed.** *Id.* (citation omitted) (emphasis added). “A false statement involving the imputation of a crime has historically been designated as defamatory per se.” *Pope v. Motel 6*, 121 Nev. 307, 315, 114 P.3d 277, 282 (2005).

Business Disparagement

“To succeed in a claim for business disparagement, the plaintiff must prove: **(1)** a false and disparaging statement, **(2)** the unprivileged publication by the defendant, **(3)** malice, and **(4)** special damages.” *Clark Cty. Sch. Dist.* at 386, 213 P.3d at 504 (emphasis added). “**If a statement accuses an individual of personal misconduct in his or her business or attacks the individual’s business reputation, the claim may be one for defamation per se; however, if the statement is directed towards the quality of the individual’s product or services, the claim is one for business disparagement.**” *Id.* at 385-86, 213 P.3d at 504 (emphasis added).

By way of example, consider the following **false** statement of **fact** made by the fictional individual named Bob Smith, the board president of the fictional community association, Pleasantville HOA, concerning another fictional individual, John Doe, and a fictional landscaping company, John Doe Landscaping:

My name is Bob Smith and I am the president of Pleasantville HOA. John Doe with John Doe Landscaping poisoned the flowers in my yard. He did it on purpose because I did not hire him because I told him he has done a terrible job maintaining the association common areas and cannot keep anything alive because he does not know how to landscape anything.



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If the above statement was posted on a social media platform that may be **viewed by individuals other than Bob Smith**, and Bob is found to have **known the statement was false or was negligent** in making the statement, Bob may be subject to liability pursuant to claims of defamation, defamation per se and business disparagement. In addition to a claim of defamation, Bob may be subject to claims of defamation per se because the statement concerns John Doe's **fitness to perform landscaping services** and also alleges that John Doe committed the **crime of trespass** by coming onto the property and poisoning Bob's flowers.

In addition to the defamation claims, in particular to Bob's statements regarding John Doe Landscaping's maintenance of the association's common areas, Bob may be subject to liability pursuant to a claim of business disparagement if he, in fact, **knew** the statements were **false** and/or made the statements with malice and John Doe is able to prove **special damages** in relation to such statements, i.e. Bob's statements were the proximate cause of an economic loss to John Doe Landscaping. See *id.* at 387, 213 P.3d 505.

Potential Association Liability and Costs Related to Defense

In addition to the above personal liability concerns related to Bob's statement, Bob may also be found to have breached his fiduciary duty to the association by arguably making his statement in a manner that appears to represent an official statement of Pleasantville HOA in his capacity as the board president. See Nevada Revised Statutes ("NRS") 116.3103(1). Furthermore, in addition to Bob's personal liability, John Doe and John Doe Landscaping may seek relief against the association in pursuit of the argument that Bob's statement was an official statement of the association. In such a case, even if the association were able to avoid liability related to Bob's claims, it would still be required to defend John Doe's and John Doe Landscaping's claims for relief thereby causing the association to likely incur attorney's fees and costs. Additionally, pursuant to NRS 116.31037, the association would be required to indemnify and defend Bob unless and until it is ultimately found that Bob acted with "willful or wanton malfeasance or with gross negligence."

Associations obviously cannot control the actions of their residents; however, it may be beneficial for associations (management and board members) to remind board members and advise new board members of the concerns discussed herein. Discussion of these concerns should hopefully reduce the likelihood of an



association potentially becoming subject to such claims pursuant to a statement made by a board member and/or representative of the association. 🗣️

CAI Nevada Chapter Members' Brag Page



Congratulations to **Norm Rosensteel, CMCA, AMS, PCAM, NVEBP**, recently named president of the newly launched **CAMCO** division in Northern Nevada. The company that has provided management services to the HOA industry for more than two decades will now have a Reno office along with its presence in Las Vegas. Norm has been involved in the community association management industry for 31 years. 🗣️

If you have anything you want to share, please submit it at least six weeks prior to the magazine publish month. Anything received after the 20th of the month prior to publication may not make it into that issue, but will appear in the following issue. Please submit your items to info@cai-nevada.org or fax to 702-240-9690.

Northern Nevada Trade Show Gallery



The Northern Nevada Legislative Update Class and Trade Show that followed were highly successful. The class was filled to capacity! Trade Show participants not only mingled, gathered tchotchkes and information, they also placed bids for silent auction items to support LAC.

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Understanding and Managing The Sociopathic Personality

In the Fertile Grounds of Common Interest Communities

By Edward Boyack, Esq.



Edward Boyack, Esq., is a senior partner of the law offices of Boyack Orme & Anthony, owner and manager of Association Recovery Services ARS.

Jerk. Power-hungry. Unreasonable. Abusive. Vindictive. Irrational.

These are words we “occasionally” use to describe individuals with whom we interact while supporting community associations. Some of these infamous interactions may be with board members, homeowners, or tenants. The unpleasant and utterly stressful conflicts at times leave us disoriented, frustrated, and searching for answers on how to mitigate the harm caused by these destructive people. This article will explore the clinical nature of persons with antisocial personality disorder, commonly known as ‘sociopathy,’ and how to best manage their abusive and destructive behaviors.

Oftentimes we associate sociopaths with psychopaths, of whom the most famous provide us entertainment on our T.V. screens and in the books we read. However, we rarely associate our personal interactions with difficult people as being anything more than just that: an unpleasant interaction with a difficult person. There is a recognized psychiatric condition for certain individuals who are hell-bent on ensuring chaos and destruction upon you personally and the community in general.

Experts estimate that approximately 2 to 4 percent of the population could potentially be diagnosed as suffering from antisocial personality disorder. That is approximately 1 in 25 people. Statistically, working with common interest communities, you might interact with a sociopath on a fairly frequent basis. Obviously, symptom manifestations and the degree of sociopathic behavior vary with individuals and circumstances. The most egregious of conduct by

a sociopath may rarely surface. Many written accounts by individuals who have long-term relationships with sociopaths have indicated that it took significant time to ultimately determine that the particular individual was a clinical hazard to one’s own mental health.

Generally speaking, the sociopath will exhibit very obvious and specific personality traits that are indicative of the clinical nature of the condition. While we will explore further in this article those specific behavioral traits, it is important to first understand the physiological reasons behind the mental condition.

For the purpose of this article, we will avoid discussing the details of the complex physiological basis of the sociopathic personality and the environmental impacts as well. It is sufficient to understand that clinical research of brain activity in sociopaths has consistently shown that



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James Armstrong, Assistant Community Manager with Access Management

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their emotional centers of the brain operate differently than most people. In its basic form, the sociopath's ability to process and feel emotions is thwarted. The reduction in emotional response means that the sociopath is not inhibited by emotional constraints, including feelings of remorse or empathy. Responding to emotional stimuli is a basic human function that provides our ability to empathize with others. In the sociopath, these feelings are not part of their internal makeup. For example, a sociopath may be someone who does not experience fear or apprehension like most individuals do. Since the emotional centers of their brain do not operate on a normal level, their feeling of fear as an intrinsic emotion is also subdued.

Many "successful" people in all walks of life are sociopaths. They often find success in their innate ability to be unconstrained by emotions that would otherwise hinder their objectives. One of the most infamous psycho/sociopaths of all time is Adolf Hitler. Many may consider him cowardly, consistently hiding behind others, and using his henchmen to undertake his evil bidding. However, a reading of his history shows Hitler had a limited fear reaction when faced with certain personal peril. For example, Hitler served as a Corporal in World War I. He endured the most gruesome and brutal of combat situations. Soldiers who fought alongside him would record his exploits as a brave, fearless soldier who appeared to relish the danger. Adolf Hitler himself wrote, albeit perhaps inaccurately, about his literal excitement serving in combat during the war. The sociopath's lack of fear or concern for his or her own


well being is an important trait to recognize when dealing with such individuals. Simply put, they do not react to the same negative stimulus that others may find detrimental or discouraging. In contrast, they may even relish the risk and the competitive nature of such confrontational interactions.


The common traits you will notice in sociopaths are as follow:

1. Glib, artificial charm;
2. Lack of remorse or empathy;
3. Compulsive lying;
4. Manipulation;
5. Inordinate Desire to Control;
6. Impulsiveness (engages in risky behavior);
7. Irresponsibility;
8. Deflect any personal responsibility, chronically blaming others for misfortune;
9. Extreme narcissism.

Many of us can recount examples where an individual continued on a course of conduct that appeared self-destructive. While most people may respond to a threatening letter from an attorney or board by modifying their offending behavior, to a sociopath these threats may be simply invitations for greater conflict and may have limited deterrent effect.

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Sociopaths thrive on the ability to control their environment, and thus, the behavior of others. Masters of manipulation, a tool utilized in lieu of emotional gifts, the sociopath relishes the opportunity to inflict chaos and impose their will upon others. What better format to gain instant control and power than to be involved in a common interest community. Additionally, boards and their managers provide a captive audience, or should we say, a target, for someone seeking to impose his or her own will on a large group of people.

I personally came to study the subject of sociopaths quite by accident. As a litigator for many years, and serving as general counsel in the HOA arena, I had many close interactions with sociopaths on a regular basis, whether I recognized it at the time or not. Several years ago, I was involved in an ongoing conflict involving an association where an individual board member's erratic and abusive behavior rained chaos in what would be described as an otherwise functioning association. His extreme behavior was even surprising to me, despite having worked in the legal community for years.

One afternoon as I was perusing books at Barnes & Noble, I found a small cover book called "Confessions of a Sociopath: A Life Spent Hiding in Plain Sight." The author, pen name, M. E. Thomas, wrote of her own introspective thoughts about herself as a sociopath. It was one of the first books written by a sociopath about her psychological condition. The book was truly fascinating and I read it from cover to cover in a day. Ever since then, I began studying the subject matter even further. Ultimately, the goal was to learn how to best manage or confront such persons. Unfortunately, despite all my reading, the answer was elusive and unsatisfactory. Certainly, I thought, there was a magic bullet somewhere. How difficult could it be? I needed to find the solution.

From what clinical research has told us, one thing is clear: the condition cannot be cured. There is no therapy or magic pill that will instantly turn a sociopath into an empathic person. Clinicians have sought effective treatment therapy for years without success. Consequently, we are left to simply manage the condition, which includes our own personal reactions to it.

The following is a list of generally accepted approaches to dealing with sociopaths. While none specifically appear satisfactory, utilizing these various tools may assist in ameliorating the inevitable conflicts and, in turn, our stress levels.

1. Recognize you will not change the sociopath's course of conduct by reason or argument.

Often times we hope to use reason and logic in an effort to convince the sociopath to change his course of conduct. However, the more we rely on such approaches the more frustrated we may become.

Reason and logic are not part of the sociopath's agenda. Consequently, such engagement will be futile and simply ineffective.

2. The sociopath is motivated by power and control.

A common pitfall when we deal with a sociopath is not recognizing their attempts to bring you into their sphere of control and domination. By forcing you to react and engage with them on their terms, the sociopath attempts to exert control. For this reason, it is often critical to avoid overreacting or being overly connected to their actions and demands. As managers, we are required to respond and interact at some level. However, the least amount of engagement is generally preferred. The more we engage, the more the sociopath feels he/she has gained control. If the control element is limited or unsatisfying to them, perhaps they will move on to greener pastures and seek other targets.

3. If possible create win-win situations.

While difficult, if the sociopath feels a 'win' at some level, it may limit the manipulative behavior. Recognizing the challenges this poses in the Common Interest Community setting, attempting to find some common or middle ground, or 'creatively' creating the perception of a win-win, may help to limit the ongoing conflict, and possible disruption to the community.

Dealings with sociopathic individuals present several obvious problems. First, the ability to determine if indeed an individual is clinically antisocial. Second, determining which approach would be most effective in dealing with the individual.

Recognizing not all people respond the same way to conflicts and threats may help us find the best approach to manage these situations. The ultimate goal is not only ensuring associations are benefited, but ensuring we ultimately reduce the personal impact these individuals have on our own well-being. One of the great benefits of studying this particular subject, and practicing what I have learned, has been the reduction in my own emotional response and stress level when confronted with abusive, vindictive, manipulative, power hungry, irrational unreasonable jerks. In an already very stressful job, any little bit helps. 🍷

CAI Resources at Your Finger Tips

By Chris Snow



Chris Snow,
Marketing and
Communications
Director, CAI
Nevada Chapter

Whether you're a baby boomer, a member of Generation X, or a Millennial, we all occasionally have to conduct some sort of research. Where do you start? Depending on how you were raised, a GI Generation or a Silent Generation would head to the nearest library and look in a card catalogue. Do those even exist? There might be one at the Smithsonian Museum. Nowadays we have as much information in the palm of our hands as any source in a library. It's easy to Google. And it's easy to pick up false information, you've heard a lot about "fake news," I'm sure.

Have you been tasked with addressing an issue in your community newsletter? If you need to research something for your community or your homeowner association, are you aware that CAI has an extensive library of resources, both free and to purchase? The Learning Center Tab, Research Library at www.caionline.org, offers information on topics varying from "Flaws in Your Foundation" to "The 1000-Year Flood" and everything in between. Are you a community manager gearing up to earn your PCAM? There's an article for that! "PCAM: The Ultimate Guide." Who knew?

Are you more of an audio learner? Try a webinar. You can do it in your pajamas! How about "Your Green Canopy: Creating a Tree Inventory and Management Plan for

Your Association?" You'll find both live and on-demand webinars under the same Learning Center Tab.

CAI members can search under their membership type for various PDFs that pertain to their specific membership category. For instance, a homeowner member can read an "Introduction to Community Association Living" or "A Model Code of Ethics" for community association board members.

These basic materials will provide you with an introduction to many topics and forums. Once you have acquainted yourself, the CAI Bookstore or CAI Press is an extensive library of books for purchase to further quench the need for knowledge. "CAI Press, the publishing division of CAI,



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Make it easy on yourself! Enjoy the comfort of staying in your pajamas and surf the CAI website or participate in a webinar.

We'd love to have your feedback or review on a resource you have studied. Speaking of a review, check out one of the recommended readings from our book review corner in *Community Interests* magazine, or better yet, do you have a great read to recommend to other CAI members? Submit one to us for a book review in a future publication of our chapter magazine. 



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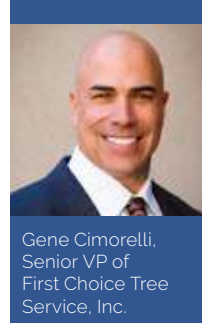
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Know When to Trim Your Pine Trees


By Gene Cimorelli



The safest time in our climate to prune pine trees is typically, but not always, during the dormant period in fall-winter to early spring (temperature plays a big role). During winter months, pine tree sap is thick and will cauterize the wounds faster. This allows pine trees to recover from pruning wounds as warm spring weather hits. In late spring and early summer, typically from early June to early July, pine trees are in the candle stage. This is when new, thick shoots called candles appear at the terminal ends of the branches. During this time, you can safely trim off one-third to two-thirds of these candles to limit a tree's annual growth. It also prepares them for the growing season when trimmed in the cooler months.

Trimming inspires new growth, and in the warm weather it makes the trees more robust and healthier in appearance. Fertilizing pine trees right before the new candle growth is highly recommended. Excessive pruning during the growing season is not recommended for pine trees. This includes late spring through summer when the sap is thin and the bark is vulnerable to damage and fungal infections. If pine trees are done in the hot summer months, the sap will run thin and leak over the tree's trunk or possibly on top of cars, sidewalks, pedestrians, and buildings.

It's also unwise to trim branches in autumn as pines develop fresh buds below each pruning cut. These new growths often remain too tender to survive extreme winter

temperatures. An exception to the late winter pruning is when removing dead or diseased tree limbs. If you notice your pine tree has a disease or that certain limbs lack foliage, you should remove those branches as soon as possible. 



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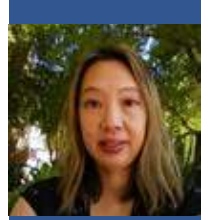
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National Make a Difference Day

By Deanna Lee



Deanna Lee is a CAVL CAI Member

What is Make a Difference Day? Are you aware of this important day? Can any one of us really make an impact? Why is this day of special significance when there are so many worthy causes every month?

1. Make a Difference Day IS one of the largest annual single-days of service, nation and country wide.
2. Zillions of willing volunteers come together on the fourth Saturday in October, this year being **October 28, 2017**, with a common cause: to improve the lives of others through a wide range of community-driven service projects.
3. One could be eligible to win ten grand for a service project donated to the charity of your choice by registering at www.makeadifferenceday.com.
4. There's even an app for volunteerism - well, at least in theory - but in real time, on instagram and twitter you can put your picture or project up for others to see, or just to get input, validation, or help.

If you want to help your community or assist with another project or worthy cause by donating some time, there are endless projects that need the power of a human touch.

Remember, the world needs you. Yes, you can make a difference! 🌍



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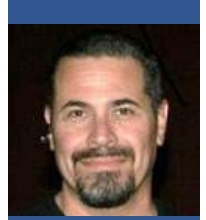
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Temporary Occupancy Permit Needed for Work Along Streets

By Eddie Rodriguez



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In the past, it was acceptable to pull up to a job site on a main street or main arterial in front of a community, without prior notice, with all of our equipment, drop two cones on to the ground, start up all of our equipment, and start dropping debris on to the pedestrian and vehicular right of way without a second thought. That is no longer the case. Now, a temporary occupancy permit must be obtained.

Encroachment Issues

In the last two years, a committee was formed by the state, county, and local cities to address encroachment issues of the public "rights of way" by primarily the construction, utility, landscape, and tree industries. The municipalities recognized there is an economical rise in these industries, so they formed a committee to make a concerted effort to regulate the use of their "rights of way." These laws have existed for some time but have not always been strongly enforced. State and local municipalities now find it necessary to enforce these laws to ensure public safety in these work zones.

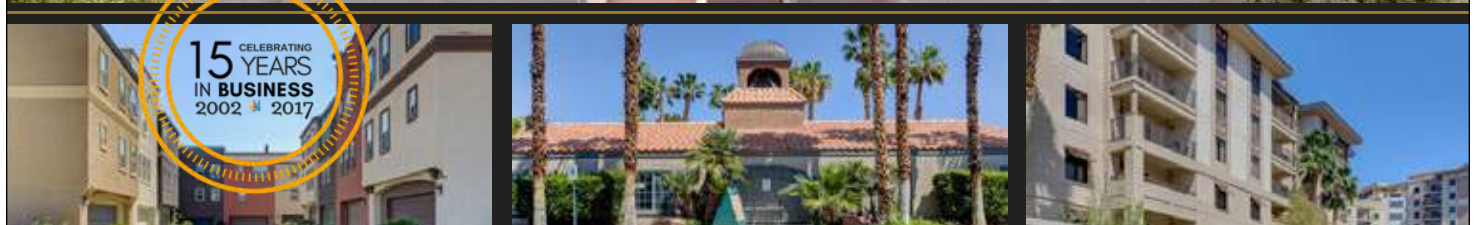
Temporary Occupancy Permit

Local and state municipalities require the drawing of a traffic control plan, permit, and delineation on streets and/or sidewalks where the "rights of way" will be encroached upon in the commission of performing any services,

regardless of the length of time traffic may be impeded. This requires that fees are paid to the municipality and to a barricade company for permits, drawing of the traffic control plan, and to perform the delineation. Encroaching on "rights of way" including sidewalks without a temporary occupancy permit is subject to fines by the municipalities. Business owners, commercial properties, homeowner associations, and service providers alike are subject to these fines.

What This Means to You

Business owners, commercial properties, and homeowner associations will soon start to see traffic control fees added to their bids and proposals when "rights of way" will be encroached upon. There will be service providers trying to circumvent the law to save money, but the fines that are associated with not obtaining a lane closure as required by law are "not worth it!"



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FRIDAY, DECEMBER 1

**REGISTRATION: 4:30PM
GAMES: 5:00PM - 7:00PM**

100th PROM

Charity Bowling Night

THE ORLEANS BOWLING CENTER

This is a themed event, so come in '80s Prom gear! There will be prizes for best costume, as well as raffles, and team and individual bowling awards. Team raffle prize donations requested, but not mandatory. Raffle money to benefit Help of Southern Nevada.

PROCEEDS BENEFIT CHET BUCHANAN'S HELP OF SOUTHERN NEVADA TOY DRIVE

RESERVATION DEADLINE IS THURSDAY, NOVEMBER 24

- Cost per team (five bowlers) is \$150 with a new bike donation or \$100 gift card.
- Team raffle prize donations requested, but not mandatory. Raffle money to benefit Help of Southern Nevada.
- Unable to attend? Phantom Team Sponsorships available for \$150.



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CA DAY 2017 DECADES: 1920-1990

and Prehistoric & Future

October 20th
at the Gold Coast



2017 CA DAY Tradeshow and 2017 Legislative Update Seminar, LAC Panel & ASK the Ombudsman

Guest Speakers include Gayle Kern, Esq., CCAL, John Leach, Esq. and Michael Schulman, Esq. who will present a three hour Legislative Update Class with Law Credits for CAMs and Advanced DCAL credit for CAVLs.

Schedule of Events

- 8:00 a.m.- 9:00 a.m. "Ask the Ombudsman" Panel Discussion
- 9:00 a.m.-12:00 p.m. 2017 Legislative Update Class & Boxed Lunch
- 12:00 p.m.-3:00 p.m. Trade Show
- 3:00 p.m. Grand Prize Drawing

Great Networking!
Grand Prize Drawing!
Contact Mary at 702-648-8408 or info@cai-nevada.org for more information



Thank You!

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