

THE MAGAZINE FOR COMMON INTEREST COMMUNITIES

WHAT HOMEOWNERS NEED TO KNOW MARCH 2017





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AND A TRUE CELEBRATION OF CAI AND THE PEOPLE WHO MAKE IT GREAT: OUR CAVLS, MANAGERS AND BUSINESS PARTNERS! community



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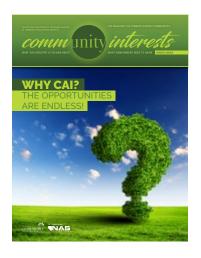
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President's Message

So, Politics, Shall We Talk?



April Parsons, CAI Board of Directors President

es, I wanted your attention. I think I have seen so much on television and social media that I would not like to talk about it. But, it is something that makes one think about process and procedures of the city, our state, and our country. We are bombarded through the media with news believed to be of importance. At the end of the day, we all care about the things that have the most effect on us. Are my family and I safe and secure? Is my investment

in my home secure? Will my neighborhood continue to be maintained, have good schools, and well maintained streets? Will my taxes continue to rise?

In many ways, community associations are comparable to local units of government and management companies occupy similar roles to city or county administrators. The most important units of government (board members) generally are ignored by their constituents (homeowners) until they do something controversial. Why is it that in our industry we often have difficulty recruiting board candidates? Why do community managers struggle to get homeowners involved in committees or legislation? Why is it that board members seldom get the education and the training they need?

Luckily, the key is simple. CAI provides one of the best mechanisms to protect your most vital investment - your home and its value, education of community managers, sharing of best practices, meeting the best of the business partners, educating board members and homeowners. CAI is instrumental in assisting all of us and getting involved is easy. One of the most important aspects of this year is keeping up with the legislation and providing education



thereafter. Please support CAI's lobbying efforts during legislation as this helps us maintain the assets of our industry as a whole.

Here is your monthly reminder that the chapter is always in need of volunteers to serve on the variety of committees that we have. Our committees keep the chapter going and create exciting events for us to network and spend time with each other. Our Grassroots Committee needs you, your co-workers, and your next door neighbor to be involved; and it is simple. We just need your email address and we will keep you updated and ask for support on any proposed bills when needed. (See the Grassroots article for more details and how to join.) If you have not served on a committee before, this is your opportunity!

Find us and 'Like' us on Facebook at CAI Nevada.







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Editorial Exclamations

Top '0 the Mornin' to Ye!



Magazine

Chair

Committee

o, I am not Irish. Then again, I have heard people say that on March 17 there's a little bit of Irish in all of us! Who doesn't like St. Patrick's Day? Why? Why not? Wearing the green! Letting your hair down! Dancin' a jig!

Equally important this month is "Who doesn't like CAI?" Why? Why not? Meeting new people! Making new friends!

Networking that can bring big benefits socially and professionally!

"Why CAI?" is our theme this month. It's a valid question that elicits various answers. We all have our own reasons for our loyalties and dedication to CAI. For Chuck & I, CAI provides ample opportunities for giving back to our community, for feeling productive, and, of course, for making new friends!

This March issue emphasizes the abundant reasons why CAI is a vibrant and vital organization within the HOA industry. Be sure to read our lead article by Dr. Robert Rothwell. He provides some interesting aspects about CAI in So ... You Got My Money, Now, What's In It For Me? You might find some surprising benefits!

Adam Clarkson, Esq., presents a strong case (no pun intended) for the merits of CAI in Getting it Right the First Time by Adopting Standards that Matter to Homeowners. In the article, Clarkson makes the statement that "CAI has become the standard for the operations and conduct for community associations across the United States...." You won't want to skip this one.

Why CAI? Tonya Gale has a lot to say from a manager's perspective in WHY CAI? The Better Question is WHY NOT? Richard Salvatore chimes in with his perspective as a board member in CAI - Providing Tools For Success.

Still wondering "Why CAI?" One of CAI's mandates is to advocate for the homeowner. What better way to keep that commitment than by providing a platform for members to become involved in the state legislative process. Raising our collective voices is exactly what the Grassroots Initiative is all about, and Chuck Niggemeyer gives us another update

in his monthly article, Grassroots! Chuck's is not the only voice regarding advocacy. Check out the article by Matthew Green, reprinted from a CAI national blog, Answer the Call, Become an Advocate.

And just in case you are still uncertain about how the

legislative process works, Greg Toussaint provides a humorous yet factual article that spells out how laws are made in How the Nevada Legislative Process Works.

Every page in this month's issue should give you plenty of reasons for answering the question "Why CAI?" with a resounding "Why NOT?" CAI cares. CAI educates.

> CAI advocates. CAI promotes involvement. CAI goes to great lengths to inform and support all homeowners throughout the state of Nevada.

Why CAI? The opportunities are endless!

Vicki Niggemeyer



So ... You Got My Money, Now, What's in It for Me?

By Robert Rothwell, Ph.D., DCAL

Drink Starbucks? ... There's a discount for that. * **Use a rental car?** ... There's a discount for that. * **Plumbing repairs?** ... There's a discount for that. * **Watch movies?** ... There's a discount for that. *

These are *some* of the *many* discounts offered to CAI members throughout the country.

Bet you didn't know that!

But the benefits don't stop there. You can choose to use all of them ... or just a few ... but whatever you choose, YOU are the winner! These benefits are all equally important, so they are not listed in any particular order.

Let's take them one by one.

As Sophia would say, ... "picture this" ... a board member of a self-managed community has a problem with a huge sinkhole in the main street in his association. He is baffled; he panics and doesn't know what to do or whom to call first. He remembers that at a previous chapter luncheon, he met two ladies: one who worked for a restoration company,

and the other a community manager. He calls the manager and asks what to do. She immediately calls the lady who works at the restoration company who quickly sends a team of workers to his association to assess the problem and set up street barriers. She calls him back and tells him to call the association's insurance company. The insurance company calls in a team of engineers. The supervising engineer tells the board member to call the water department and arrange to have the water turned off. The board member then calls the community manager who he met to get a recommendation for a leak detection/ plumbing company. He is directed to call the lady from the restoration company and she tells him that her company can supply all the services he needs. Work is begun ... progress is made ... stress level decreases significantly ... problem is corrected

... everybody is happy.

Overview: The company of the lady he met at the chapter luncheon was awarded the \$100,000 repair/restore contract covered by the

Like Italian food? ... There's a discount for that. *
Like to travel? ... There's a discount for that. *
Like 'fine dining'? ... There's a discount for that. *
Go to fitness clubs? ... There's a discount for that. *

association insurance. The board was so impressed by the help given by the lady he met at the chapter luncheon, who was a community manager, that she is now the community manager of that association.

This is the benefit of NETWORKING ... and it happens all time when you take advantage of the talent of the members of CAI.

Now their new manager is attending her first board meeting. Members of the board and different homeowners keep asking questions about things they should already have answers for. She recommends they all attend the CAI classes specifically developed for homeowners and board members. She tells them the classes are free and are a benefit of their CAI membership. All the board members and the committee members enroll in and attend the class on "Ethics." It is a lively, entertaining class, filled with interaction and information which none of them

had even considered before. The roundtable discussions during the class left them

with a desire and thirst to attend more classes. Over time, the board members become more and more knowledgeable about governing

an association and building a community. They also take advantage of the many free educational webinars offered by our CAI Nevada Chapter and CAI National.

Overview: Not only is the new manager organizing everything at their association, putting it on track to be recognized as a "Premiere Community," but she also has introduced the board and committee members to the award-winning EDUCATION programs offered to ALL members. She herself has taken advantage of various designations offered by CAI National, and used her role as manager to introduce the board to the high level of knowledge of our CAI vendors and business partners.

The board and committee members become more involved and engaged than ever before, and it "rubs



off" on the others living in the association. Attitudes change ... involvement increases ... neighborliness abounds ... friendliness spreads ... and a community emerges!

At one point, the members of the community realize that it seems there may be some "outside forces" that might not have the "best interest" of homeowner associations as a main concern. They realize these "forces" need to hear "the other side of the story" ... the story and opinions of the homeowners whom the laws affect. They watch the NEWS and contact their government representatives, not only on a city and state level, but also on the national level. Their "battle cry" becomes "Be involved ... at every level." They join GRASSROOTS and send emails to different representatives in national, state, and local government, expressing their opinions as homeowners and voters. "Many voices, joined together, are louder than a single voice" ... and this is so true with ADVOCACY ... as exemplified by CAI's involvement at both the state and national levels. Experts on all levels join together to give us the finest and fairest representation concerning all regulations that would affect us as homeowner associations as well as members of those associations.

Overview: Not only is it important to become involved in our own homeowner association, but, through our chapter Legislative Action Committee and National Government and Public Affairs Committee, we are given the means to have our voices heard on everything that affects us and our communities. Better than any other organization, CAI offers an avenue to do all this, whether you are a homeowner, manager, vendor, or business partner.

If you're interested in meeting CAI members from all walks of life and from all over the world, there's a place and time

for that too! The CAI Annual Conference (and this year it will be held here in Las Vegas on May 3-5) attracts the "best and the brightest" from every aspect of community association living. They will be presenting and sharing knowledge based on their experiences and best practices. You can "rub shoulders" with those who are dedicated to making our lives better ... learn from them ... and leave being thankful and happy that you attended.

Then there's the sense of PRIDE ... pride of membership ... pride of accomplishment ... pride of self-worth ... pride of sharing. There's no greater feeling!

Your membership in CAI offers so much more than is even covered in these few pages. The point is that every individual member has to investigate ... discover what is "in it for me" ... take advantage of as many benefits as possible ... share your findings with others ... improve yourself ... use what you have learned to improve your homeowner associations

... use what you have learned to improve your business ... use what you have learned to improve your empathy for the members of your association who are also your neighbors. On your computer, bookmark the webpage for CAI Nevada (www.CAI-Nevada.org) and CAI National (www.CAIonline.org). The opportunities are almost endless ... the time to begin is NOW!

 \dots and you thought all CAI did was take your money! $\ensuremath{\blacksquare}$

*At participating locations



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

March 2017

WHY CAI?

The Better Question is WHY NOT?

By Tonya Gale, AMS, SCM, CMCA, AMS, PCAM, DCAL

nyone can take a 60-hour class and a test to become a community manager in the state of Nevada. Becoming a manager is just a very small portion of the battle though. It is a game of sink or swim in this industry, and once you are a manager, you have to better yourself through education and hands-on experience; or, unfortunately, you will sink.

comfortable with the day-to-day, but

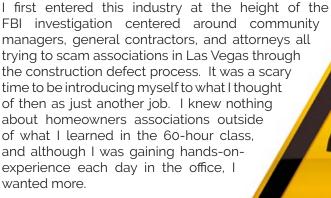
it wasn't until I joined CAI that my horizons expanded beyond belief. I started taking the educational manager classes. These were amazing because they were an interaction with other managers in the same position I was in, on a daily basis. The stories shared and lessons learned through other managers' trials and errors helped me from making mistakes. I too shared my stories hoping to enlighten those in the classes with me as well. You stop sitting in the back of the class and start speaking up and opening yourself up to those in attendance because you know you are making a difference by

PCAM, DCAL,

EPIC Association

the CAI Nevada

chapter BOD and is a member of



Enter Community Association Institute (CAI). With a couple of years under my belt as a manager, I was feeling more



LEARN HOW TO BE AN EVEN MORE EFFECTIVE BOARD OF DIRECTORS.

Education for homeowner leaders just got better. The new CAI Board Leadership Development Workshop teaches you how to communicate with association residents, hire qualified managers and service providers, develop enforceable rules, interpret governing documents and more. It provides a comprehensive look at the roles and responsibilities of community association leaders and conveys information to help create and maintain the kind of community people want to call home.

In addition to a toolbox of support materials, each student receives a certificate of completion and recognition on the CAI website.



being in the room.

Mark your calendars! MARCH 25, 2017, from 8 a.m. to 4 p.m. at the CAI Nevada Training Center, 9171 Flamingo Rd., St #100.

This is a required course for anyone pursuing a DCAL certification.







Be your best you, and get involved in something that will boost your selfconfidence, knowledge, and potentially your career, all while making a difference for the millions of homeowners who live in the thousands of homeowner associations in Nevada.

I began volunteering my time on CAI committees. I started as a membership committee member, then co-chair, chair, and now a board member for the Nevada Chapter. You become more confident in yourself, get to know more people in the industry, not just other managers; you create new bonds and friendships. I have helped grow and cultivate members in CAI and feel good inside when I accomplish something with a group of peers. Ask anyone on a committee and you will get the same response: they love being a volunteer on their committee because it is voluntary and you choose a committee that relates to you and where you might thrive the most.

I have educated myself through the amazing classes, seminars, and through conversations I have with others in the industry. I have taken these opportunities handed to me over the years through CAI, and prospered more than I ever believed I could. I went from an entry level position with a management company to owning, operating, and managing my own management company within just six years. I did it with the help of CAI, and I honestly believe I wouldn't have been so lucky if it hadn't been for CAI as a whole.

Why CAI you ask? Why not? If you want to succeed in a career you have chosen in the homeowner association

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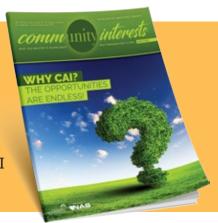


industry; if you want to be a board member who is knowledgeable so you do not have to rely solely on your manager or management team to help guide you in the right direction; if you want to be a better manager for your board members and homeowners; if you want to build relationships with vendors who are willing to assist you and your communities; if you want to thrive and educate yourself in an ever changing industry that will more than likely be around through the end of time - the time is NOW. Be your best you, and get involved in something that will boost your self-confidence, knowledge, and potentially your career, all while making a difference for the millions of homeowners who live in the thousands of homeowner associations in Nevada. WE WANT YOU ... to join CAI and see what a difference it can make!

Help Promote CAI

Buy a Magazine Subscription for Someone as a Gift

Do you have a neighbor, co-worker, or friend you would like to introduce to CAI? For only \$36 you can purchase a one-year subscription to Community Interests magazine. It's not pushy or overbearing, but it will reveal the many benefits of being a CAI member. And it's so easy! To start the subscription, call the CAI office: 702-648-8408.



CAI - Providing Tools for Success

By Richard Salvatore, DCAL

ommunity Associations Institute (CAI) is a national organization with chapters throughout the world. It is recognized as the best source for education and effective advocacy of national and state legislation for residents living in Common Interest Communities and Homeowner Associations.

Our Nevada Chapter remains very active in both the northern and southern portions of our state, providing quality education, working to prevent damaging state legislation, sponsoring a variety of networking events, and community-based charitable fundraising.

As a board member myself, I have found that the education I received has reinforced many of the decisions needed for operating a successful association. There is a saying, "too much knowledge is dangerous"; it comes down to the way you use this knowledge, preferably in a pro-active way. Let's look at some of the benefits of being a CAI member.

Education provided by CAI is a valuable tool. Whether you are a novice, veteran board member, or manager, the DCAL program covers topics such as Board Leadership, Financing, Risk Management and Insurance (a biggy), Rules Creation and Enforcement, Building a Sense of Community, and more. The seminars will provide you with a better understanding and best approach for running a successful association. Instruction is provided by managers, DCAL members, and business professionals. Completing the DCAL program not only gives you a sense of accomplishment, but demonstrates to the homeowners in your association that you are dedicated to serving your community.

Legislative Action Community (LAC) is another valuable tool. The LAC committee diligently follows the state legislature on your behalf, following ongoing issues that could potentially impact CIC/HOA communities. The Nevada LAC also employs a full-time lobbyist to monitor current and new legislation and any possible impact it could have. Dealing with lawmakers is never easy, not with all of the corporate special interests trying to sway lawmakers their way. Being a lobbyist is no easy task. Take the issues regarding HOAs for instance. In Nevada, there

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are approximately 3,100 homeowner associations and growing each year.

Now, just say each association has a three-person board and each one is a CAI member, that would be about 9,300 members. The CAI Nevada Chapter has about 1,100 members or 15 percent. This is not a strong number for the lobbyist to work with, making the job that much harder.

Grassroots is where a lot of legislation begins, from people dedicated to a specific issue who bring it to lawmakers for action. Grassroots sends emails to members and non-members keeping them informed of ongoing legislation. In turn, Grassroots provides its members a method to speak out on legislative bills that could have an impact on communities. You can have a voice in making sound legislation. Do your part and sign up for Grassroots today.

Networking events such as monthly luncheons or breakfasts which have a variety of guest speakers, golf tournaments, bowling, just to name a few, are great opportunities for networking, meeting, and exchanging ideas with other dedicated community leaders like yourself.

Community Managers play an important role in having a successful association. Think about how much time and effort goes into operating your association; now, multiply that by 10 or 12. That's an average of time and effort a manager handles which sometimes can get a little overwhelming; where things can unintentionally get lost in the cracks. Managers and their boards need to work as a team, having each other's backs just in case something does get overlooked. Managers have a tough job! Wouldn't it be great for all board members to have a good understanding of the operation of the association, maybe catch some things that were missed before they become issues, or even take some of the Mickey-Mouse things off the manager's desk so he or she can deal with the more important things? Now, don't get this confused with micro-managing; as we all know, that doesn't work. It only causes more problems.

Managers are the key for board members to know about CAI, and the opportunities it can provide them. So I would ask all of the managers to take the time and urge each of your board members to become members of CAI; it will give them a better understanding of how an association operates, which in turn can help you.

Unlock the opportunities. CAI has the key.

Not up to date with the Chapter calendar? Send your email to marketing@cai-nevada.org for weekly updates.





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CAI – Count the Ways to Be Involved and Spread the Word

elcome to the 2017 Community Associations Institute (CAI) retreat. The retreat brought together managers, business partners and Community Association Leaders (CAVLs)* from across the United States for two days of meetings in Las Vegas.

Fields at Aliante. there is a networking benefit from CAI even for the board members and the homeowners who serve on committees. With all that being said, how do you spread the word?

DCAL, Director CAI Board of Directors,

Treasurer, the

Spreading the word about CAI and YOU is easy through social media - Facebook, Twitter, LinkedIn, Instagram, YouTube, and the newest invention, Gaggle. What is Gaggle? It is a blog opportunity just like the ones we are already familiar with. CAI will supply the messages to you, and you post only the messages you want. More information can be found through their website, www.gaggle.net. You can find the local CAI Nevada Chapter on all of these social media sites by searching CAI Nevada. While on the CAI Nevada website, be sure to check out the video education programs that Nevada DCALs have posted.



meaning of governance, what makes a great board, and why other boards fail, and (2) growing the CAI brand and retaining members. I have decided to make my article a two-part series concentrating on retaining members and growing our brand, whether it is at the national or local level. Growing our brand and retaining membership has become a challenge for our local chapters as well.

Since you are a member of CAI, you obviously feel that this organization is beneficial to you either as a board member (education), a business partner (networking specifically), or a manager (networking, education, and staying in touch). So, if this is the case, why don't you spread the word about being a member of CAI, what you have gained through the experience, and how it has or can help you grow your business? In the same tone, why don't board members/homeowners do the same thing? Obviously,

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CAI knows there is strength in numbers. That's not only true in CAI, but in your own community as well. You, as a board member, were elected to your position by your neighbors and your friends in your homeowners association. These people saw something worthwhile in you. They believed in you and elected you to be their voice for concerns, as well as their applause, regarding the association they are living in. Obviously, this was strength in numbers voting. These homeowners know, just as well as you, what it takes to make a community association a preferred place to live.

For these homeowners to continue having confidence in you, education becomes important; and CAI has many educational opportunities, not only at the national level but at the local level as well. What kinds of CAI education have you taken part in? Do you believe it has been beneficial? If so, help spread the word to others through word of mouth to friends, fellow board members, homeowners, and by using the social media sites that I mentioned above. They too might be interested in learning more about the associations that are important to them.

There is no better time to be a part of a network than now when the Legislative session is ratcheting up hundreds of bills, some of which are good and others that are bad. Help the cause by being an active member of Grassroots. Encourage your neighbors to join. It's a win-win: providing a platform for involvement in the legislative process AND spreading the word that CAI is an organization that cares about homeowners. That too will help increase membership in the organization.

CAI has developed a series of videos and is expanding that selection. The one that really caught my eye was for homeowners entitled. "Home Sweet Home." You can take the two or three minutes to watch it by going to the CAI website, www.caionline.org.

There are many other easy ways to spread the CAI brand. CAI has tag lines that can be added to your email signature line. There is a fun contest on the website to select the best pet photograph which will be featured on the cover of Common Ground. Plus, they are looking to add On-Line Chat to CAI in the second quarter of 2017. Right now, there is a forum that can be accessed and responded to daily which can be especially beneficial to board members since a wide variety of subjects are touched on such as reserves, landscape issues, etc.

New webinars are being added in 2017 to complement the current one on homeowner education in "Board Development Leadership Workshop," the replacement class for "ABCs of Running a Board" (Essentials). An onsite "Board Development Leadership Workshop" will be held at the Las Vegas CAI office on Saturday, March 25 from 8 to 4.

There's always something new and exciting from CAI heading your way! Help spread the word!

The annual conference of CAI is coming to Las Vegas, May 4-6 at Caesars. During the conference, there will be a homeowners' seminar. Watch for details about this valuable, upcoming seminar in the April issue of Community Interests; and spread the word to your neighbors and fellow board members.

There's always something new and exciting from CAI heading your way! Help spread the word!

*What is a CAVL? A CAVL is a designation used by the national organization to recognize a Community Association Volunteer Leader. CAVLs can be homeowners, board members, retired managers or business partners.



CAI Webinar presented by **Nevada Chapter Member!**

On April 5, from 5 to 6 p.m. (PT), a CAI webinar will be presented by CAI Nevada Chapter's Marvin Tanner. The webinar is entitled: "Office in the Cloud: The Paperless Office in Community Associations." Community managers often go above and beyond for communities they manage, which can entail answering after-hours requests for board meeting minutes or other association documents. Now, new cloud technology can easily deliver those items via text or speech format in a few clicks. Find out how your association can migrate to a paperless office, and how to get buy-in from your board, the technology available, and best practices for advancing your association virtually. To register or for additional information go to www.caionline.org.

2017

Putting the Legislative Pieces Together

By Barbara Holland

o you like jigsaw puzzles, the ones that have over 500 pieces? If you do, then you will enjoy following the various federal and state court decisions pertaining to Nevada associations and their foreclosures.

FirstService Review Journal on

"Who's on first?" Seems like the rulings change on a daily basis. So here it goes!!!!

In September 2014, the Nevada Supreme Court issued a ruling in SFR Investments Pool 1, LLC v. U.S. Bank and held that an HOA delinquent assessment lien is a true priority lien such that the HOA foreclosure extinguishes a first deed of trust on real property.

In August of 2016, the Ninth U.S. Circuit Court of Appeals issued a ruling in Bourne Valley Court Tr. v. Wells Fargo Bank, N.A. In a 2-1 decision, the Ninth Circuit Court found that the Nevada foreclosure law, NRS 116.3116,

> facially violated mortgage lenders' constitutional due process.

Specifically, the Ninth Circuit Court found that NRS 116.3116 created an "opt-in" notice scheme which required an HOA to provide notice to a mortgage lender of the HOA foreclosure sale ONLY when the bank requested notice.

> In addition, Wells Fargo argued that they did not receive notice that the

association's foreclosure would also extinguish their interest in the subject property. Wells Fargo believed that the association's foreclosure violated the "Due Process Clause" of both the United States and Nevada Constitutions. Wells Fargo maintained that the association's foreclosure amounted to an illegal "taking" under the "Takings Clause" of the United States and Nevada Constitutions.

The Ninth Circuit found this notice scheme to violate the bank's due process rights. The Court remanded the case for further proceedings.

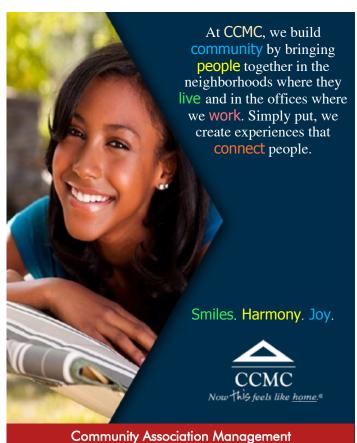
In January 2017, the Nevada Supreme Court disagreed with the Ninth Circuit in Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortgage, a division of Wells Fargo Bank N.A.

In this case, the homeowners had failed to pay their association dues and their mortgage payments. Both the association and Wells Fargo recorded notices of default and election to sell against the homeowner. The association conducted a nonjudicial foreclosure sale wherein the property was sold to Saticoy Bay LLC for \$6,900.

Saticoy Bay, LLC filed a complaint in District Court seeking an injunction to prevent Wells Fargo from foreclosing on the property and a declaration from the Court that Saticoy







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Bay, LLC was the rightful owner of the property, free and clear from any encumbrances or liens. Wells Fargo filed a motion to dismiss, arguing among other things that NRS 116.3116 violated the Due Process Clause and the Takings Clause of the United States and Nevada Constitutions. The District court granted Wells Fargo's motion. Saticoy Bay, LLC appealed the decision and to the Nevada State Supreme Court.

In its decision, the Nevada State Supreme Court noted the following facts: 1. NRS 116.3116 was enacted in 1991. 2. The association's CC&Rs was recorded in 1994. 3. Wells Fargo acquired its security interest in 2003. The Court concluded: "Wells Fargo was on notice that by operation of the statute, the (earlier recorded) CC&Rs might entitle the HOA to a super priority lien at some future date which would take priority over a (later recorded) first deed of trust."

With regards to the Due Process and Taking Clause issues, Wells Fargo argued that by enacting NRS 116.3116, the deprivation of Wells Fargo's property interest was the result of "state action" and the association was in an essence a "state actor." The Nevada Supreme Court ruled that "an HOA acting pursuant to NRS 116.3116 cannot be deemed a state actor." Noting that "several courts have recognized that nonjudicial foreclosure statutes do not involve significant state action so as to implicate due process." In fact, the Nevada Supreme Court specifically noted the rejection of Bourne Valley in its decision. (Attorneys, please forgive me for simplifying the various legal discussions in this decision.)

So, we now have two different pieces of a puzzle and it is not clear which one fits. On the one hand, Bourne Valley arguably remains the law in federal court; on the other hand, the Saticoy Bay is now the law in Nevada state court.

Will we see this legal "debate" continue with an appeal to the United States Supreme Court? Let's hope not. We would like to finish this puzzle so that we all know the "rules of the game."

Why is the Saticoy Bay decision so important? Had the Nevada Supreme Court agreed with the Federal District Court that NRS 116.3116 was unconstitutional, we would have had a major nightmare. The decision would have been far reaching as, if not all, a vast number of HOA FORECLOSURES would have been done pursuant to an unconstitutional statute. What if you had purchased a home that was foreclosed upon from an association as your primary residence only to be informed that you owe the bank money or lose your home? The economic impact would have been incredible.

There are still more decisions to come that will eventually help us to complete this jigsaw puzzle.



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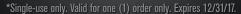
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March 2017

Legislative

'assroots!

By Chuck Niggemeyer, DCAL





Niggemeyer, DCAL, CAI Nevada chapter treasurer, Vice Chair of the Nevada Legislative Action Committee and President of Sage Hills BOD

he 2017 Nevada Legislative Session kicked off February 6. The Legislative Action Committee (LAC) is still building support at the Grassroots level for common sense state legislation that will benefit common interest community associations.

There are currently over 800 Bill Draft Requests (BDRs) being watched (as of January 13). A major concern for homeowners throughout the state is that we are still anticipating efforts to undermine gains and protections for the Super Priority Lien which were achieved in the 2015 session.

As the Vice Chair of LAC, I am once again asking you to support the Grassroots effort by utilizing your voice in the

Nevada Legislation. Grassroots is so easy to join. You don't need to be a CAI member; all we need is your name and email address. That's it!

Managers, we need you and your association board members to join Grassroots. By the time the middle of the legislative session rolls around, there will be hearings and votes on very short notice. We need to have established contacts which will make spreading the word more efficient and effective.

How important is this? It's just a few bills, right? Consider the startling facts that Matthew Green published in a recent article, Answer the Call, Become an Advocate, distributed by CAI National online. He says: "State legislatures were 17 times more productive than Congress last year ... The previous (113th) Congress introduced 9,252 and passed 352 bills; the

states in comparison introduced 180,808 bills and passed 45,564." (See full article on page 20 of this issue.)

Homeowners throughout Nevada are a silent majority; powerful in numbers and opinions, but unfortunately silent in action and involvement for the most part. The strongest component of our effort to protect homeowners' interests in Nevada is YOU!! Talk to your neighbors, friends, and anyone you know who owns a home in our state and sign them up!

In the Las Vegas Sun, Tuesday, January 17, 2017, Jason Frierson, Speaker of the 2017 Nevada Legislative Assembly, and Aaron Ford, Majority Leader of the 2017 Nevada Senate, shared a letter to all Nevadans which ended with this plea: "We are here to listen to what Nevadans tell us they need from their state government. ... We invite you to get involved with the legislative process and join us in working together to make Nevada a great place to live, work and raise a family."

Anyone can sign up! Simply go to www.cai-nevada.org, select the "Advocacy" tab, Grassroots, Join Grassroots Initiative. GET INVOLVED.

GRASSROOTS, ARE YOU LISTENING? JOIN NOW!!



2017

Grassroots

Worked Well for Me!

By Howard Jenkins

s a member of the Grassroots Initiative (I receive the emails requesting input on pending legislation) I'm very pleased with the process. I signed up before the 2013 session and have participated ever since. The emails, when received, are thorough and all the links to the state legislature website and specific email addresses of members of the legislature work almost every time. The links to specific bills always worked, and of course, while there, you could always "thumbs up" or "down" in the opinion box.

BOD Treasurer/

This process makes it very easy to let one's opinion be known, whether favorable or not, on pending bills, or letting a specific state lawmaker(s) know what one thinks of his or her bills. It's very comforting to realize that we have a voice. I dare say, a major voice.

Many thanks to the Nevada Legislative Action Committee (LAC) and the Grassroots (GR) folks for doing such a great job of letting the members know about bills that could affect their associations and/or home ownership. Many pending bills are confusing, poorly written, not well thought out, consequences not known, and may be basically bad laws; the GR committee does a very good job of moving away the fog and getting to the gist of the bills. Kudos for that! Sometimes it isn't easy to convince a member of the

legislature the "errors" of their ways, but between our input and the CAI lobbyist one cannot help but feel empowered by this process. I am looking forward to continuing this process so that state lawmakers know how I feel about bills in the 2017 session.

A nice touch from the GR folks is that after the legislature has finished their business for the session, a very nice recap email is sent out sharing information on those bills that passed and were signed by the Governor to become law. I often wish during the session I could get more feedback on a real-time basis.





How the Nevada Legislative Process Works

By Greg Toussaint. DCAL

o paraphrase Otto von Bismarck: There are two things that are not pretty to watch being made - sausage and laws. Out of concern for those of you who might be reading this before dinner I will spare you my fascinating dissertation on the proper methods of making sausage. So, let's look at how laws are made in the state of Nevada.

In every odd-numbered year, the State Legislature meets in session for 120 days starting in the first week of February. Nevada has two legislative bodies: the State Assembly and the State Senate, both of which must pass identical legislation before the governor can sign it into law. Simple enough, right? Well, as they say, "the devil is in the details." Let's look at the whole process.

The Ingredients

Like sausage, legislation is made from ingredients. Various people and organizations draft legislative changes by creating Bill Draft Requests or BDRs. These BDRs eventually become bills once the legislative session begins, and it is these bills that become the legislative ingredients that will be the major work of the legislative session.

A bill will first be considered by either the Assembly or the Senate depending upon the chosen house of origin. If a bill were numbered SB123, it would be a Senate Bill; AB321 would be an Assembly Bill.

The Recipe

So now the work begins. Most bills that deal with Community Associations (CAs) are sent to the Judiciary Committee of either the Senate or the Assembly. The Judiciary Committee's job is to review the bill, conduct hearings in open session where citizens can offer their views and finally vote for or against it.

The Chopping

Sounds simple doesn't it? Well, it turns out that sausagemaking is really messy. The Judiciary Committee may want to make changes to the bill based on input gathered at a hearing or from members of the committee. Or, they may wish to merge portions of two different bills into one. They might even want to incorporate language from another bill that was previously voted down into a bill under consideration. Such bills are often referred to as Zombie Bills because they never seem to die, even after being voted down. All these changes would usually trigger another open hearing and the chopping continues.

The Grinding

But it gets worse! To simplify the committee's work, a subcommittee is often formed to review multiple bills of a similar nature, like, for example, CA bills. This subcommittee will have open hearings instead of the committee as a whole. Then when the subcommittee has approved the bill it has to go to the full Judiciary Committee for a final decision. In some cases, this could trigger another hearing and possible changes. The fact is, it's quite common to have multiple hearings and revisions before the Judiciary Committee has finished their work on a bill. What a grind!

But wait, only the Judiciary Committee has approved the bill. Now it must go to the full house (Senate or Assembly) at which time amendments may be considered and adopted.

The Stuffing

Even when the House of Origin has approved the bill we're still only half done, because now the other House has to go through the exact same process. That should be easy right? Well, not usually. The Senate Judiciary Committee may want to make amendments to the bill already passed by the Assembly and this will take them through the very same steps that the Assembly committee went through.

Once the Committee has passed the amended bill it must take it to the full House at which point amendments can be proposed and adopted. It's pretty amazing what can get stuffed into what was originally pretty simple legislation.

But finally, the second house has approved the bill. Just send it to the governor!

Whoa, wait! This "amended bill" is not the same as the bill approved by the first house. Now what? Well, ideally the two houses can agree on which version of the bill to adopt and then the bill can be sent to the governor... but that's not the norm.

The Grilling

What usually happens is that a Conference Committee, consisting of three members from each house, meets in closed-session to resolve the differences. Unfortunately, this is a point at which all kinds of new stuff can get added in, while other stuff can be removed as the legislators haggle over terms. There's a lot of pressure on the Conference Committee; unless they can agree on something, the entire bill will be lost. Once the Conference Committee has agreed on a final bill, both houses must approve it by voice vote by which time it is generally just a formality.

Whoa... I ordered Italian sausage, this looks like German blood sausage! Oh well, maybe I'll like it after all. It is sausage.



Time for Dinner?

Man, you can almost smell that sausage on the grill, can't you? Well not yet.

It still has to go to the governor for his signature. Come on Gov! The bratwurst took us a long time to make, so please sign the bill and let's eat!





Answer the Call, Become an Advocate





By Matthew Green, CAI National

hroughout the year CAI will need your help in telling your story to elected officials of how legislation will impact you and your community. Whether you live in or provide services for a community association, legislation will be introduced this year that if passed could impact your home, community and pocket book.

State legislatures were 17 times more productive than Congress last year, and change does not appear on the horizon. The previous (113th) Congress introduced 9, 252 and passed 352 bills; the states in comparison introduced 180,808 bills and passed 45,564. In 2017, CAI and our state volunteer Legislative Action Committees (LACs) will sift through all pieces of legislation. History has shown that in all about 1,000 pieces of legislation will be introduced that directly impact community associations and about 125 of those will become law.

The 1.000 bills that were introduced at the state level across the country and are directly relevant to community associations come from a variety of sources. Some are pushed by our LACs to promote the ability of how associations may govern themselves and increase homeowner protections. Some are pushed by trade

and industry organizations to promote their bottom line, increasing returns to stakeholders at the cost of homeowners and associations. Legislation may also be introduced by legislators who hear from a constituent on a personal crusade against community associations. Statistics show 87 percent of homeowners that live in a community association have a positive or neutral experience, yet the 12-13 percent who reportedly have an overall negative experience will drive a majority of the pieces of legislation to being introduced.

CAI believes community associations should have the authority to govern themselves. Each community has its own history, personality, attributes, and challenges and most issues are better addressed among neighbors within the community not by legislators.

However, the squeaky wheel gets the grease. When that one constituent calls their legislator day in and day out to complain about their community, the legislator wants to help that one constituent and does now always realize the implications on the other 99 homeowners in the community. This is when your voice is especially crucial, and the consequences of inaction are far greater than the commitment to act.

We hope you answer when we send out the calls to action. It does not take as much as you think to advocate. CAI has technology that connects you to your elected officials. [Grassroots!] Our volunteers craft messaging to emphasize the importance and effect of the legislation. We provide you a fully-editable template message (phone, email or social networking) that you can personalize as much as you like. You can also choose to simply enter your information and click "send"; in as little as 30 seconds you will become an advocate for your community. Together we are stronger and our unified voice is louder.

Thank you for taking action! If you are interested in learning more about our advocacy efforts, visit and explore www. caionline.org/advocacy and cai-nevada.org, click on the advocacy tab.

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Getting it Right the First Time

by Adopting Standards that Matter neowners



By Adam Clarkson, Esq., NVEBP

ust as there are rules of physics in the universe, there are rules of real estate operation, keeping professional standards of conduct at the highest level.

One of the men who established the earliest set of rules on physics, Isaac Newton, said: "If I have seen further, it is by standing upon the shoulders of giants."

In many ways, that's how CAI works. We get to learn from the experience of other HOA professionals. From that, CAI has had a hand in developing national standards for operating real estate from the position of HOA board members.

There are nationally accepted — and proven — methods for maintaining value in communities and individual homes.

In Nevada, where practically all of the homes were built in the past 20 to 30 years, standards had everything to do with surviving the long, cold economic downturn from which we are finally emerging.

For the most part, grounds, common areas, were kept up. Greenbelts managed to be maintained. Clubhouses stayed open and pools were operational — all of this in a time of severe economic downturn in the state that was hit the hardest by foreclosure.

That's thanks in large part to the fact that there is a "book" - a right way and a wrong way to do things. To a large extent. CAI and its adherents wrote that book.

We do seminars and workshops on behalf of CAI members. We also video-record and make public many of the classes we teach because we believe in the value of the material.

For new HOA board members, we believe this kind of instruction, this adoption of CAI's rulebook, will not only keep community associations running smoothly, but they can also help keep them out of the courtroom and assist in finding common ground with members of individual communities.

Things change. People change. And their needs change as well.

The driving force behind CAI's legislative initiatives has everything to do with protecting homeowners' values and the ability of board members to protect those collective home values.

The driving force behind **CAI's legislative initiatives** has everything to do with protecting homeowners' values and the ability of board members to protect those collective home values.

Perhaps the most sweeping role of CAI is its advocacy before regulatory bodies including state legislatures.

It is a rare session of the Nevada Legislature where HOA issues do not play a major role in the legislative discourse. They can be contentious at times. But they can also be extraordinarily helpful, not only in protecting board members, but also the homeowners whom they serve.

On a national level, it is a model that appears to have worked and worked quite well. According to a 2016 study conducted by the Foundation for Community Association Research, 66 percent of homeowners say their HOAs protect and enhance their property values. Some 84 percent see their HOA board members as serving the best interests of the community. And two-thirds, 67 percent, say their community associations provide excellent value.

In our role as professionals, we are always striving to provide the best services. The very term "professional" means that we share information, that we are open to the needs of our clients, and that we take an active role in ascertaining those needs.

By all of those measures, CAI has become the standard for the operations and conduct for community associations across the United States and the world for information. innovation, and best practices for the industry.

Keeping Numbers Up!

By Tonya Gale, AMS, SCM, CMCA, AMS, PCAM, DCAL

o CAI, membership is more than just a number. We don't necessarily want to be at a certain number of members in our chapter, although we do set goals for ourselves to help us continue to grow. What we like to see is members continuing to renew their memberships year after year. Here are some of the ways the Nevada Chapter has pushed the boundaries in order to retain their members:

 There has been a substantial amount of venue, time. and event changes over the past year, with more coming in the near future, in order to switch things up and keep things fresh. Although at times it is difficult to keep costs to a minimum for everyone, we do understand being stagnant can cause people to pull back. We want successful and fun celebrations of CAI. So if you have a suggestion, please do not hesitate to let us know!

classes that provide value to not only our manager members, but also for our CAVL and business partner members. Managers are required to partake in a certain number of educational hours in order to retain their manager license; however, education should not stop with the managers alone.

Dedicated Community Association Leaders (DCAL) program to help educate board members who are interested in more than simply following the community manager's lead.

CAI has developed the

These educational classes offer real life examples of what business partners, attorneys, managers, and board members have witnessed over their time in the industry to help guide others down a successful path with their own associations. Educational classes for the business partners have also been established to provide educational direction from the managers and board members to the business partners in order to establish a clear understanding of what all parties are looking for when seeking proposals for work in the communities. With all major parties being included in the educational side of CAI, it has helped many grow and flourish with a new-found respect for each of the other parties involved in a project.

· CAI Nevada puts on fun events that are geared to pique a variety of people's interests in order to get everyone involved with CAI. It is the volunteers of CAI that really do make CAI a success, and the more volunteers we have the better. If you are not currently involved, we would LOVE to have you participate in

an event, help plan an event, suggest a new event, etc. New blood and fresh eyes are what keep us moving in the right direction.

· Getting the word out about CAI and explaining why it would benefit you as a board member, as a manager, as a management company or as a business

> doors for so many different companies and people. The success stories are overwhelming and make you

wonder why everyone doesn't get involved with CAI. Keeping the word about CAI circulating at all times will allow for the industry to continue to grow and thrive.

PCAM, DCAL,

EPIC Association

the CAI Nevada chapter BOD and

Follow Up, Follow Up, Follow Up. Follow up is key to retaining solid membership numbers. We want to know if you really liked something or if you feel something can be improved. CAI regularly emails and surface mails surveys in order to ensure the chapter is doing what it takes to improve and keep its members.

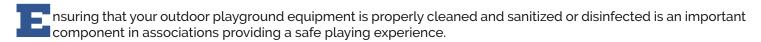
If we do not hear back from someone, we assume that person is happy and will continue as is without any changes. Allow your voice to be heard and be sure to reach out by any means to let us know if you have a complaint or suggestion. Constructive criticism is always welcome, as long as it is done in a respectful way! Please be sure to follow up with us after events, or even if you feel something could be done better, and we will take it into consideration!

Ultimately, our goal is to retain as many members as possible. Bringing in new people along the way is an added bonus! Careers change, people move and board members retire at times. These are completely understandable, but we want you to take what you have gained from CAI and pass it on to the next person. Let's try to keep as many members as we possibly can by working together in retention!

Clean Playgrounds Make Happy Parents and Healthy Kids

CPSI - Park Pro Playgrounds

By Rod Beber



Your playground is a magnet for everything a user, or the environment, can hand out. It attracts kids eager to play; and often sends parents scrambling to Quick Care with the latest round of whatever is going around. Unfortunately, it is a depository for microorganisms and bacteria. On a playground, bacteria, fungi and viruses pass from small hands to play equipment. This attaches to the next users' hands and is easily transferred.

With children's health and safety the main concern, ensuring playground equipment is properly cleaned and sanitized is a critical component in providing a safe playing environment for all users.

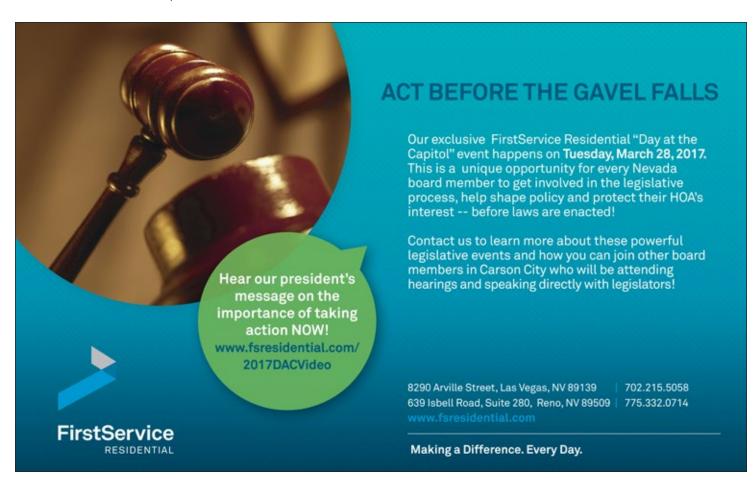
Taking steps by all associations to add cleaning and sanitizing of the equipment insures a safer environment for both children and the parents.

How frequently should playground equipment be cleaned, sanitized and disinfected?

Anytime there is an incident involving vomit, blood or other bodily secretions in the playground area, cleaning and disinfecting are imperative. Playgrounds should have, at a minimum, a quarterly maintenance program in place to ensure the equipment is safe and sanitized.

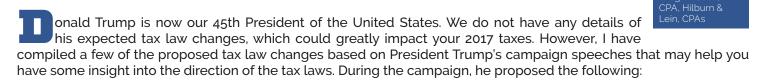
"Encourage parents and children to practice hand hygiene by posting hand-washing signage and providing convenient hand-washing facilities or hand-sanitizers near the playground entrance," McDowell says.

Our kids are well worth the time and effort! Make sure your playground is not only fun, but also safe and healthy.



Tax Planning with President Trump

By Greg Sinacori, CPA



- Individual Income Taxes President Trump would like to reduce the current seven individual income tax brackets down to three tax brackets. The 10 and 15 percent brackets would become the 12 percent income tax bracket; the 25 and 28 percent brackets would become the 25 percent tax bracket; and the 33, 35 and 39.6 percent brackets would become the 33 percent bracket. For taxpayers filing single, the first \$37,600 would be at the 12 percent rate, then up to \$112,500 of taxable income would be at 25 percent, and above \$112,500 the tax rate would be 33 percent. For taxpayers filing married filing jointly the first \$75,000 of taxable income would be taxed at 12 percent, then up to \$225,000 the tax rate would be 25 percent, and above \$225,000 the tax rate would be 33 percent.
- During his campaign, President Trump talked about increasing the standard deduction amounts. The standard deduction amount for single individuals would rise to \$15,000, and \$30,000 for married filing jointly. Itemized deductions would be capped at \$100,000 for singles and \$200,000 for married filing jointly.
- Personal exemptions would be eliminated.
- Regarding long-term capital gains: Tax rates for assets/investments held longer than one year, the

- tax rate would remain capped at 20 percent along with the tax on qualified dividend income. The President would likely repeal the 3.8 percent net investment income tax and repeal the Affordable Care Act (Obamacare) and replace ACA with something new.
- Alternative Minimum Tax For both individuals and corporations, the alternative minimum tax, would be repealed if President Trump has his way.
- Corporate taxes During the campaign, President Trump proposed capping the corporate income tax rate at 15 percent, with most incentive deductions and credits eliminated. The Republicans in the House of Representatives have suggested a 20 percent corporate income tax rate. The current top tax rate for corporations is 35 percent, so a more realistic top corporate income tax rate could end up closer to 25 percent.
- For multi-national corporations, President Trump has proposed a one-time deemed repatriation tax of 10 percent to be levied on corporations with cash held offshore.
- Estate and Gift Tax President Trump would push for the estate tax to be repealed except for capital gains exceeding \$10 million that are held until death (no stepped-up basis). Currently, more than 99 percent of all taxpayers are exempt from the estate tax because the exemption amount for singles is \$5,450,000 and for married couples with proper estate planning, \$10,900,000.
- The gift tax and generation-skipping tax would also be repealed per the President's campaign promises.

President Trump is expected to move quickly regarding tax reform. After taking the Oath of Office, this should be one of the top agenda items in his "100 Day Plan." However, the House and Senate will make sure they get plenty of media coverage and could easily take all of 2017 before any tax legislation is ready for the new president to sign. Even without a "super-majority" in the Senate (60 votes), the Republicans can use the same budget reconciliation rules that George W. Bush used in 2001 to make tax changes with just a simple majority. So, keep all of this in mind as you are working on your taxes.

My Own Private Island

By Dawn Osterode, CMCA, AMS, PCAM

h, our own private island, sounds nice, right? Well, I'm not talking about a lush tropical paradise, with our toes in the sand and a refreshing beverage nearby. I'm inviting you to travel to our own personal private islands in our minds. What does that mean, you say? Have you ever noticed that our days go by so fast, that we stay tuned into fighting those fires and managing daily lives, that we hit the end of the day and can find ourselves saying, "Why does this always happen to me?" Or, "Is anyone else really this busy?"

Dawn Osterode, CMCA, AMS, PCAM Nevada Supervising Community Manager, Nevada Reserve Study Specialist, Associa Sierra North/ Associa Reserve Studies Nevada

Our roles as community managers and board members can feel overwhelming at times, and you truly feel like you are alone on a desert island with no life raft in sight. For those of us who have traveled the bumpy seas year-after-year, we've learned an important lesson a few years in, that we are not alone. Much of what we encounter has been handled before and is not a pathway of a road less traveled. We begin to divert our attention to those who have done it before, learning from our colleagues who have been there and done that. As we begin to open our eyes and absorb the knowledge of those around us, we find strategies and tools that help us calm the waves of chaos that this profession can often create. Instead of being lost in the storm, we strengthen our boat and crew to ensure, as the captains of our ships, that we sail to calmer waters and have a strategic plan for the future.

Community Association Institute (CAI) was structured for this purpose: to gather the best knowledge and tools to share with our colleagues, and grow the managers of tomorrow while supporting the continuing education of those seasoned veterans. I think we can all agree that

those seasoned veterans. I think we can all agree that

this industry is never stagnant; we are always facing new challenges, sometimes daily. Instead of feeling like we are alone in this struggle to resolve a dilemma we have excellent resources available to use through CAI.

Many of us may only see CAI as a resource for obtaining industry credentials and continuing education for renewals. However, we sometimes need a gentle reminder that CAI not only provides us the latest industry education, but access to a library of resources such as booklets, pamphlets, and articles covering issues that communities struggle with every day. Instead of reinventing the wheel, as a member of CAI, we have a valuable library of knowledge to help us troubleshoot common issues that we all deal with across the nation.

Whenever you feel like you are alone, remember, we are all a team and here to support one another!



Northern Nevada Breakfast Gallery

Visit our Facebook page for more photos! Search CAI Nevada.

It may have been freezing cold in Northern Nevada with record snowfall amounts in January but that didn't stop our amazing Northern Nevada members from attending the January Quarterly Breakfast. Chapter President April Parsons, CMCA, presented our committee chairs with their stars.

Thank you to the following Northern Nevada committee chairs for working so hard in 2016. Tonya Bates, PCAM, Debora Costa, PCAM, Kelvin Voeller, Ron Wright, Norman Rosensteel, PCAM, Valerie Hand, Donna Zanetti, Esq. PCAM, Melissa Ramsey, PCAM, Cameron Starner.

A big shout out to our LAC Lobbyist Garrett Gordon, Esq., Norman Rosensteel, PCAM, Donna Zanetti, Esq., PCAM, John Leach, Esq. and Jeanne Tarantino, PCAM for teaching our Northern Nevada classes in January.



























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