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NOVEMBER 2013

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*CAI Board Member Liaison

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CAI Nevada Contact Information

Mary Rendina, *Executive Director*
Christina Snow, *Communications Manager*
Katie Rendina, *Administrative Assistant*

9171 W. Flamingo Road, Suite 100
Las Vegas, NV 89147
Phone: 702-648-8408
Fax: 702-240-9690
info@cai-nevada.org
www.cai-nevada.org

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DONNA TOUSSAINT,
DCAL IS A
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MEMBER AND 2013
CAI-NEVADA CHAPTER
PRESIDENT

President's Message

The year is almost over, and November is my month of the year. There is a chill in the air, the leaves are turning to those beautiful fall colors, there is the smell of fireplaces burning and food cooking, and it is a time to give thanks. My favorite holiday of the year is Thanksgiving. It is a time when we can reflect of what we are thankful for and how we can give back to our community.

November is also time for budget ratification in most of our HOAs. What gets me through the arduous process is thinking about Thanksgiving and spending time with friends and family. Hearing the sounds of people laughing and talking around the dinner table truly warms my heart.

The best part of eating Thanksgiving dinner is ... there are no, and I mean NO, calories, so don't feel guilty and enjoy the day.

*The year has turned its circle,
The seasons come and go.
The harvest all is gathered in
And chilly north winds blow.
Orchards have shared their treasures,
The fields, their yellow grain,
So open wide the doorway
Thanksgiving comes again!*

Author unknown

As the start of the Holiday season approaches, we are but a month away from 2014.

Happy Thanksgiving to you and your families!

Donna Toussaint

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MARY RENDINA
CHAPTER EXECUTIVE
DIRECTOR

Chapter Commentary

Each month that I am tasked to write this commentary, I find myself at a loss for words. Those of you who know me well might find that hard to believe, but it is a fact nonetheless. This is largely in part with the phenomenal job the magazine committee has done in engaging our committee members to write articles pertaining to what is happening in our chapter.

So, with that being said, I decided to stray off course this month and discuss the lost art of verbal conversation and communication. This does tie in, however, with "Customer Service Week."

According to pewinternet.org, 91% of Americans have cellular phones and 56% of them have a Smartphone. 96.4% of cellular phone users utilize text messaging.

What got me thinking about this, for those of you who don't know, is I have a passion for photography.

This past week I photographed a friend's little boy for his first birthday. I sat Ethan on a blanket in the park under a tree and placed before him a gigantic cupcake for him to dive into. He wasn't the slightest bit interested and kept trying to escape. I asked his mom if he liked music and she pulled out her cellular phone. I thought perhaps the music might distract him long enough to get the picture of him with the cupcake.

Wrong again!

He wasn't interested in listening to the music, but instead wanted to watch a video of the "Wiggles" on the phone. Needless to say, I was disappointed I didn't get the shot of him with icing all over his face, but all hope was not lost as I captured him poised under the tree next to the cupcake, intently absorbed in his program on the phone.

Today I attended a networking luncheon and was seated at a table with five other attendees. The speaker was dynamic and should have captured the attention of all those in the room. Not two minutes into her presentation I looked around and three of the five attendees were texting. I started to think about my own obsession with the need to feel connected 100% of my waking hours to my electronic devices. I'm sure there are others out there whose fingers twitch to reach to check your phone when you should be paying attention to something else ... like when you are in your place of worship on

Sundays or in a movie theatre. Guilty as charged for me! I often wonder when did we go from the tag line "reach out and touch someone" to the mentality of "reach out and text someone."

Here's an example. This afternoon, I was going back and forth via e-mail with my catering manager at the Peppermill in Reno. We were trying to resolve a logistical challenge for one of our upcoming meetings. After the fourth e-mail, I picked up the phone and got her on the line. She told me she was just about to call me. We were able to resolve the issue clearly and quickly by having a conversation. My attitude and tone softened as we spoke and we worked together to resolve the challenge.

Now don't get me wrong, most of the time e-mail is the most efficient and effective way to communicate, however, there are those times when a phone or face-to-face conversation is more effective. (Thank you Donna Toussaint for reminding me of that just recently.)

Customer service week would be an ideal time to pick up the phone and communicate your appreciation for one or more of your customers or co-workers. To quote the most recent tagline for ATT Mobile "It's not that complicated."

Warm Regards,

Mary Rendina





ANDREA CHESTNUT,
DCAL'S CHAIR
OF 'COMMUNITY
INTERESTS' MAGAZINE
COMMITTEE, NOTED
AUTHOR AND A MEMBER
OF NATIONAL SPEAKERS
ASSOCIATION

In this Issue

by Andrea Chestnut, DCAL

When volunteering is not enough and when good is bad, who would have known? Challenges abound in our industry and still people step forward to meet those challenges and more. Sending and receiving your mail should not be difficult but it can be when it is being stolen. Not only is it stolen but you cannot get help from the very people who are committed to get your mail to you through rain, slit or snow. Solutions happen when people are committed to taking action.

Who would have guessed that a positive attitude would affect a person's ethics, but it can. A positive attitude is only something you can give to yourself. The *Northern Nevada Donor Awareness Walk* clearly reminds us all that we can make a big difference with even small steps.

Are you looking for a way to optimize your time when interviewing perspective service

providers? Or if you are a service provider are you wondering why you weren't selected even though you provide a great service? *The 45 Minute Date*, is a must read for both sides of the table.

Have you taken a look lately at the resources and connections that are there for all of the members of CAI? Check out what CAI National is doing for you. Yes, you! CAI is your link to legislatures, regulatory bodies and the courts, representing the interests of community association residents and professionals before the United States Congress, Federal Agencies and a multitude of other policy setting bodies and more.

Articles written by our DCAL's this month are about volunteering and building communities because that is who we are. ●

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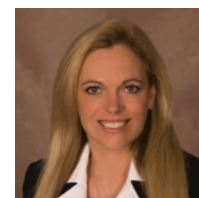
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CAROLYN GLASER, DCAL
IS PRESIDENT OF TEN
OAKS HOMEOWNERS
ASSOCIATION

When Being a Good Neighbor may be Bad

by Carolyn Glaser, DCAL

Until I became a member of my Homeowners Association Board, I never knew that acting as a good neighbor could be bad. I have learned that trying to be a good neighbor while serving as an Association Board Member is not always the right way to proceed in a CIC.

The Board had been taking appropriate action with a homeowner because the homeowner made major unapproved changes to his front yard. Over a year had passed, two hearings had occurred, fines had been assessed to the homeowner, and neither side could reach a resolution.

After a third hearing was held during an Executive Session, on a Thursday evening, the Board really wanted to find a way to resolve the situation. After the homeowner left the hearing, the entire Board decided that one portion of the project could be approved if the homeowner agreed to some changes. The following Sunday afternoon the Board President called and asked two Board members to meet him in front of the homeowner's property. Three of the five Board Members stood in front of the house. The homeowner came outside and had a conversation with the three. The homeowner agreed to the changes requested by the Board from that Thursday meeting. Standing in the afternoon Sunday sun, the three Board members signed a drawing to approve the sidewall height variance. The three Board members felt like they were finally making progress with this homeowner and were hopeful that a resolution would occur in the near future. These three Board members were acting in good faith and trying to be good neighbors.

Why was being a good neighbor bad in this situation? What were the mistakes that the Board made that Sunday afternoon? And why would this good neighbor decision haunt them in arbitration and four years later in a settlement conference?

The unapproved landscaping dispute did not get resolved. The homeowner filed for Arbitration with the NRED. During arbitration, the homeowner and his lawyer used the well-intentioned Sunday gathering as a violation of NRS 116. Three of five Board Members met with the homeowner that Sunday. Three members constitute a quorum. The

homeowner stated we were holding a Board meeting without a proper notice. The homeowner claimed the Board was acting capriciously, purposely ignoring the law even though the outcome that occurred was in the homeowner's favor. The Board was in violation of NRS116.

Also, although neighborly, the Board violated the Associations ARC procedures. The Board did not follow the ARC review process it uses for all ARC requests. The Board did not use the proper format or written notification required.

The Board of a CIC may be compelled to be a good neighbor and want to quickly resolve an HOA situation. If your Board ever finds itself in this situation, ask yourselves if your actions may have unintended consequences. Could you be violating the law, the CC&Rs or the rules and regulations of your Association by trying to be a good neighbor? ●

WHAT READERS ARE SAYING!

"Andrea,

You and your team of volunteers absolutely 'rock.' From day one you have transformed 'Community Interests' into a 'professional' periodical that all Nevada CAI managers are, or should be, very proud to receive.

Thank you for changing the paper stock of the cover."
—Asa Ashcraft, LSM®, PCAM®

"What a transformation! Years ago, I would receive the magazine and throw it in the corner. Now, as soon as I receive it, I stop everything and read it cover to cover. The articles are timely, insightful and right to the point. GREAT journalism! As the old cigarette ad said "You've come a long way, baby!" You've arrived ... and now you're on top of the mountain."

—Jerry Marks, CAM

Share your comments and suggestions at
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ROBIN BIGDA IS WITH
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Around The Block

Around the Block is an idea for a new regular segment in the monthly magazine that presents articles relating human-interest stories from our family of communities. If you have a story to relate, be it a tale about competition, coffee clutches, sewing circles, hobbyists, book clubs, community activities, and/or people or groups who deserve recognition, this is the place to tell it. We are looking for humor, ideas and upbeat examples of what makes your community a great place to live in 600 words or less. The magazine committee looks forward to hearing from you and thanks you for your contributions.

Running ... for a Purpose

by Robin Bigda

I'm a runner. When I put on that bib, a thrill jolts my whole body.

The addition of a time chip changes the dynamic of a race for me. If there's no chip, I'm in the race just to have fun and be with friends. If there's a chip involved, I'm there to race and win.

Often times, I lose track of why I am at a particular race and I tend to focus on just 'me'

and how the race affects 'me' personally. It's selfish, but most competitive runners get this way as the gun goes off and they set their watches, hoping for a PB (Personal Best). I was among several who were 'toeing the line' at the Candlelighters 5k as part of 'CAI HOA Champions' on Saturday, September 14, 2013.

The gun went off; I started my running watch and took off. I always get too excited at the start

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and take off way too fast. I was at a 6-minute mile pace for the first quarter mile with the biggest smile on my face. The burst of speed slowed and one girl passed me ... then another. I was in third now. We rounded the corner and started an ascent. One more passed me. I picked up the pace a bit at that point. Then we turned the corner again right after 4 kilometers. Only one kilometer to go ... and then I cramped. I breathed through it and muscled on. It got worse! I started to hyperventilate. My worst fear flashed before my eyes. There went my record ... and all chances of placing. I needed to walk. I was less than half a kilometer from the finish. A mom and dad each pushing a baby stroller passed me and I started jogging, refusing to be passed by a stroller.

I made it to the finish line by 25:24. I was doubled over and in pain. But I still had four friends in the race and knew they expected me to jog back for them and help them finish ... something I have always done at other races to help them finish strong. I ran alongside all four as they sprinted to the finish. When we were all gathered, we went back to the stage area to see if any of us placed for awards. I nervously laughed when people asked how I did or if I would place. I had run so poorly that I honestly didn't know.

I admitted to being selfish already, but it wasn't until we walked past the awards that I almost started to cry. I wanted one of these trophies more than I had ever wanted one before. You see, the trophies were paintings made by childhood cancer survivors. Their little handprints colored the pages of first, second and third place plaques. It was then I realized I wasn't running for me that day. How 'I' felt and how 'I' ran didn't really matter. What mattered was the kid whose handprint was on that trophy.

As a team, 'CAI HOA Champions' raised over \$8,000 for these kids. Some of the kids were there racing or starting the race or cheering us on. We should have been the ones standing by them, cheering them on. But here they were clapping for me. 'I' was the selfish fool who worried about a personal record and a trophy ... 'I' was being cheered by kids who raced through 'hell and back' just for the chance to live and love a little longer. In that moment, I couldn't have been more proud to be a part of the team that had helped me 'open my eyes' and give these kids a fighting chance at life.

I got second place in my age bracket. More important, those little handprints hang proudly on my running wall at home. This is probably the best trophy I will ever receive ... and I'm not talking about the plaque. ●

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Building Communities ... Homeowner Seminar

by Eileen Mckyton

For the first time, three members who had received their recognition as Dedicated Community Association Leaders taught this DCAL seminar.

The first section was an explanation of the history of Common Interest Communities, public opinion about them, and apathy within Common Interest Communities. As one of the presenters, I mentioned that CICc started in 1831 and were available only to the wealthy. They continued developing this way for more than a century before affordable housing became available. At that time, Block Associations spang up and community managers handled the everyday activities of each association. Unfortunately the Great Depression hit and collections issues followed.

In 1950, during the Civil Rights Movement outside of Dallas, the section known as Hamilton

Park was organized as a Block Association. The residents developed a sense of community with activities and programs that included the participation of their churches and schools.

The first master planned community was Irvine, California, developed in 1959. Now it is an incorporated city with over 50 community associations. The 60's brought more communities with distinct neighborhoods which developed specific amenities to attract certain groups, i.e. singles only, adults only, age restricted for residents over 55. The Fair Housing Act put an end to that with the exception of age restricted associations.

CAI was founded in 1973. Since that time CAI has developed into the organization we see today with over 30,000 members in 690 regional, state and metropolitan chapters promoting education and resources to the homeowners and managers.

Because one of the benefits of living in a community association is the association takes care of the common area, a certain degree of apathy can develop among the homeowners. Greg Toussaint, DCAL gave some examples and solutions to lackluster participation from the membership some of which he had experienced himself.

The first is to be persistent in developing a sense of community spirit and pride. Communicate to all residents in various ways. Newsletters to both owners and tenants are important. Many tenants want to be part of the community and can be very helpful on committees donating time etc., when they are treated equally. These newsletters should contain meeting information and can be mailed or emailed if you have their email address. Offer free classified ads, show pictures of events, promote people's accomplishments within the community. One interesting example of inclusion was their Christmas decorating contest where everyone who participated received a trophy to prevent hard feelings to those who did not receive top place.

Another suggestion is to provide new owner packets or new resident packets. If your

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Donna Toussaint, DCAL



association is large enough a Newcomers Club can be formed. This will help educate new residents regarding compliance. Surveys are a good way to find out how the community feels on a subject, but, if you take one follow through: announce the consensus and act on the results. The more events and/or contests the better, especially if your community has a wide diversity of residents. Something for each age group. If you have a park or community building, use it. You can show movies on Friday nights, be creative and give people the opportunity to socialize.

Social media: Meet Up, Facebook and Yahoo groups have their good and bad points. They need to be monitored and have rules. Be sure that it is a closed group with limited access. Neighborhood Watch is another helpful tool. Also, identifying people that need help occasionally is an asset. Someone to check on the elderly, sick or just a friend to stop by brings people together.

Violations are not a source of income and the first letter should be as nice as possible. Revoke fines whenever possible in a consistent way. The focus should be on compliance, and never give out confidential information. If there is a neighbor to neighbor dispute, be professional and stay above the issue. Make the documents the "bad guy" not you.

When starting service projects, teams and groups can help but do not become discouraged when just a few show up the first time. Keep going, it will build unless it is an inappropriate

activity for the resident demographic. As a Board you should have a Mission Statement and long term goals. Regularly review and update your rules and regulations.

Greg Toussaint presented several case studies depicting associations that employed an effective mission statement, set long term goals and successfully evolved their rules and regulations over time to suit their communities. It was recommended that all Boards consider taking such measures to keep their focus on the big picture and adapt to a changing world.

Judith Hanson, DCAL presented the Building Your Community Plan which was done as a round table discussion. Board members of similar groups were seated together and asked to build their own community plan along with brainstorming and discussing what works for them. What might work for a single family association with amenities might not be appropriate for a condo and vice versa. Afterward, each table had a representative report on their community's ideas and successes. Their last assignment was to come up with three projects for their individual community and explain how they would be implemented.

The three DCALs who taught the course should be lauded for their efforts and, at the risk of tooting my own horn, we all did an excellent job. I encourage anyone with an interest to join the fun and attend our next seminar. ●



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DONNA TOUSSAINT,
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Festival of Lights

by Donna Toussaint

In the fall of 2001, like many others throughout our country, we knew people who lost their lives in the 9-11 attack. Everyone was in shock and we wanted to do something to bring our Lakes community together during the Holidays and honor those who lost their lives and their loved ones.

It took planning and a lot of volunteer support, but we decided to have an annual Festival on the second Saturday of December. What started with about 500 attendees in 2011 has now grown to well over 12,000 for our free Holiday event.

As DCAL's both Greg and I know how important it is to bring communities together. Greg has served as President of the Lakes Association for many years, and I previously served as President of our master association the West Sahara community Association for ten years. Our community is very active and each year anywhere from 85 to 115 people volunteer their time to help put on our annual Lakes Festival of Lights event.

In addition to the Festival we also have a home and boat decorating contest. Many of our

neighbors decorate and then we have our "Secret Santa" volunteers judge all the holiday decorations. Each winner gets a trophy for their efforts with their name on it.

Our neighbors are very competitive with their decorations so some don't even turn on their lights until the day of the judging. The grand finale of our Festival is the only electric boat parade in the Las Vegas Valley with 30-40 boats all lit up circling the entire lake for viewers to see. The parade takes about an hour to complete.

We are building our community one step at a time with the help of our neighbors, some of whom have attended CAI DCAL classes and CAI luncheons.

We hope to see you at the Lakes Festival of Lights on December 14th from 12-noon till 5:00 p.m. where you will enjoy: entertainment, a car show, great food, awesome crafts, a visit with Santa and lots of fun for the kids. The boat parade starts at 5:00 p.m. ●





NORM ROSENSTEEL IS PRESIDENT-ELECT OF CAI NEVADA CHAPTER

Northern Nevada Donor Awareness Walk

by Norm Rosensteel

Over 500 people woke up early on Saturday, September 15th to donate their time, money and organs for the Sierra Nevada Donor Awareness Walk, held at the Sparks Marina.

With registration beginning at 7:00 a.m., and the program starting at 8:00 a.m., it was a very busy morning!

Funds raised are used to provide educational opportunities for people whose lives have been impacted by organ donation and to provide support to transplant recipients and their families.

It was, however, a great morning to celebrate the lives of both those who have benefitted from organ transplants, as well as those who are no longer with us who donated to save the lives of others, as well as the families of those affected.

This is a very personal cause to me, as my oldest daughter just celebrated the sixth year anniversary of her liver transplant.

Before her transplant, organ donation was not something we thought about much or discussed as a family. In the weeks leading up to her surgery, we learned all we could about it, and are now all donors. We all have donor license plates on our cars, participate in as many donor awareness events as we can, and we are so thankful Lauren was blessed with a second chance at life due to the unbelievable generosity of an unknown donor and his family.

Many thanks to CAI and the Northern Nevada Community Outreach Committee for their participation and help in coordinating our teams. In addition to CAI's sponsorship, Angus and Terry, and Robert Maddox and Associates also sponsored teams, although we walked as one group. It was a great day, followed up by a pancake breakfast at my house for all the CAI participants.

If you are not registered as an organ and tissue donor, I ask you to seriously consider it. You never know when this may impact someone you know. To learn more, visit www.sierranevadadonorawareness.com. You can also register as a donor at this website.

Remember, it all begins with YOU. Save a life today! 🌟





CATHERINE LINDSAY IS PRESIDENT OF THE BOARD OF DIRECTORS AT WESTCHESTER MANOR HOMEOWNERS ASSOCIATION

Journey to a New Mailbox

by Catherine Lindsay

It was something I never expected to work. A Hail Mary pass of HOA proportions. The reality was I'd just had yet another unproductive conversation with a manager at the United States Postal Service. So in a fit of "there has to be another way," I sent a local TV station a request to help our homeowners association get new mailboxes. Since this wasn't a case of HOA-gone-wrong, I was doubtful they would even respond, but the next morning we received an e-mail from the reporter.

I didn't realize it then, but we were finally on our way to finish this project.

The truth is we have a problem many older communities face. At the entry to the complex are multi-user 'tin type' mailboxes that the United States Postal Service owns and maintains. At Westchester Manor, we had 2 banks of 48 each.

These were high quality in their day, but their day is long past and, with a steady increase in identity theft and mail fraud, the 'tin type' mailboxes left residents vulnerable. Thieves parked in front of the boxes, then someone would get out and use a screwdriver to pop open the boxes. Someone else scooped the mail into a garbage bag and then they'd jump back in the car and be gone. It's possible to empty as many as 20 mailboxes in less than 2 minutes. And afterward, the mailboxes are even more damaged and residents are left trying to figure out what they lost.

10 years ago, due to a spate of thefts, the USPS stopped picking up the outgoing mail at our complex. Silver duct tape with "do not use" was written over the outgoing mail slots. Since then, at least once every 3 months, and more often during December, the mailboxes were vandalized. All we could do was report it to the USPS and in some cases file a complaint with the police.

In 2008 our HOA wanted to relocate the mailboxes and looked into buying new ones. That's when we were emphatically told that the mailboxes belonged to the USPS and they would determine where the boxes were located on the property and when, even if, they would be replaced. The USPS told us to report any vandalism or break-ins to "our" post office and an inspection would be scheduled. If the inspection determined the damage was substantial enough, the USPS would put the mailbox on a list and eventually, replace it.

Key word ... eventually!

Beginning in 2008, one of our board members made it her personal project to get the mailboxes moved and replaced. For two years, she gathered information from residents on break-ins and called and wrote letters to the USPS. Other than becoming extremely frustrated, nothing happened. The vandalism continued. The mailboxes deteriorated.

As a board, we encouraged residents to contact the post office or to call management anytime they saw something happening at the mailboxes ... and they did. Sometimes the USPS agent told

November 12th Lunch Program

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Dr. Daliah Wachs offers medical advice covering topics such as cholesterol, diabetes, women's health, children, geriatrics, and government policies. Dr. Daliah's dedication to educating the community continues to be demonstrated as her fun, witty, to the point answers of all fields of medical

questions offers an educational and very entertaining perspective of one's health.

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them no one had ever reported a problem and sometimes the agent said the boxes were on the list to inspect.

But there comes a point when you realize there is no point to what you're doing. Even though the vandalism continued, residents gradually stopped calling the USPS, the management company or the board members.

Fast forward to Christmas 2011. A very pregnant resident was walking her rather large 'loves-everybody-but-looks-and-sounds-intimidating' dog, when she saw a sedan parked by the mailboxes. A guy was climbing out of the back and he had a bag and screwdriver in his hand. In a complete fit of frustration, she started yelling at them, which made the dog bark furiously, and the vandals fled. We didn't have another break-in for a while but the truth is you can't count on having a very pregnant resident walking with her fierce but friendly dog each time someone decides to break into the mailboxes.

Then, in 2012, as we discussed volunteer hour options for our Neighborhood Partners grant, two residents decided they were going to put their time into getting new mailboxes. The 'Mailbox Mafia' began gathering information - letters, e-mails, who was called and when. They began contacting the post office about broken doors and spinning locks, vandalism and attempted break-ins. After several months the best they heard was - the mailboxes are on a list for inspection.

March 2013 came and with it an invitation to Councilman Ricki Barlow's neighborhood leaders meeting. One of the 'Mailbox Mafia' attended and had a chance to talk with the councilman. Within a few days, a representative of Councilman Barlow's office began a dialog with the post office on our behalf. A few weeks later, a van arrived on the property to replace one mailbox on Wooster Circle. One mailbox ... a single 12 pack ... out of a bank of 48 boxes ... with a total of 96 on the property.

The contractor immediately called the warehouse and took care of getting a replacement for the full 48 but the invoice was still only for Wooster Circle, there was nothing about the boxes on Cardiff Lane. He assured us that as soon as the other invoice came through they'd be out to install those Cardiff Lane mailboxes and they'd make sure they didn't arrive with just one 12 pack.

On April 29 the Wooster mailboxes went in and on April 30 someone tried to break-in to the 'tin type' boxes on Cardiff Lane. The post office was called; the boxes would be inspected for possible replacement.

We were back to square one ... and it wasn't a very pretty square one. Residents on Cardiff were unhappy about being stuck with the old mailboxes. They had a valid complaint, especially when you consider that the whole project was initiated because the Cardiff mailboxes were in worse shape than those on Wooster. Frustration was mounting!

The 'Mailbox Mafia' had managed to accomplish more than anyone else when it came to solving this problem, but here was another obstacle, or maybe, a repeat of an old one.

To try to resolve it, we were going to submit an 'escalation report' to the post office, but before we did, I submitted an online request to the USPS just to confirm who should be managing the mailbox replacement.

Good plan. Except the USPS employee who called me did not seem invested in solving the problem. This led to a fit of 'there has to be another way' ... and a Monday morning phone call from a television reporter saying "the mailboxes will be installed in the next two weeks".

4 business days after the TV station reached out to the USPS, the mailboxes were installed on Cardiff Lane. A week later I was standing at the mailboxes with a camera crew and the former board member who started the ball rolling in 2008. We talked about identify theft, lost checks and not being able to send mail from the mailboxes.

Finally, at no financial cost to the HOA, funded only by volunteer hours and sheer tenacity, with the assistance of dedicated homeowners, Councilman Barlow's office, a local TV station and most importantly, the persistence of Lucy and Mike of the 'Mailbox Mafia,' the mailboxes were replaced.

The story doesn't end there of course. Residents had to go to the post office to get new keys and we were replacing keys for 96 mailboxes so there were issues. Keys didn't work or the box numbers had been changed, so it took a few days to get it right. Eventually though everyone was able to retrieve mail from the new mailboxes.

One very excited resident called after she realized the new mailboxes had been installed. "This is fabulous! I went right down and got my key and I didn't leave my mail at the post office. I brought it here and I put it in the outgoing mailbox!" There was such triumph in her voice, as though she'd won the bingo jackpot.

Considering most residents only call about projects gone wrong, it was amazing to receive a call about a project gone right.

The story aired on TV in August, repeated during both the morning and evening newscasts and a link was even placed on the stations website. Our residents and homeowners were thrilled to see our association shown in such a positive light. But based on what I heard, I don't think it thrilled them nearly as much as dropping off and picking up their mail from a secure mailbox right at the end of their street. ●

Upcoming Events

Southern Nevada Upcoming Events

NOVEMBER	11/12	CAI Nevada Chapter Board Meeting	Gold Coast Hotel	1:00 p.m.
	11/12	Las Vegas Monthly Luncheon	Gold Coast Hotel	11:15 a.m.
	11/13	2014 Board Training	CAI Training Center	8:00 a.m. - 4:00 p.m.
	11/16	Las Vegas Homeowner Seminar	CAI Training Center	9:00 a.m.
	11/21	2014 Committee Chair Training	CAI Training Center	9:00 a.m.
	11/26	Las Vegas Manager Breakfast	CAI Training Center	9:00 a.m.
DECEMBER	12/6	Charity Bowling Event	Orleans Hotel	5:30 p.m.

Northern Nevada Upcoming Events

NOVEMBER	11/14	Northern Nevada Manager Breakfast	Peppermill Hotel	9:00 a.m.
	11/14	Northern Nevada Homeowner Seminar	Peppermill Hotel	6:00 p.m.

All Dates and Events are subject to change or cancellation.

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CAI Nevada Chapter Members' Brag Page



NEVADA ASSOCIATION SERVICES, INC. NAMES CHRIS YERGENSEN CORPORATE COUNSEL

Chris Yergensen, Esq. is now serving as Corporate Counsel with Nevada Association Services, Inc. In that role, he will help NAS,

Inc. navigate legal issues and assist in handling legislative affairs.

Yergensen has extensive experience in the collections and real estate industries. Prior to joining NAS, he served as corporate counsel for Red Rock Financial Services, a division of FirstService Corporation, which provides collection services for community associations throughout the US.



BRIAN DELISLE, PCAM JOINS RENO PROPERTY MANAGEMENT

Reno Property Management is proud to announce the hiring of Brian DeLisle, PCAM to the position of Vice President, Community Associations.

Brian's responsibilities will be to maintain and build upon strong political, working and social relationships with association members, Boards of Directors, and their vendors. ●

If you have anything you want to share, please submit it by the 5th of each month so it can be included in the next magazine. Anything received after the 5th of the month may not make it into the next magazine, but will appear in the following issue. Please submit your items to info@cai-nevada.org or fax to 702-240-9690.



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TONYA BATES,
CMCA, AMS, PCAM,
IS THE SUPERVISING
COMMUNITY MANAGER
AT OPUS 1 COMMUNITY
MANAGEMENT

Positive Attitudes and Exemplary Ethics

by Tonya Bates, CMCA, AMS, PCAM

Recently in a Continuing Education Class, the topic of ethics arose.

As the participants shouted their definition of ethics, one definition stood out among the rest, "If I don't feel someone is ethical, I don't want to be seen speaking to them, I don't want others to 'think' we are friends or I'm unethical too." This shocking statement, created some self-realization that maybe, I just didn't know how I looked through other people's eyes. Did this person really think that I lacked ethics, and if so, how do I change his mind?

At every point in their careers, community managers or board members are faced with a choice whether or not to follow their inner moral code. Sometimes, when choosing the latter the community manager or board member rationalizes and justifies the decision, "I'm wearing the black eye for the entire industry;" "I

needed to feed my children that week." Ultimately, in the end, the manager or director not following the ethics, code of conduct or legal requirements set forth by CAI and the NRED CIC Commission, loses their reputation. Once a reputation is tarnished, maintaining employment or a board position in this industry is increasingly difficult, it doesn't matter how well management or director skills are honed.

Practicing ethics in today's world is an increasing challenge and is immeasurable. The ethics of this writer may be different than the reader's ethics. Some people define ethics as what is legal; however, just because it's legal doesn't mean it's ethical. If one travels down the unethical path, how does one get their ethics back?

It's easy for the industry to continue to condemn managers or board members, if they



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The Delinquent Assessment Collection Specialist

Being happy is a choice, to look at the brighter side of life and staying optimistic. Smiling is contagious, do it often, it helps to stay optimistic. Associate yourself with happy people that are inspiring, well respected and ethical. These professionals may often change your thought process and encourage you to make more rewarding, ethical choices.

are continuously beating themselves up for the mistake. Accepting the error that was made and attempting to make amends to the people who were hurt by the oversight, demonstrates that the manager or director has acknowledged the gaffe. Then, they can take the situation as a learning experience and teach other managers and directors how the lapse has affected their life and encourage others to not make the same miscalculation. Once the colleagues and homeowners see that she has learned from the action and accepted the consequences of her actions, they may be willing to understand the situation. This demonstration of skill may regain the trust of a manager's or director's associates and teammates.

Now that the faux pas has been acknowledged the next step is to take action to rectify and correct the wrong. This is easier said than done, if the inaccuracy includes one of CAI's top Ethics Complaints; Embezzlement, Fraud, Forgery, Theft, Misappropriated Funds, Conflict of Interest, Price Fixing or Unlicensed Practice. If the mistake concerns embezzlement, do not rationalize the theft, offer to make amends and repay the victim. If it concerns improper transition or failure to turn over documents, agree to improve the transition process in the future, always remain civil and professional. If it concerns conflict of interest, practice disclosure, no matter how silly or inconsequential the conflict may seem. If you are unlicensed, get licensed don't practice law, insurance or any other profession without the proper license. Above all, maintain your model professionalism, composure and a positive attitude.

Against sociology beliefs, when I encounter a member of the industry that others view as unethical, I'm intrigued. Not because I want to learn to be unethical, but because I want to learn from their mistakes. Every day the CIC industry can learn something new from each participating member, even those judged to be the most unprincipled, can teach future managers the utmost in ethics. How? At one point a good manager made a poor decision. Future managers should be shown there are reinforcements to improper decision making to prevent a future mistake.

Ultimately, the choice to be ethical, moral and just lies within each individual. It is taught by society, parents, families, associates and friends. I made the choice to think positive and make upbeat decisions in regards to the associations I manage.

Positive work attitudes say, "I can achieve success." Negative work attitudes say, "I cannot achieve success." When negativity is exhibited by expecting challenges and difficulties, interactions with industry professionals are strained. People don't always want to be around, not only do they not trust an alleged unethical manager, but the alleged unethical manager's view of the industry is dismal and bleak, creating an even greater divide.

Being happy is a choice, to look at the brighter side of life and staying optimistic. Smiling is contagious, do it often, it helps to stay optimistic. Associate yourself with happy people that are inspiring, well respected and ethical. These professionals may often change your thought process and encourage you to make more rewarding, ethical choices. Most importantly treat people how you would like to be treated, and ask, "Would I do this if my grandma, dad, mom, kids, grandkids (insert your person of choice) could see me now?" ●



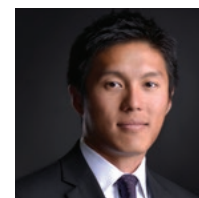


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Social Committee Roller Skating

THE SOCIAL COMMITTEE ROLLED BACK TO THE '80'S FOR THEIR 3RD QUARTER EVENT! ROLLER SKATING AT CRYSTAL PALACE ON SEPTEMBER 20TH, WHO KNEW SO MANY MEMBERS COULD STILL ROCK THEIR WHEELS!





AARON C. YEN, ESQ. IS AN ASSOCIATE ATTORNEY WITH THE LAW FIRM OF ANGIUS & TERRY LLP.

Associations and Lawyers

by Aaron C. Yen, Esq.

In our increasingly litigious society, associations are often involved in lawsuits. The possibilities are many: construction defects, enforcement issues, judicial foreclosures, etc. Also, there are other legal actions like arbitrations, mediations, or intervention affidavits with the Ombudsman's Office. Anyone who has ever been a board member can attest to this fact.

No matter in what capacity an association is involved in a legal action, it is vital for the board to consult with an attorney as soon as possible. Often, especially with Ombudsman's Office related proceedings, boards or their managers respond without first obtaining legal counsel. When legal counsel is finally retained, much time (and money) is spent on fixing the mistake, if it can even be fixed.

To preserve the attorney-client privilege and have the full ability to make decisions, the best way to consult with association attorneys is to hold an executive session. A 10 day notice is required to the homeowners, unless it is an emergency. One thing to be cautious about is that many boards are under the misconception that as long as the discussions are related to the lawsuit, the board is free to call an "executive session" for such purpose. Not so, NRS 116.31085(3)(a) provides that a board may meet in executive session only to consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the attorney-client privilege.

In other words, to call an executive session to discuss litigation related matters, the board must meet two requirements: (1) the association attorney must be present; and (2) content of the discussion fall under the attorney-client privilege. If the board is concerned with attorney fees, the board can request the attorney to appear through telephone conference. However, the first consultation on a new matter is always better served when done face-to-face because certain interactions and expressions cannot be observed through the phone.

If the board simply needs to provide information or obtain information from its attorney, such as status update or quick questions, the board can hold a workshop. There is no notice requirement. However, the board cannot make

decisions of any kind during the workshop. It is purely for exchanges of information.

Lastly, if the board desires to have continued communication with its attorney and some decision-making power during the consultation, the board can establish a litigation committee of less than a majority of board members with limited decision-making power. The limited powers should be specified in writing with clear directions given. Generally, the committee is given the power to make procedural decisions, such as whether to file a motion, consent to legal strategy suggested by counsel, etc. Substantive decisions such as whether to settle and for what amount are reserved for the full board.

NRS 116 is a comprehensive body of law, and association boards must be conscious to not expose themselves to liabilities in addition to those in the lawsuits they already face. ●

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JEFFREY SMITH IS
PRESIDENT OF SMITH
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A MEMBER OF CAI

The 45 Minute Date

by Jeffrey Smith

Interviews are such an emotional experience (like a first date) for both the Board of Directors and the Contractors.

If neither party is prepared, there can be some moments of awkward silence. If neither party is prepared, so many questions are not asked and not answered.

It isn't until the contract is signed and the work begun that everyone wishes they knew more about their new business partner. Some of these large projects can take a year or more. That is a long time to suffer a poor relationship.

Architects and Project Managers feel it is just as important to prepare the Contractors and the Board of Directors for the interview, as it is to prepare the plans and specification for bidding.

In advance of the actual meeting, community managers should:

1. Review the 'Request For Proposals' with the Contractors to be sure they have understood the scope and subtleties of the project.
2. Actively solicit their input on areas where you might be able to reduce costs without compromising quality.
3. Ask that they share these ideas during the interview so that it is clear to the Board that these are their contributions to the project.
4. Prepare the Contractors with an understanding of the Board's composition and the Association's character.
5. Describe the venue for the interview to allow them to prepare the appropriate medium for presentation.

To improve the quality of the presentation, the Board of Directors should

1. Be prepared several days ahead of time with a list of questions to ask the contractors.

2. Be given a quick orientation, prior to each contractor entering the room, to remind them who they just interviewed and who they are about to interview.
3. Solicit opinions or impressions among themselves to make sure they understand what they are hearing.

Sometimes even with all this preparation, things do not go smoothly. Below are some quick tips for our Contractor friends:

1. Arrive with a script. After introductions, you are expected to deliver a message about your company history, related experiences, project team structure, project delivery approach and value engineering opportunities. Placing the Board of Directors in the position of interrogator is not a comfortable role for them and not smart business. You should want to pace of the conversation. You should want to impress at the interview, not just survive the interview.
2. Do not provide too much detailed information. The Board knows you are smart and experienced, that is why you are there. They know you have a great business model; this is how you have survived the economic downturn. This is a 45 minute interview, keep it at a high level and keep the message clear and concise. Stay on topic.
3. Do not talk about your needs.

To help the Board of Directors understand what they should listen for or ask about during the interview, here are a few basic questions:

1. Can you tell me about projects similar to ours that you have completed and who on your staff participated in these projects?
2. What is the composition of your project management team?
3. What responsibilities or limitations of authority do they have? Company

- President, Estimator, Project Manager, Superintendent, Foreman, etc.
4. Who will be the primary contact during the course of the project?
 5. Will that individual be on site the entire duration of the project or just occasionally?
 6. Who is his/her back-up during vacations, illness or other business distractions?
 7. Do you hire staff just for this project or are they all full time employees of your company?
 8. The Project Request for Proposal (RFP) requires weekly schedule updates. Are you planning to keep us updated weekly (MS Project) so we know what is going on and can plan (hopefully weeks ahead) accordingly?
 9. How much of the work will be performed by your company and how much will be performed by other companies? Please break that down by trade (e.g., roofing, painting, waterproofing, demolition, steel work).
 10. This is our community and our homes. How are you planning to run a safe construction site?
 11. Do you have company safety training and procedures?
 12. Who in your company provides safety audits or inspections to confirm compliance with law and your own company procedures?
 13. Do your sub-contractors have the same safety records and awareness?
 14. How do we distinguish your employees from sub-contractors during the project?
 15. Do you have any safety rules or procedures we as homeowners should follow?
 16. Have you worked up a preliminary schedule? Do you have an idea of how much time this project will take to complete?
 - 17) Will there be times when we can't get into our homes or parking spaces due to construction activities? Will we need to move anything or park elsewhere?
 18. How do you plan to stage materials and construction vehicles? Will you take all of our Guest Parking and more?
 19. How many workers are we likely to have on site at any one time?
 20. Do you plan to have a construction trailer and portable toilets or will you use our facilities?
 21. During construction, should we continue our landscape maintenance or modify the maintenance scope?
 22. Should we turn off or cap irrigation lines?
 23. Should we expect damage to our landscape?
 24. Changes happen due to unforeseen issues like dry rot. What are your recommendations for handling Change Orders (change to project price and or schedule) so the project does not get slowed down or stopped while you are waiting for approval of the Change Order?
 25. Based on your experience, are there any aspects of the work on our project likely to have significant Change Orders?
 26. We are motivated to repair and maintain our community with quality work but would like to have the work performed in a cost effective manner. Are there some areas where you have identified some possible savings? Will you elaborate?
 27. If we decide to go with your firm, are you prepared to accept our contract or will there be some details to work out?
 28. Assuming we have a signed contract, how long will it take for you to mobilize and get started?

Good luck with your own 'first dates', interviews and projects. ●





JUDITH HANSON, DCAL IS PRESIDENT OF ALIANTE MASTER ASSOCIATION AND A MEMBER OF THE SUN CITY ALIANTE BOARD OF DIRECTORS

Building Communities

by Judith Hanson, DCAL

Sun City Aliante has been in the process of building communities since 2009 when the community became a homeowner board.

For our recent "Hawaiian Sunset Festival" we partnered with Las Vegas Entertainment and had some amazing things for the children to do ... bungee jumping on a trampoline, a climbing wall, and two styles of water slides. Our disk jockey was interactive with children and adults alike. The hula-hoop contest is always a hit no matter what your age and when you do it. It was popular when I was a kid, but I still can't get the hip action and the hoop action to combine and make a beautiful combination. My favorite activity was getting the kids to try and do the hula. It was great fun to see our hula dancers get kids on stage and try to have them shake their hips in rhythm to the music. But more important were the smiles on the kids' faces as they approached the stage. It didn't matter to

them if they could hula or not. It was the fact that they were invited onto a stage and could share their pleasures with parents, grandparents, and friends alike.

The community association provided free leis to the parents and small beach balls to the children along with free snow cones and water. Those who wanted to eat had the opportunity to purchase food.

As in the past, this event was held at Deer Springs Park in Aliante. We are blessed to have three parks within our community – Discovery Nature Park, Aviary and Deer Springs.

'Discovery Nature Park' has become so popular with outside folks because of the Dinosaur Park (a magical play area for children), the waterfall, all the green grass for picnics and weddings, and of course the horseshoe and volleyball courts.

'Aviary' is our sports park where basketball, soccer and baseball are popular throughout the year.

'Deer Springs!' What can I say? It is a small park adjacent to Goynes Elementary School and lends itself well to our community events.

Are we done yet with adding to our events? I say no. Let's see what 2014 brings – a movie night, a car show, or something else that will be on a smaller scale but also special to a different group of our residents. Stay tuned for more activities in the future from Aliante Master Association HOA. ●





ROBERT ROTHWELL, PH.D., DCAL IS CHAIR-ELECT OF CAI NATIONAL CAVC, A MEMBER OF CAI NATIONAL BOARD OF TRUSTEES AND A MEMBER OF CAI NATIONAL GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE

CAI is Working for You!

Researched by Robert Rothwell, PhD, DCAL

CAI is your link to legislatures, regulatory bodies and the courts, representing the interests of community association residents and professionals before the United States Congress, Federal Agencies and a multitude of other policy setting bodies. Additionally, as state governments grow more active, CAI National works closely with Chapter Legislative Action Committees (LAC) to protect member's interests.

This aspect of CAI overall Government and Public Affairs program is vital in preserving the legal rights of community associations and their homeowners.

This is the seventh in a series providing you with accepted CAI Public Policies.

CAI – POLITICAL ACTION COMMITTEE

The Community Associations Institute Political Action Committee (CAI-PAC) is our members' way of supporting legislators who stand up for community associations.

CAI-PAC raises money to contribute to federal candidates who support our communities, management companies and businesses. It also serves as a conduit to raise CAI's profile with federal decision makers and encourages CAI members to become more involved in shaping important federal policy issues critical to ensuring healthy communities.

In 2011, CAI made great strides protecting your community and business on key federal issues. With the federal government dramatically changing the rules for who gets a mortgage, for what type of home and in what type of community, the stakes could not be higher. In the past year, CAI has focused its efforts on:

... Working to ensure fair FHA condominium underwriting guidelines.

... Successfully opposing a federal regulation on transfer fees which would have cut-off nearly 11 million homes in community associations from federally backed mortgage financing.

... Providing expertise to several government agencies as they create the new regulations for mortgages to ensure fair and affordable access to mortgage financing for association property owners.

... Providing community association perspectives on the larger issues of ensuring the flow of capital into the mortgage markets if Congress eliminated Fannie Mae and Freddie Mac as part of the reform of so-called Government Sponsored Enterprises.

Thanks to the work of our members, CAI has a growing list of allies in Congress on both sides of the aisle. Former Congressman Barney Frank (D-MA) and Senator Scott Brown (R-MA) sent personally drafted letters to FHA to help condo owners in their fight against onerous and arbitrary underwriting regulations. Our list of friends will continue to grow as we support legislators who stand up for our communities.

CAI's success at the federal level has been the result of a combination of lobbying, grassroots activities and political action.

CAI-PAC looks to supplement, support and super-charge our efforts in federal advocacy.

As CAI-PAC grows, the voice of the community associations industry will reach a broader audience.. ●





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Volunteering, Learning and CAI

by Lane Durgin, DCAL

My first CAI published article was on the subject of 'Volunteerism' and appeared in the July 2011 issue of *Community Interests*.

Now it's 2013, and, in those two years, I have gained a wealth of experience and knowledge that has helped me become a better, more involved, more educated community leader and Board member.

In this article I strongly recommend that all folks involved in Homeowner Associations attend the many education seminars offered by our CAI Chapter.

The educational seminars that our CAI Nevada Chapter offers are of great value to all who attend and, even if you are not a Board member, by attending these classes offered by CAI, you will acquire a far better understanding of how a Board and Homeowners Association should operate.

I have been involved actively with Common Interest Communities in many positions for the past 20 years and, undoubtedly, the last four years attending CAI seminars have been the best ever. I have continued my learning path by recently attending two 2013 Legislative Update Seminars and will take an occasional refresher course and all the Advanced DCAL Seminars offered in Northern Nevada in the future.

These Advanced DCAL classes are 'jam packed' with great material and are so well presented that I flew from Reno to Las Vegas to attend the Advanced DCAL class on Advanced Reserves.

I have continued to take advantage of this great opportunity since being elected in 2009 to the board of directors of the Fleur de Lis Homeowners Association in Reno. I have now received recognition by our Nevada Chapter by being awarded the coveted 'Dedicated Community Association Leader' (DCAL).

Currently, I am the Vice President of the Fleur de Lis Homeowners Association in Reno and President of a self-managed Timeshare Owners Association in Kihei, Maui, Hawaii.

All my training provided by our Nevada Chapter of CAI has been INVALUABLE!

I would suggest that everyone add these three words to your daily vocabulary ... VOLUNTEER ... PARTICIPATE ... LEARN!

If you do, you will become a true CAI homeowner leader ... and all those you influence, will be better off. ☺

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Ask the Expert

by Monte Kane, CPA

QUESTION: *Our homeowners association makes profits every year, but does not use the profits to reduce the following year's assessments so as to provide a benefit to the homeowners. What guidance can you give me on this issue?*

ANSWER: NRS 116.3114 states that, unless otherwise provided in the declaration, any surplus funds of the association remaining after payment of, or provision for common expenses, and any prepayment of reserves must be paid to the units' owners in proportion to their liabilities for common expenses or credited to them to reduce their future assessments for common expenses.

Check the "declaration" of the Association in the CC&Rs to determine if it has provisions that dictate what should be done with any surplus. If there are no such provisions, then NRS 116.3114 should be followed and you should notify your Executive Board.

QUESTION: *I was told that the CPAs for our homeowners association were hired because the management company does a lot of work with them and also because their fees are low. As much as I, for one, want to keep our monthly maintenance fees low, I have expressed my concern about the CPA's relationship with the management company and why the Board would choose a CPA firm solely based on low costs. The Board does not seem to care. Any recommendations?*


ANSWER: On one hand, you may not have to be concerned if your Executive Board really knows the CPAs who conduct the audit, and, further, if the Executive Board meets with the CPAs at least once per year. In connection with the annual audit, the Executive Board should have an understanding as to the CPA firm's responsibilities to the Executive Board as well as the Executive Board's responsibilities to the CPA firm.

On the other hand, you may have cause to be concerned if: (1) the Executive Board does not meet with the CPA firms before choosing one, and (2) if the Executive Board does not recognize the importance of open communication with the CPA firm on financial and audit issues that may come up from time to time.

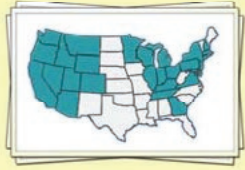
Informed Executive Boards recognize that the quality of an audit can vary from firm to firm regardless of the size of the firm, large or small.

CAI has a publication titled, *The Board Treasurer: Roles and Responsibilities in Community Associations*. Chapter 1 of the publication has 2 pages, dedicated to selecting the Association's Certified Public Accountant. The publication can be ordered by going to www.caionline.org/shop. ●

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CHRISTIAN DIAMANDIS,
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SOUTH

Drug Bust in the Neighborhood! Really?

by Christian Diamandis CMCA, PCAM

I received a phone call from my neighbor and fellow Board member a few weeks ago informing me that my neighbor across the street was being raided. Two S.W.A.T. teams in big armored vans, 16 agents in full assault regalia: bulletproof vests, black visor helmets, heavy arms, smoke grenades. The community was shut down, no one in or out. I left my office immediately to find out what was going on.

I knew the house. It was a suspected rental, which had not complied with the registration policy for the community. The owner had never turned in a lease. We were always in the dark as to who was in the house, though we knew it was not the owner. The house was intermittently occupied: a couple young men now and then showing up. The Board was about to make a last ditch effort to find out who those men were when this happened.

When I arrived, the community was again accessible. I parked my car and went across the street, navigating the large S.W.A.T. vans and five police cars, to find out what was going on and to get the event number. The police informed me that it was a grow house and that two guns were taken along with twenty one mature marijuana plants. The stuff they pulled out: lights, bins, pots, plastic, and sundries filled the two vans that were there.

The Board decided to call an emergency meeting to deal with this issue. We looked at it as a clear-cut health, safety and welfare violation. Moreover, they were running a business out of their home, they had not complied with any rental registration requirements and they were in violation of city and local laws, also a violation of the governing documents. We sent out a meeting notice and notice to the owner giving ten days time and subsequently held the hearing. In the hearing, where no one showed, fines were levied on all counts with a hefty health, safety and welfare violation fine to boot. The Board was feeling justified in its actions since the main concern was not to let something like this happen again.

A few days ago my neighbor, the same Board member who first informed me of the raid and who is also an MD, chanced to see one of the men who had occupied the grow house and who was arrested in the raid. He was in the home's driveway taking items from the garage and loading them into his pick up truck. Curiosity got the better of him and he went to ask what was going on.

When asked about the raid, the man replied it was all a mistake and the grow house was done legally. He had a signed affidavit showing that he had a right to grow and smoke marijuana. He went on to explain that Nevada had legalized medical marijuana, but, they had not legalized dispensaries so what the law had done was make Nevada a "Right to Grow" state. He reiterated that he had done nothing illegal and he had signed Doctor's prescriptions. He stated that the plants he was growing were a legal number under the current laws, which he could grow for personal use.



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This was a real 'egg in your face' for my neighbor the Doctor and for the Board members.

My neighbor knew of the Doctor who had signed the prescriptions, though he does not hold him in high esteem. When he discussed it with me, I had to agree that the situation certainly had been thrown into a new light. The Board may have to rethink its actions.

That said: because the owner did not come to the hearing or submit anything in his defense, the Board had done nothing wrong. It had no way of knowing that the resident of the house may have been legally growing marijuana. Moreover, the police are not done pursuing the matter: they went all out to bust this house and they are holding back any dismissal of the case at this time, so the jury is still out on culpability.

The question now is: "if this case is dismissed, what then? What can the Board do to prevent this kind of legal activity?" That is a question for all Nevada board members when faced with this growing problem (pardon the pun).

Claiming that this is running a business out of the home does not fly since the product is for personal use. Proving anything else illegal is always difficult since the 'burden of proof' is on the accuser.

The only answer we could come up with is found in the Governing Documents. The CC&Rs in most cases have use-restrictions for homes and they state that units can be used solely for the purpose of single-family residency. If one or two plants are present, this use restriction is not a factor, but, in the case of a grow house *where three or four bedrooms are occupied by plants*, it can be argued that the home is *not* being used primarily as a single-family residence.

Again the problem becomes proving that the home is not being used as a residence. It always seems that the law favors those who would break it, not observe it. The Board thought about writing a resolution, but, it would be futile. Restricting a patient from attaining medicine would bring charges of pain and suffering caused by the Board's actions leaving the Board open to even greater liability.

It would seem all that is left is to quote Bob Dylan: "the times, they are a' changing." ●

RANDOM THOUGHT

"A bad neighbor is as great a calamity as a good one is a great advantage."

— Hesiod



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