

THE OFFICIAL PUBLICATION OF THE NEVADA CHAPTER  
OF COMMUNITY ASSOCIATIONS INSTITUTE

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

# community interests

JUNE 2019

*FULL THROTTLE AHEAD*

**I FEEL THE NEED ...**

**FOR EDUCATION**





# Education Calendar

## DCAL

## MANAGER

## Advanced DCAL

Preregistration for all dates is required. Visit [CAI-Nevada.org](http://CAI-Nevada.org)

### **Southern Nevada** **June**

#### **CAI Nevada Las Vegas Luncheon**

*"Ten Simple Writing Tips to Make You Look Like a Pro"*  
June 11, 2019 at 11:25 a.m. – 1:00 p.m.  
Gold Coast Hotel & Casino

#### **CAI Nevada Las Vegas Homeowner Class, Adv DCAL**

*"Advanced Ethical Dilemmas"*  
June 22, 2019 at 9:00 a.m. – 12:00 p.m.  
Providence

#### **CAI Nevada Las Vegas Managers Class**

*"Bidding & Contracting in a CIC"*  
*"Water Damage 101"*  
June 25, 2019 at 9:00 a.m. to 12:00 p.m.  
Providence  
C.E. 348000 – 1-hour C.E. Credit  
C.E. 191000 – 1-hour C.E. Credit

### **July**

#### **CAI Nevada Las Vegas Luncheon**

*TBA*  
July 9, 2019 at 11:25 a.m. – 1:00 p.m.  
Gold Coast Hotel & Casino

#### **CAI Nevada Las Vegas Homeowner Class, DCAL**

*"Building a Sense of Community"*  
June 27, 2019 at 9:00 a.m. – 12:00 p.m.  
Siena Community Association

#### **CAI Nevada Las Vegas Managers Class**

*"HOA Elections"*  
July 30, 2019 at 9:00 a.m. to 11:00 a.m.  
Siena Community Association  
C.E. 310000 – 2-hour C.E. Credit

### **Northern Nevada** **June**

#### **CAI Nevada Reno Managers Class**

*"Lewd Acts, Controlled Substances and Rock & Roll, Lifestyles in Community Associations"*  
June 25, 2019 at 9:00 a.m. – 12:00 p.m.  
Peppermill Resort  
C.E. 0332000 – 3-hour C.E. Credit

#### **CAI Nevada Reno Homeowner Class, DCAL**

*"Meetings & Elections"*  
June 20, 2019 at 1:00 p.m. – 4 p.m.  
Peppermill Resort

### **July**

#### **CAI Nevada Reno Quarterly Breakfast**

*"RIP – How to Handle the Death of an Owner in an HOA"*  
July 17, 2019 at 8:00 a.m. – 9:30 a.m.  
Peppermill Resort  
C.E. 0331000 – 1-hour C.E. Credit

#### **CAI Nevada Reno Homeowner Class**

*"Ethical Dilemmas – Roundtable"*  
July 18, 2019 at 9:00 a.m. – 12:00 p.m.  
Peppermill Resort

#### **CAI Nevada Reno Managers Class, DCAL**

*"Budgets & Reserves"*  
July 18, 2019 at 9:00 a.m. – 12:00 p.m.  
Peppermill Resort  
C.E. 0128000 – 3-hour C.E. Credit

CAI-Nevada sends monthly email blasts of scheduled events to its members. If you are not receiving the monthly blasts, contact Chris at [info@cai-nevada.org](mailto:info@cai-nevada.org)

# community interests

WHAT OUR INDUSTRY IS TALKING ABOUT

WHAT HOMEOWNERS NEED TO KNOW

JUNE 2019

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**Magazine Deadline**

*Community Interests* deadline for advertising or article submissions is the 15th of each month, two months prior to publication. Example: Submit article by April 15th to be included in the June issue.

**Correspondence**

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Payment, a signed contract, and your ad sent by e-mail or disk must be received by the 20th of the month, two months prior to publication. See Magazine Deadline above. Acceptable file formats are Microsoft Word, plain text or in the following high resolution (300 dpi) graphic formats: .jpg, .tif or .eps format. Please send a hard copy of the ad along with contract.

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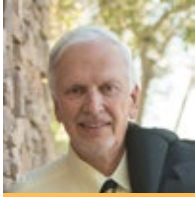
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## President's Message

### Education- We All Need It!



Chuck Niggemeyer, DCAL, NV Chapter BOD President, Sage Hills BOD President, CICCH Commissioner

**H**ave you ever thought about what education means to you or someone else? Surely it means something, yet undoubtedly has a different interpretation for everyone. To me, there is no end to education as in each-and-every stage of human life we can learn something. **Education is life.**

A typical pilot is trained to operate aerial vehicles in order to perform duties that involve a high level of stress and responsibility in commanding aircraft

under different weather conditions and in various difficult situations. Skills in aviation are learned through educational stepping stones and hours upon hours of refining those learned/educational skills.

The path to becoming a commercial pilot minimally requires a college degree (associate or bachelor's degree), a pilot's license, 1000-4000 hours of flying experience, pass a rigorous physical exam, and work 5-15 years as a first officer before upgrading to captain. There are more milestones in a commercial aviation career depending on one's objective for advancement in the profession. The above list of items should sound somewhat familiar to those of you who are association managers as you undergo similar steps in your progression to PCAM. Education is the key along with experience for both pilots and managers as they strive for excellence and being professionals in their respective fields.

Much is the same for our volunteer homeowner board members who become educated by attending our chapter's

**“ Education is what remains after one has forgotten what one has learned in school. ”**  
— **Albert Einstein**

basic and advanced DCAL classes. Educated board members make their managers' jobs easier and ease their burden of decision-making after having been educated in classes taught by CAI professional business partners. The Nevada CAI Chapter's business partners give us the best expertise and always have the time to provide advice and education to all of us involved in community association work. My hat is off to all our professional business partners - you are the cream of the crop. Give yourselves a round of applause.

Education is one of CAI's founding pillars, and, in fact, may be the most important in my opinion. Education means developing something new rather than relying on old innovations. Through education, we should be able to identify what we know and what we don't know. Living in any society requires having knowledge of rights, laws, and regulations. NRS 116 reminds us of that fact.

"Education is what remains after one has forgotten what one has learned in school." — *Albert Einstein*

Full Throttle Ahead!

*Chuck Niggemeyer, DCAL*

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## No Short Cuts for Meaningful Education



Vicki Niggemeyer, DCAL, Community Interests Magazine Committee Chair

**B**y now everyone has heard about the university admissions scandal involving some quite wealthy and famous people in the U.S. What were they thinking?

Not only were their actions illegal, they undermined the process and took admission slots away from people who applied honestly. All of that is bad enough, but, in my opinion, the worst crime of all was that their actions expressed to their children that they couldn't make it on their own, couldn't make it without cheating the system. They opted for the short cut. Their children may or may not ever realize the satisfaction of reaping the rewards of hard work and honest efforts.

We in CAI know that it takes honesty and integrity, not to mention lots of hard work, to get the required education necessary for a successful career in our HOA industry. There are no short cuts.

This month we are highlighting education because we all recognize the value of being an educated board member,

business partner, and especially, a manager. Our industry demands our very best and it starts with taking classes that have been honed, tried and tested, and kept up to date as the HOA industry continuously evolves.

Sheila VanDuyne leads us off with a clever but informative look at education for everyone who lives in an HOA: *"I Feel the Need, the Need for Speed! Education in our Communities and How it Actually Helps."* Other valuable articles regarding education come from Mark Leon in *"I Feel the Need"*; *"Professional Development and Education through CAI Nevada Chapter"* by Tonya Bates; and *"On-going Education is Essential"* by Michelle Goodell.

Education is essential! And in CAI, there are no short cuts when it comes to our unrivaled educational programs.

*Vicki Niggemeyer, DCAL*

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# I Feel the Need, the Need for Speed!

## Education in our Communities and How it Actually Helps

By Sheila Van Duyne, Esq.

**W**hile sitting in a class and learning about Roberts Rules of Order or listening to some business partner wax poetic about their favorite and most likely convoluted NRS 116 statutory provision that makes some miniscule change in the procedures related to assessment collection efforts, your mind may wander off, understandably. Going to "HOA School" may not be as fun as taking off in an F-14 Tomcat while looking Tom Cruise cool in a pair of Aviator sunglasses, but HOA School is still important and it can still be a great way to spend a day.

Getting back to the reason you picked up this magazine – HOA education – do we all really need it? I say we do. Certainly – given the fact that you are even reading this magazine means that you are part of the solution to any ills existing in our community associations. You have

taken at least a first step towards becoming a more educated homeowner, manager or board member. Joining CAI, attending CAI luncheons, events, tradeshow, classes, and reading CAI publications is perhaps the easiest and fastest way to find out what is going on in the community

association industry as a whole, but also to learn what you need to know to make educated and beneficial decisions concerning your home and your HOA. It is also a great way to meet a lot of very nice people!

After buying a new home in an HOA, which is often an education in itself (school of hard knocks usually), a homeowner can either really look through the materials provided for them to "read" during the lengthy and mind-numbing escrow that they endured (and which, despite their many eager signatures, they probably didn't read a word of) the new homeowner will have a choice. Does this new homeowner, after having most likely agreed to pay most of their next thirty years of paychecks to the Deed of Trust Holder, and most likely feeling absolutely physically exhausted after moving, does he/she now set aside some quality time to read their escrow folder cover to cover?

If, for some strange reason, a new homeowner does take the time to read those documents they will find a huge stack of governing documents including the Covenants, Conditions, and Restrictions (CC&Rs), Bylaws, Articles of Incorporation, Architectural Control (ARC) Guidelines, Rules and Regulations (R&Rs), and a smattering of association policies such as the Collections Policies and the Financial Policies. The new homeowner will begin to realize that *he/she is not in Kansas anymore*. In reality, the mere fact of living in a community association adds a complexity to our lives that in turn **REQUIRES** us to learn something we didn't know before, and then to keep learning new things. We really have no option. Similarly, those working with associations – business partners, community managers, vendors – also need to keep learning new things.

The choice is either to delve into this area head first and without pause, or to unsuccessfully try to avoid the entire process and be reminded of it grudgingly once a quarter as the assessment bill comes through, or when the eventual citation arrives when the homeowner makes an unauthorized change to their home without first going through the designated ARC process. Surprisingly, I think it is primarily the folks that try to avoid the entire topic that are most apt to become unhappy and get endlessly frustrated when they realize that all of the HOA documents do in fact apply to them. By that point, when dealing with a citation, fine, or other problem, it all becomes too overwhelming and the knee jerk reaction is to express irritation at those trying to run the association – i.e. the board and the management company. In actuality – the homeowner should be mad at the person in the mirror.

By reading the CAI magazine I can already tell that you are not part of the problem, but you are part of the solution.

If you look through the table of contents and skim through some of the advertising of the CAI magazine, you will learn about many of the issues that face board members,

community managers, or homeowners when they live within an association.

Community associations are a strange hybrid of governing body, town hall, corporate entity, neighborhood watch organization, forum for easily and publicly abusing your neighbors, and of course, our personal castles. All of us, even if we claim "we don't nest, we invest," wind up emotionally attaching more value to our homes rather than seeing them as just four walls, a roof, and a yard. Homes mean security. Homes mean family. Homes are where we live. As such, they are one of the most important parts of our lives.

We all need to learn how best to live and work within our homes located within these community associations. That requires us to get some education and knowledge **AS SPEEDILY AS POSSIBLE**.

No one who has never before lived in an HOA is ready for the experience. No one who has never seen the NRS 116 statute/Book/Bible can begin to understand just what layers upon layers of knowledge homeowners, managers, business partners, and vendors need to know.

We have CAI as a resource with scheduled classes for both homeowners and managers every month. The National CAI website has valuable educational resources to access by going to [www.caionline.org](http://www.caionline.org). We also have the Nevada Real Estate Division as a resource at [red.nv.gov/](http://red.nv.gov/). A lot of us teach classes – I teach a class on how it is to appear before the Nevada Real Estate Commission and a class on how, as an HOA, a board can address construction defect problems in the community. CAI also has an active Nevada Legislative Action Committee to educate all of us on changes occurring, as they are occurring, within our legislature. All of these resources are available to help us understand our communities.

Keep in mind that the real U.S. Navy Fighter Weapons School that used to be at Miramar Naval Air Station in San Diego and, which we all recall from the movie, was moved to good ol' Fallon Nevada, in 1996 and is now known as the United States Navy Strike Fighter Tactics Instructor Program. So realistically, I think we can all walk around with a pair of aviators and a flight jacket and at least pretend we just came in from our day job at the USNSFTIP in Fallon when we go to our next HOA class. From what I understand, they may be intending to offer a new class over there known as TOPGUN which I presume stands for something like: Teaching Homeowners Procedures for Gainful Urban Neighborhoods – it certainly must stand for something like that! 🍷



Sheila Van Duyne, Esq.,  
Van Duyne Law Group



# Professional Development and Education through CAI Nevada Chapter

By Tonya Bates, CMCA, AMS, PCAM—Supervising Community Manager

**T**he PCAM (Professional Community Association Manager) Scholarship fund was founded by other PCAMs to encourage the professional development of other community managers in the chapter. They felt that providing financial aid to managers who want to take courses to advance their career would build community and grow the chapter.

The criteria are simple:

- You must be a member of the Nevada Chapter of CAI;
- You must currently be employed as a community manager in Nevada;
- You must have successfully passed the M-100 and one M-200 level class;
- You must submit an updated resume with a letter of recommendation from your current employer;
- Finally, you must write an essay for the Chapter's PCAMs to review. Your essay should include how you intend to improve the industry after obtaining your PCAM designation, your goals, and why you should receive the scholarship funds.

Once you have completed the M-100, earned your CMCA and attended and passed one of six M-200 Level Classes, then earned your AMS designation, you're eligible for the CAI Nevada Chapter PCAM Scholarship.

Upon approval, the Chapter will either pay for your M-200 class or case study directly or reimburse the class and/or travel expenses upon successful completion of the course. For more information look for "PCAM" under the "Education" tab at [www.cai-nevada.org](http://www.cai-nevada.org).

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I'm thankful that I was able to qualify for the PCAM Scholarship. The Nevada Chapter PCAMs assisted me in my final step to earning my PCAM designation. Not only did the fund reimburse me for my case study, travel and lodging expenses, but they also covered the application fee. Good Luck on your application. On behalf of my fellow PCAMs, I look forward to assisting you all to grow and build a great industry. 🙌



Tonya Bates, DCAL, CMCA, AMS, PCAM, Supervising Community Manger with Opus 1 Community Management, LLC

The June 11 Southern Nevada Luncheon Program is a 1-hr CE class called **"Ten Simple Writing Tips to Make You Look Like a Pro"** offered by the *Community Interests* Staff.



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# HARRY THE HAPPY HOMEOWNER

Disclaimer: Answers provided to questions about governing documents, NRS statutes, or any other legal matter are not in any way represented as legal advice.

Have questions? Need answers? Send your questions to me at [info@cai-nevada.org](mailto:info@cai-nevada.org).

**Q:** Hello Harry. I am a past board member in our community. Five years ago I decided not to run for re-election. I liked our previous management company, they were the company we had when I was a board member.

Recently the board decided they wanted to change, so all of us had to change. The board sent out a letter and there was a meeting to discuss it but they just changed it anyway. I do not think they are acting in the best interests of the community. How can we make them change it back? — Signed, Unhappy

**A:** Hi Unhappy. As you are aware, the Board of Directors has an obligation to the association to have reliable and quality services provided by its vendors, whether it be landscape, painting, and such. Even a management company is a vendor, providing administrative services to the association. If the board finds that a vendor is not providing the agreed level of service, the board has the right to terminate that vendor.

Since you left the board, a lot may have changed regarding the quality of service from the old management company, things that the homeowners may not be aware of. As long as the board followed the state statute for soliciting bids and they had a majority approval to terminate, there isn't much a single homeowner can do to change that. The average homeowner is not aware of how the association is run, that is why the board members are elected to administer the association on behalf of the members.

I would suggest that you talk with the board and see what circumstances led to the change. Thanks for the question.

**Q:** Hi Harry. One of the homeowners in our community had work done on their property last month. They had pavers installed and a concrete patio added around their pool. They submitted an Architectural Review Application, which was approved by the Review Committee. The problem is that when their contractor was cleaning up after the job was completed, all of the dirt and concrete residue flowed down the street through the community, so the board had called the street sweeping company in to clean it up. Can the board charge that homeowner for the cost of the cleanup? — Signed; Bob the Board Member

**A:** Hello Bob; This issue seems to pop up all the time, a homeowner does not make sure that when the contractor is done, the street is cleaned before leaving. Unfortunately, there is not much an association can do about making a homeowner pay for the additional street cleaning unless there is specific language in your governing documents for this.

I have heard of some communities amending their Architectural Guidelines to include a refundable deposit from homeowners when doing any landscape or hardscape projects to their property. I have heard that the deposits range from \$300 to \$500 to cover the cost to the association for the cleanup, and the remainder of the deposit would be refunded to the homeowner. If after the project is completed and the contractor did not leave a mess in the streets or other damage, the deposit would be refunded back to the homeowner.

Keep in mind that you cannot require a deposit for this type of work until you amend your guidelines and notify all homeowners of this amendment. I hope this helps! 🙏

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# I Feel the Need!

By Mark Leon, DCAL

**A**re you doubting yourself at board meetings? Do you, managers, gaze upon the doe-eyed faces of your board members, then down at the jam-packed agenda and feel the cold sweat of anxiety? Those landscapers, they have it so easy; just walking around, catching some rays, gunning the blower, and daydreaming about Game of Thrones. OK, back to the meeting. Financials, old business, new business. Oh, shoot! Does the proposed pool signage comply with the new SNHD regulations? Dang it! Is this bounce house request going to cause a problem with our liability insurance? Augh! Should I have had the attorney review this contract before putting it before the board? Those attorneys, they have it so easy. Just standing around the copy machine, chitchatting about Game of Thrones. OK, back to the meeting. Manager's report, open forum. What's this? My problematic board member makes a motion to declare the chair vacant? What does that even mean? If any of this rings familiar, you might be feeling the need...

How about you board members? Do you open the board packet and panic at the sheer volume of paper, hoping you're smart enough to understand it all and make good decisions? Are you pouring over the financials and wondering if you would even recognize a problem if you saw it? Are you requesting a legal opinion from your manager, and puzzled at not getting one? Are you now asking yourself why you ran for the board, and thinking you could be at home right now, watching Game of Thrones? Then you, too, might be feeling the need...

## The Need for CAI Education!

What is it, if not education, that gives you the confidence to run your association smartly and efficiently? Education makes the difference between hoping and knowing what you are doing is correct. Because a lot is riding on your actions and decisions. People's lives are on the line. Well, maybe not lives, but property values for sure, along with the peace and harmony of your association. It is the aim of this article to get you excited about getting some education and get you to sign up for classes and seminars offered by CAI. In the words of the great philosopher Morpheus: "I'm trying to free your mind, Neo. But I can only show you the door. You're the one that has to walk through it."

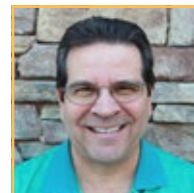
## CAI Education takes to the Road

Without so much as a backward glance at the old Flamingo office, CAI Education is on the move, and coming to an association near you. This year we've already seen manager and homeowner education classes conducted in the Las Vegas/Henderson area at Solera, MacDonald Ranch, Providence, and Anthem, plus a session in Mesquite at the Mesquite Vistas Country Club. Holding such events out in the community provides the opportunity to showcase your HOA and facilities, as well as the opportunity for pulling in homeowners and board members that might not otherwise attend a class or CAI function. Hosting classes can be a terrific way to increase volunteerism as well. If managers and board members recruit homeowners to take a class offered in their own community, it could be the spark that convinces them to join a committee or run for the board.

If you would like to volunteer your HOA clubhouse or meeting room for CAI Education, in or out of the Las Vegas area, contact Chris Snow at [info@cai-nevada.org](mailto:info@cai-nevada.org).

## Great News about CMCA Recertification

CAMICB recently revised their CE review policy to approve CAI Chapter CE courses so that those programs now qualify for credit toward CMCA recertification. Thus when managers who have a CMCA attend a CAI manager class for CE credit, they will receive dual certification. This policy change went into effect June 1, 2019, and all of our CAI chapter manager classes have been approved by CAMICB. For more information about receiving dual certificates for classes, contact Gaby Albertson at [admin@cai-nevada.org](mailto:admin@cai-nevada.org).



Mark Leon, DCAL. Board Member of Mountain's Edge Master Association



# The Price of Insurance Versus the Cost of Insurance:

## Pay an Amount Certain Now, or Be Surprised Later

By Joel W. Meskin, Esq.

**C**ommunity associations are creatures of budget. The primary purpose of a budget is to provide certainty and avoid surprises as the board complies with its obligation to protect, preserve, and enhance the association assets.

More often than not, board members primarily focus on "price" when purchasing insurance. However, "price" is only relevant if the options presented substantially provide the same coverage - apples for apples or, there are never any claims.

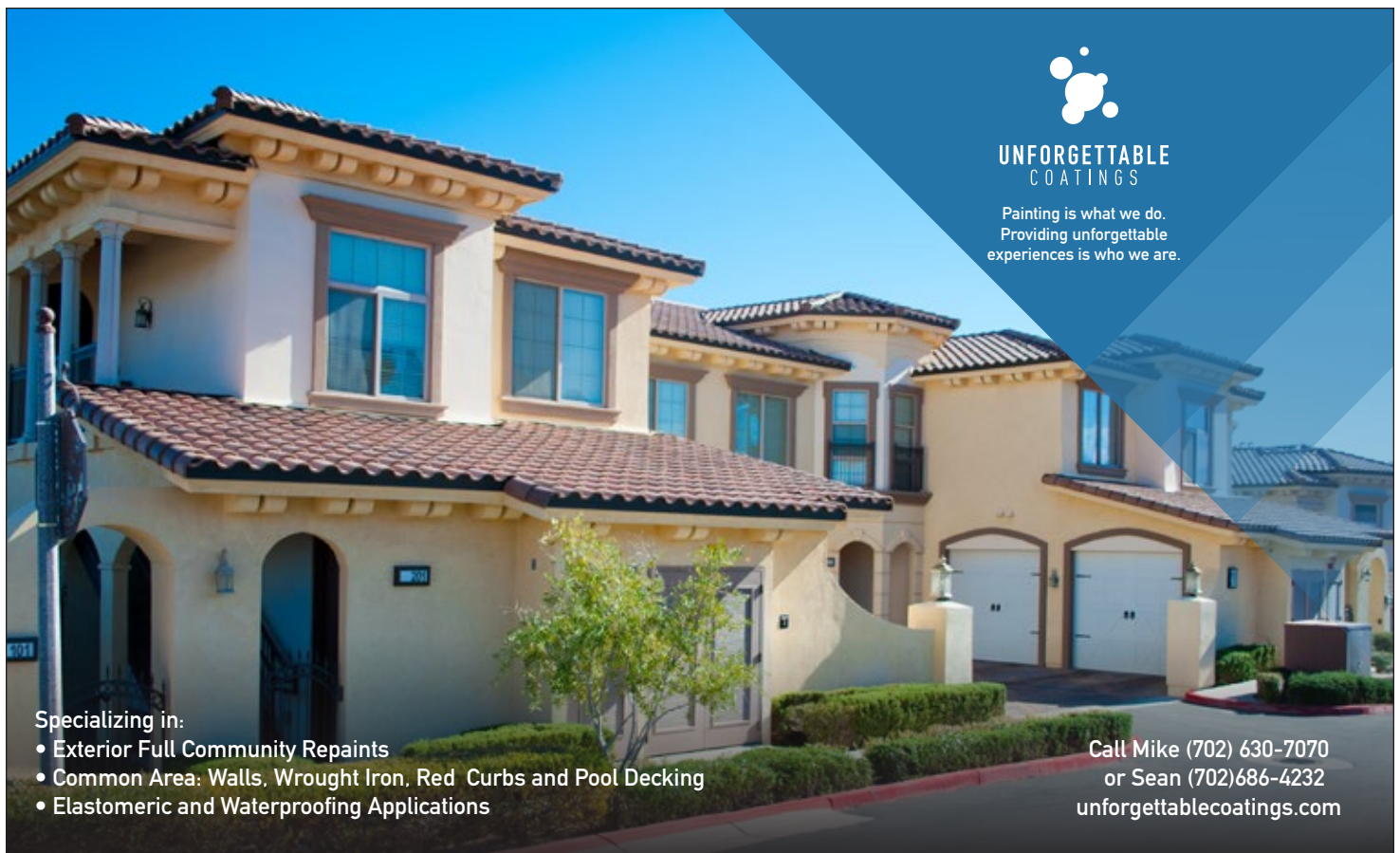
### ***Caveat: Remember, not all insurance is created equal!***


The reality is most boards never make the ultimate insurance decision because they defer this task to the CAM. Not only do they defer to the CAM for insurance decisions, they do not meet in person with the community association insurance professional. It is one thing to defer

the insurance leg work to the CAM, however, it is another thing for the CAM to make the insurance purchase and maintenance decisions on their own. In my humble opinion, focusing primarily on the point of sale premium should be the last decision. The key obligation is to determine whether the insurance proposal is proper coverage to protect, preserve, and enhance the association assets.

### **CAUTION: BOARD MEMBERS BEWARE!**

More often than not, the management agreement with the association requires that the association unilaterally indemnify the management company and the CAM for claims arising out of services provided.



  
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The board is obligated to protect, preserve, and enhance the association assets. Primarily focusing on price in the insurance decision process is counterintuitive to this duty. Where in the governing documents does it provide that the board has a duty to save the association money when purchasing insurance? Nowhere! Rather, the duty is to determine what insurance will best protect the association assets.

Boards are authorized to seek counsel from professionals when an issue is beyond the knowledge of the average board member. Insurance is one of those issues. Moreover, why wouldn't a board always seek counsel from a community association professional? Boards are always looking for cheaper anything. Why not obtain counsel from a community association insurance professional who does not charge?

The "cost of insurance" is not the same as the "point of sale premium." The "cost of insurance" is the total amount the association incurs at the time of a loss or claim plus the value of peace of mind that the association receives during the claims process. If the board made sure they purchased the best coverage for the association, the cost of insurance will have been a good deal. However, if the focus was the point of sale price as opposed to coverage, there is a very possible reality that the cost of insurance could be significantly higher than the price, because the association will be self-insured for the coverage that was sacrificed for the cheaper price.

***Caveat: More important for associations than "point of sale insurance premiums" is not being surprised by uncovered claims!***

### **CAUTION: CAMs BEWARE!**

Many management agreements expressly provide that the CAMs assume the task of purchasing and maintaining the association's insurance program. In other situations, many management companies take on this role voluntarily and may involve preferred insurance business partners in the process.

This practice in and of itself is not necessarily a problem. However, there are a number of traps for the unwary, including who is ultimately responsible for any errors in the purchase and maintenance of insurance. The key individuals that should be most concerned here are management company "owner" and boards.

#### **1. Indemnification**

Most management agreements have an indemnity provision that provides that if the CAM is sued for something it did for, or on behalf of, the association, the insured needs to provide the CAM defense and indemnity. Accordingly, the managed association must be able to fund that obligation. Many CAMs and boards "assume" that this can be funded by the association's Directors and Officers policy where the CAM is almost certain to

be added as an additional insured or are included in the policy definition of insured. As a result, the funding of the obligation owed the CAM is by the associations assets, special assessments or a loan.

It is also important that the management company or CAM understand the indemnity provisions of your state. Not all states will allow indemnification for someone's active negligence, and many, if they do allow indemnity for active negligence, that provision must be expressly set forth in the agreement and in some states follow a certain formula.

#### **2. Community Association D&O Policy**

Most boards, management companies, and CAMs "assume" that since the management company was working on behalf of the association, and since it is an additional insured on the D&O policy, that the CAM will be covered; and that is how the insurance claim against the CAM, for whom the association agreed to provide defense and indemnity, will be funded.

Unfortunately, virtually every D&O policy on the market "excludes" coverage for claims by the association against the management company or CAM. Even worse is that there are some D&O policies where the management company or CAM is not even covered under a policy.

#### **3. Management Company/CAM Professional Liability Insurance**

Virtually all CAM Professional Liability Insurance "expressly excludes" any claims arising out of insurance claims. This should make sense because a professional liability policy is intended to cover the professional from its industry professional services. CAMs are not licensed Insurance professionals.

#### **4. Conflict of Interest**

Some management companies or CAMs have their own preferred insurance professional who in turn has its own preferred insurance carrier. There are also some where the insurance is a division, affiliate, or subsidiary of a management company. These may in fact provide the best products to protect the association's assets. However, there are two key requirements. First, any such relationships must be expressly disclosed to the association board. Second, under this scenario, the management company or CAM must still conduct its due diligence as to the best available coverage, and not just the best price.

#### **5. Business Good Will**

There are "Good Will" issues that can arise from insurance issues. First, very often the management agreement has a unilateral indemnity agreement flowing from the association to the management company or CAM. Theoretically, if the CAM does not purchase and maintain the appropriate coverage, it is still protected because the association must defend and indemnify the management company or CAM. Who will tell the board that we, the management company, are being sued, but you have to

defend us? As long as the management company is not concerned about losing the client, there is no problem. Does the management company and CAM have an obligation to disclose this to the association before the agreement is entered?


Second, what will the neighbor associations or other associations think when they hear about this? What will the impact be on the association property values?

### 6. Management Company CEOs Beware

One of the biggest mysteries I have encountered in my years in this industry is why there are management company CEOs, executives, and owners who do not make it one of the highest priorities to make sure the association's insurance program is the best. Management companies spend so much time making sure they are additional insureds on the association insurance policies, but they do not make sure the association's policy is the best. The management company and the CAM's coverage is only as good as the association's.

### TAKE AWAYS

- Community association insurance professionals do not charge to meet, counsel, or present to your board. Make the insurance professional's E&O on the line, not the management company or CAM. The insurance professional, not the CAM, is the licensed insurance expert.

- Boards should exploit community association insurance professionals for two reasons. First, boards owe a fiduciary duty to the association and relying on a licensed community association insurance professional. By doing so, the board develops a strong defense to a strong business judgment defense. Second, the counsel is free.
- CAMS should never sign an application on behalf of an association. The association does not pay the management company or the CAM.
- Always make the board review the application, make any changes they need, and have the appropriate board member sign the application.
- Not all insurance coverage is equal. 

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Joel W. Meskin, Esq., Managing Director  
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# Keep the Momentum Going:

## AMS

By Tonya Gale, CMCA, AMS, PCAM



Tonya Gale,  
CMCA, AMS,  
PCAM

**S**o you have taken the time and put forth the effort to obtain your CMCA. I am here to tell you, as a manager that has been in this industry for over a decade, you should NOT STOP THERE! The AMS, or Association Management Specialist, is just a couple more online or classroom classes away. At this point in your management career your plane has been inspected and certified for a safe flight, you have your manager license. You have loaded your passengers and the pilot is ready for takeoff, you have obtained your CMCA. Are you just going to allow the crew and passengers to sit in the airplane and not jet down the runway to your ultimate destination?

Where the CMCA is a single class, usually taken online, followed by an examination through the CAMICB, the AMS designation takes a little more time and energy, but no formal separate examination required like with the CMCA, only an online multiple-choice test. Here are the steps to becoming AMS certified.

First and foremost, in order to apply for the AMS designation, a person must have at least two years of experience in community association management. This does not mean you have to be a manager for two years, but rather be in the industry for two years. Having your manager license is also a prerequisite as well, but you can be a provisional manager in the state of Nevada and still apply for your AMS as long as you have worked for a community management company for a full two years. Next you have to obtain the Certified Manager of Community Associations credential, also known as the CMCA previously discussed.


CAI has six additional classes called the M-200s. They cover in-depth specifics of community management such as facilities and financial management, communications, community leadership and governance, and risk management. Five of the six classes can be taken online and can all be taken in any order. By completing just two of the M-200 classes you can submit your application for the

**“ Are you just going to allow the crew and passengers to sit in the airplane and not jet down the runway to your ultimate destination? ”**

AMS designation. All of the M-200 classes are provided in the classroom setting as well in various cities across the country several times a year. If you prefer the classroom version to the online version the schedules can be found at [www.caionline.org](http://www.caionline.org).

So why go to the trouble of obtaining these various designations in the community management industry? The prestige, knowledge, and recognition are great but how about the personal financial gain. In a survey taken by CAI National, the average portfolio manager without credentials makes approximately \$43,929 annually. With just the three classes needed for the AMS designation that same manager make \$55,327. That is almost \$12,000 annually! Why would you pass up that potential monetary gain? Think about getting your plane off the runway and take your career to new heights by pursuing your AMS designation today! 🌟

# Bowling Gallery

 Visit our Facebook page for more photos!  
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CAI Northern Nevada Old Fashioned Bowling was recently held at the Grand Sierra Resort in Reno. Thank you to our sponsors and bowlers, big shout out to the bowling committee, fabulous work!



# Triple Crown Gallery

The first networking event, Triple Crown opened recently with a 1 hour CE credit seminar "What's that Aroma, Marijuana in The CIC," presented by John Leach, Esq., CCAL. The seminar was followed by speed networking with over 20 business partners! Thank you to our sponsors and attendees.







# Educated Business Partnerships

By James Gibson, NVEBP

**M**y Common Interest Community journey started back in 2006 when a developer approached me and asked, "What the heck is a common interest community, or HOA, or whatever it's called?" At the time, I was insuring this specific project from start to finish, and yet, I hadn't given any thought to the finished product ... the community association. I made some calls and dug into what would eventually become a career!

My mother was an AP English teacher and always stressed articulation and creativity in our home. She also kindly reminded me that education is a wonderful opportunity to enhance yourself and others. These experiences are what truly drew me to the Nevada Educated Business Partner (NVEBP) designation.

When I began the course, it was still presented with the original online videos from over 10 years ago, but by the time I completed the course, I was able to experience the updated version with enhanced videos and knowledge. Essentially, I got the best of both worlds in experiencing the evolution of the course. Yes, procrastination obviously comes to mind, however, it provided me the opportunity to gain a broader understanding of how the fundamentals of our industry changes, which is priceless.

Being a Nevada Educated Business Partner is mutually beneficial to the designee, his or her clients, and the

industry overall. John Wooden said it best, "Ability may get you to the top, but it takes character to keep you there." The NVEBP builds character, strengthens your foundation, and provides an opportunity to create business partnerships that will take your career to the moon and back.

As a business partner, it is our duty to educate our clients on best practices, industry trends, and to be their crisis savior. Being an NVEBP vastly assists in fulfilling this role. 



James Gibson, NVEBP, Balsiger Insurance

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# One Hundred Years Ago - Women Acquired the Right to Vote!

By Vicki Niggemeyer, DCAL

**I**n the long arc of history, 100 years is a microscopic blip on our timeline. But for women of the United States, the past 100 years has seen enormous strides for freedoms that were at one time denied to us.

In May of 1919, the U. S. House of Representatives, by a margin of 304 to 89, passed the resolution to approve the 19th Amendment giving women the right to vote. On June 4 of that same year, the Senate passed the 19th Amendment by a vote of 56 to 25. Successful passage in Congress was a huge step in the right direction, but another hurdle still existed – ratification by the states.

Within weeks of the vote by Congress, the ratification process began; several states quickly ratified the new amendment while a big block voted no. In February 1920, Nevada voted for passage. Finally, on August 20, 1920, Tennessee tipped the scale with a yes vote and the amendment was a done deal. For the first time in America, women had full and equal rights at the voting booth for federal elections. On November 2, 1920, more than 8 million women across America were able to vote alongside the men in their families.

Of course, voting and running for office are two very different things. Four years before passage of the 19th Amendment, Jeannette Rankin from Montana was elected to Congress. At the time she said: "I may be the first woman elected to Congress, but I won't be the last." And she was absolutely correct.

Nearly 25 years later the next female was elected to Congress. Margaret Chase Smith from Maine was actually elected to both the House and the Senate, the first woman to achieve that distinction.

Since those early days following passage of the 19th Amendment, many women have served our nation in the political arena. Here are just a few of them: Frances Perkins, first woman to serve in the cabinet, 1933; Shirley Chisholm, first black woman to run as a major-party candidate for president, 1972; Geraldine Ferraro, first woman to appear on the ballot as a major-party vice presidential candidate, 1984; Sandra Day O'Connor, first female to sit on the



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Supreme Court, 1981 to 2006; Madeleine Albright, first female Secretary of State, 1997 to 2001.

Today, Nevada has made history with another milestone. For the first time in our nation's history, female lawmakers hold a majority in the 2019 Nevada State Legislature. Women in the Assembly hold 23 of 42 seats, in the state Senate the numbers are nine of the 21 seats giving female lawmakers an overall majority of 55 percent.

Yes, "we've come a long way baby!" It's been a remarkable journey that has taken well over 100 years to get to this point. From Elizabeth Cady Stanton's voice at the Seneca Falls Convention in 1848, to passage of the 19th Amendment giving women the right to vote in 1919/1920, to today's array of women at all levels in local, state, and federal positions.

Imagine what the next 100 years will bring!



Vicki Niggemeyer, DCAL, *Community Interests Magazine* Committee Chair

Resources: [share.america.gov/women-in-politics-timeline/2/](https://share.america.gov/women-in-politics-timeline/2/); [www.cbsnews.com/news/nevada-becomes-first-state-with-female-majority-legislature/](https://www.cbsnews.com/news/nevada-becomes-first-state-with-female-majority-legislature/) <https://static8.depositphotos.com>



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# Learning the Ropes as a Provisional Manager

By Lori Martin, CMCA, AMS, PCAM

**S**o, you've completed your Community Association Manager's classes and passed the state test. What's next? Now you are considered a Provisional Community Association Manager. (Some people might confuse that with the PCAM, which stands for "Professional Community Association Manager" credentials, but a Provisional license and the PCAM designation are very different.) The Provisional Community Association Manager has to learn various subjects with a minimum timeframe of 3,120 hours but no earlier than two years with the accountability and direction of their Supervising Community Association Manager (SUPR-CAM).

Use this information as a Provisional Community Association Manager and what to expect from your Supervising Community Association Manager. This list will guide you to becoming a fully licensed Community Association Manager (CAM):

(1) The first step is to obtain a person who holds the SUPR-CAM license that is affiliated to the company you end up working for in order to acquire your hours (3,120 hours as required by NRS law). Important to know is that if you don't work with a SUPR-CAM individual, you must go to the Real Estate Division and place your license on hold meaning you cannot conduct work for any association. Most individuals have a SUPR-CAM in mind before they take the CAM test.

(2) Be prepared by keeping a log of all the time you earn hours towards the 3,120 hours required.

(3) During your "active" experience as a Provisional CAM, you will need to know

a. Financial management of an association – you obtain this experience by creating a budget for an association with the help of your SUPR-CAM or maybe the treasurer of the association. Every month, the association will receive the financials. Once received, look over them to ascertain all of the revenue and expenditures look correct. I also encourage provisionals to read up on books and material that CAI sells through their website.



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b. Property and facilities maintenance - Most every community has landscaping in their common areas and a wall around their community. Some have even more items such as water features, guard gates, gates without guards, clubhouses, sports courts, playground area, etc. Knowing how to properly manage the repair, replacement, and general maintenance of all these items determines how the association handles its operating fund and reserve fund. This also keeps the value of homes up.

c. Review the governing documents of the association. This should be done once you know you will be the community manager of that association. The items you are looking for are: CC&Rs, Bylaws, Rules & Regulations, Collection and Fine Policy (which may be two separate documents), Architectural Policies, any other policies that are unique for that association, and Articles of Incorporation. When you review the Articles of Incorporation, take a moment and note when the dissolution of the corporation may be. Some associations that are older may have an upcoming dissolution date and, if so, you will need to contact the corporate attorney to create the documents that continue the association. Other Articles of Incorporation could be noted as never to resolve (unless the homeowners agree to it by vote) and then the Articles will read "in perpetuity."

Additionally, the association's secretary or another source should provide a manager with the plot maps and other renderings.

d. Another very important review by the manager will be of all the insurance policies to acknowledge that they are still in effect. The requirements for each association regarding insurance includes the following. (1) Property insurance for all common areas and buildings owned by the association. Property insurance should cover 80 percent of the actual cash value of the property items, minus the deductible. (2) Commercial general liability, including insurance for medical payments in an amount determined by the board but not less than the amount specified in the CC&R's (aka declaration). Commercial general liability covers occurrences such as bodily injury, property damage arising out of in connection with the use, ownership of maintenance of the common elements.

e. Crime insurance (very important) to cover dishonest acts by members of the board and the officers, employees, agents, directors, and volunteers of the association. The minimum amount of coverage for crime policies must not be less than three months of aggregate assessments on all units plus the amount in the reserve funds or \$5,000,000, whichever is less.

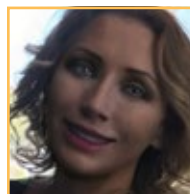
f. Worker's Compensation Insurance – Although not required, all associations who have vendors work at their community properties should include Worker's Compensation Insurance policy. This protects the association if a vendor claims they were hurt while working at a particular association and if their employer doesn't cover adequate coverage.

g. If the association you manage contains units divided by horizontal boundaries or vertical boundaries (usually condominiums or townhomes), you should contact the insurance company along with your SUPR-CAM's presence. This type of insurance is a unique type of insurance and should be reviewed with your insurance representative immediately after taking on a property.

(4) There are other specific duties relating to the management of a common interest community provided in the Nevada Revised Statutes under NRS 116 and Nevada Administrative Code (NAC) 116. Be sure to go to your SUPR-CAM and review the contents of each statute.

A provisional CAM should have his/her record of hours spent on the items mentioned above reviewed and approved by their SUPR-CAM every month with written signatures for both parties of the areas you've learned in that month.

This information should be retained for two years in order to acknowledge you are getting correctly trained to be the best CAM in the industry. Good luck! 🍀



Lori Martin, CMCA, AMS, PCAM, General Manager/COO Los Prados HOA and Golf Community



# Success Story

## An Education Success Story!

By Judith Hanson, Advanced DCAL

**E**ver long for a well-educated BOD? A BOD all DCAL certified? Well, we did it!

In 2008, I was elected to the Board of Directors in Sun City Aliante and found I knew nothing about homeowner boards, or even a board in general. I moved here from the Midwest and the terms homeowner associations and boards were foreign words to me. Looking for something to do with new found time I put my name in the hat to become a board member.

What started the education ball rolling was Phil Crapo, manager of Sun City Aliante, who encouraged education. He introduced me to CAI.

Phil not only encouraged me, but apparently others along the way. In May of 2009, I received my DCAL followed by Don Schaefer and Mark Smith. It wasn't long after that reality sunk in and we were a board of seven, all having DCAL status, *the only one in the state*, and we were the first.

Taking the classes to become a DCAL requires a real commitment. We all banded together for the trek to those three-hour Saturday classes in the southern part of the valley, often forming carpools. We wrote articles for the CAI magazine, or attended a legislative update to earn the award. We have kept it through the years, losing it occasionally as a rookie board member replaced someone and went through the same process.

Today, I know that Sun City's board is not all DCAL certified due to the election that took place in May of 2018, but I am sure that with the help of management and other board members they will once again achieve that status.

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**PASSION**  
We believe in **giving back** to the greater community. Through our **HomeWorks** program, we support **charitable** organizations in markets across the country. Team members drive these **hands-on** efforts to serve in-need communities. We also encourage team members to follow their own hearts by offering paid volunteer hours. Together, we make a positive **impact** and **serve** the greater good.

**PEOPLE**  
Our 800-plus employees are more than a team; they're a **family**. Guided by compassion for the individual, we value integrity, trust and respect. We empower **servant leaders** by supporting industry-related **education** and **certification** and offer opportunity for personal and professional **growth** and development. Together, we aim to transform the way people experience life in community associations.

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You don't need to be a board of seven in order to make this happen. You can do it with a board of three, five, or even more. It's a matter of being committed to the cause, plus a manager and/or management company who supports not only the process but gets behind you to make it happen, just like Phil did for us.

Who knows, you may even get to write your own success story of being the only board in the state while others, like Sun City Aliante, catch up by qualifying new board members as they rotate in. 🍷




Judith Hanson, Advanced DCAL, Aliante Master Association Director, The Fields at Aliante President, Community Association Homeowner's Council






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# On-going Education is Essential

By Michelle Goodell, DCAL

**E**ducation is a very important part of our industry. We often get busy in our daily lives as board members, managers, or business partners and think, "I don't have time to go to that class" or "I have so much on my plate, I will wait and go to the next one." However, what we could have learned at that class or seminar may have taught us a better way of going about the very thing that is taking up our time. Furthering our education will often lead us to more efficient ways of conducting our business, and being more efficient will save us time in the long run! Additionally, our industry is ever changing and evolving which means the most efficient way to stay "in the know" is to stay informed through ongoing education.

CAI and our volunteer speakers strive to keep up to date with the changes in the industry and ensure all managers and board members have the opportunities available to them to stay educated. The Northern Nevada Education Committee has been working hard to ensure that we are listening to the feedback provided by all CAI members and have been working with speakers and sponsors to ensure new classes and relevant topics are being provided in the North.

We often hear from managers and board members that they aren't going to a class because they previously attended that class. It is important to note, that while CAI does sometimes repeat classes that were offered in a previous year, often new topics come up in a class because

the participants are always a different mix of people and new questions or new examples are raised.

Personally, I have been a licensed Supervising Community Manager for several years and have been involved in the industry for approximately 12 years. I attend nearly every class offered in Northern Nevada and even some in the South. I can honestly say I always learn something new! Even when the class has been taught before, speakers often insert new experiences, participants ask new questions or provide current stories related to the topics being discussed or new case law has occurred which brings new facts to the table. It is important that we all continue to seek and attend on-going education opportunities!

CAI offers a wide variety of unique and helpful classes. Here are the upcoming classes that have been scheduled in Northern Nevada for the remainder of this year:

## July 18th

**Manager Breakfast** – *Budgets & Reserves*

**Homeowners Seminar** – *Meetings & Elections* (DCAL credits)

## September 20th – Definitely a "must-not-miss" event!!

**Manager Breakfast** – *Legislative Update*

## October 17th

**Manager Breakfast** – *Topic to be Determined*

**Homeowners Seminar** – *Risk Management & Insurance* (DCAL credits)

## November 21st

**Manager Breakfast** – *Violation Enforcement: Beyond the Fines AND Anti-Bullying: Policies & Tactics* (Both brand new classes)

**Homeowner Seminar** – *Building Community* (DCAL credits)

In addition to our own classes, the Ombudsman's Office with the Nevada Real Estate Division offers education opportunities and you can see their calendar of classes on their website.

One other available and valuable educational tool is to attend a Commission meeting. The Commission for Common-Interest Communities and Condominium Hotels

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is responsible for the governance of our industry and they hold quarterly sessions which are open to the public. These sessions include various business discussions and decisions that ultimately affect us as managers and board members as well as disciplinary hearings when they investigate associations, managers and/or board members of alleged violations and/or potential issues. Attending these meetings is not only an opportunity for a manager to receive continuing education credits it is also beneficial and informative for managers or board members to attend and hear what is happening in our industry, understand the thoughts and intentions that go into decisions being made by the Commission, have an opportunity to voice your opinion on various topics during public comment and potentially learn from the disciplinary hearings which may help your community and/or clients. The meeting calendar for the Commission is available at [http://red.nv.gov/Content/Meetings/CIC\\_Calendar/](http://red.nv.gov/Content/Meetings/CIC_Calendar/).

It is important to remember that serving as a community manager or a board member means you are serving as a fiduciary to your association or client. Serving as a fiduciary means you are providing the highest level of care and always have the interest of your association or client ahead of your own. Part of this duty means understanding and abiding by the governing documents of the association and NRS and NAC 116. As a licensed community manager in the State of Nevada we are required by law to obtain a minimum of 18 hours of continuing education related to our industry (See NRS 116A.410). Board members are required by law to stay informed of laws, regulations, and developments relating to common-interest communities (See NAC 116.405), and even Reserve Study specialists have minimum education requirement (See NRS 116A.430).

These statutes and regulations establish the minimum requirements but each of us should take the opportunities available to us to stay informed, increase our knowledge, have a voice in the industry, and improve our ability to represent those we owe a fiduciary responsibility to.

Remember, knowledge is power! 



Michelle Goodell, Vice-Chair of the Northern Nevada Education Committee

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# COMMUNITY NOW

## ... In Other Words: Get Off Your 'Butt' And Do Positive, Constructive Things!

By Robert Rothwell, Ph.D., C.P., Advanced DCAL


**T**he future is unpredictable. The theme, Community Now, for the annual CAI Conference and Exposition, was chosen to emphasize that the education and training we receive today will prepare us to make better, informed decisions tomorrow, laying the pathway to success.

Those who know me, know I'm a tough audience and not easily impressed.  
Education sessions = 4 out of 5 stars ... Keynote speakers = 5 out of 5 stars  
Homeowners Annual Meeting And Information Exchange = 5 out of 5 stars  
Lessons learned and shared learning = **priceless**

Keynote speaker, Peter Sheahan, made me 'sit up and listen' because his remarks were brilliant, relevant, and timely. He invested himself in the theme of the four-day conference and wove content from different classes and the other keynote speaker into his presentation. A long way from the 'group style hug' approach, Peter cut to the heart of 'success' and outlined the best strategies for showing the world. Peter could light a small town with energy, enthusiasm, and insight. He combined deep practical knowledge with an unending passion for both his subject matter and us, his audience. He was engaging ... drawing out of the audience answers to questions we did not know we had. That, and even more powerfully, he had us question the very answers we came up with in a way that

revealed a deeper level of insight and understanding. He has a clear understanding of what drives human behavior and offered thoroughly researched answers. He is clearly a world-class educator.

According to our other keynote speaker, Linda Kaplan Thaler, it's not native intelligence or natural talent that makes people excel. It's old-fashioned 'sweat equity' and 'hard work' and the 'right attitude' and 'determination' and 'perseverance' that lead to success, whether in a career or personal life. Linda was able to articulate one of the most fundamental and basic tenets of success ... be nice! In her witty, warm, smart, and refreshing approach, she showed that she is the 'real deal.' From her opening words to her closing remarks, she established credibility on a personal level, sharing from her catalogue of personal experiences, personal insight, and independent research while, at the same time, drawing from the audiences' full spectrum of emotion from inspiration to laughter to tears. She impressed me as a powerful, entertaining and inspiring speaker. She is 'proof positive' of the power of nice.

At the conference, Lauren Starner received her PCAM designation, the highest recognition given to a community manager, while Marilyn Brainard, Chuck Niggemeyer and Donna Toussaint each received the 'Award of Excellence' for Exemplary Service to LAC. 



Robert Rothwell, Ph.D., Advanced DCAL, CAI National Board of Trustees Nominating Committee; National Chapter Liaison Committee, President, The Village Green HOA

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# NORTHERN NEVADA TRADESHOW

Friday, September 20th • Peppermill Resort, Naples Ballroom

8:00 a.m..... Meet the LAC, *Garrett Gordon, Esq. LAC lobbyist*

9:00 a.m. to Noon..... Brand new legislative update, 3 hours law CE credit, learn about decisions affecting the HOA industry from the recent legislative session. *Guest panel, Adam Clarkson, Esq., Cheri Hauer, Esq., Greg Kerr, Esq., Michael McKelleb, Esq.*

Noon to 2:00 p.m..... Buffet lunch, trade show and raffle.



Contact [info@cai-nevada.org](mailto:info@cai-nevada.org) for sponsorship and registration information.

## CA DAY 2019

Friday October 11th  
Gold Coast Hotel  
Arizona/Nevada Ballroom

▶▶▶ 8am Meet the LAC, *Garrett Gordon, Esq. LAC lobbyist*

▶▶▶ 9:00 a.m. to Noon..... Brand new legislative update, 3 hours law CE credit, learn about decisions affecting the HOA industry from the recent legislative session. *Guest panel, Adam Clarkson, Esq., Cheri Hauer, Esq., Greg Kerr, Esq., Michael McKelleb, Esq.*

▶▶▶ Lunch will be served for seminar attendees.

▶▶▶ Noon to 3:00 p.m..... Trade show and raffle.

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