NRED Commission
3300 W sahara Ave, #350
Las Vegas, NV 89102

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JAN 13 2022
Dept of Business & Industry
NV Real Estate Division - LV MAIL

Dear Commissioner,

This letter is somewhat unusual since it not only deals with a complaint but it demonstrates a potential flaw in this system. Over 10 years ago I became a Visana BOD member and not knowing anything about HOA's, I took a number of classes regarding NRS 116 and held discussions with various Investigators within the NRED Ombudsman's office. I discovered that there were very few investigators in the Ombudsman's office to oversee what now has grown to approximately 3,000 separate HOA's in Nevada. I was advised that the vast majority of the members of the various HOA's don't have a real estate background and usually serve on their BOD for a relatively short period of time.

I was advised that in order to ensure that the Nevada rules are enforced NRED relies on the professional management companies , through the CAM process, they are tasked to keep the HOA's from violating these rules and regulations. If a HOA CAM is aware of any violation they are to report it either to the NRED office or through their immediate in-house supervisor. All of these individuals are licensed by the NRED office. They are required to take classes every year to remain updated on any changes or additions to NRS 116. I believe that the management companies even have more responsibilities than an individual CAM to report any violations of NRS 116 or violations of law. Without basically relying on the almost 3,000 CAM's and their supervisors, the few NRED investigators in the Ombudsman's office, the entire system would be destined to fail.

I knew that a number of new NRED Commissioners were now on the Commission and that a new Ombudsman had also recently been appointed. With this information I submitted a written complaint (File No: 2021-1222). I was aware that there are specific time elements . I believe these are NRED policy time constraints rather than codified legal restraints.The Ombudsman's comments that Michele Diller submitted a fraudulent Statement in 2018 is correct. I listed this date solely to remind the Ombudsman's office that this had already been submitted to their office two years ago. Apparently there is a strange relationship between Firsts Service Management and the NRED office.

This is why I also listed Mr. Rees' failure to provide any documents that he even owned any Vistana property. In 2017 your office also advised our CAM that they could not verify that Mr. Rees had any Vistana Property. This was after the Vistana BOD requested verification. Your office called Mr. Joseph Rhodes, CAM, and ordered Vistana not to place him on the ballot. In 2019 the Ombudsman's office again called Mr. Rhoades and ordered him to place Mr. Rees on the Ballot. The Vistana BOD requested this in writing however Mr. Rhoades (First Service, CAM) did not receive anything in writing. I assumed that this would generate a search of NRED records to verify this information or prove that First Service provided false information to Vistana.

The second failure of my complaint was that I did not notify the respondent's last known address to try and settle this complaint was not completed. This too is correct since the current Vistana BOD is suing us for over $100,000 in State Court and our Attorney ordered us not to contact them. What procedure should I have done?

Please review the four statements of the individuals running for the Vistana BOD. These are two sided documents. They made numerous promises including giving every owner $13,000,no HOA fee's increase, another $4,200 per owner from surplus funds, a 2019 Civil Litigation Report and numerous other false statements. (hey lied.

Former FBI Special Agent, Carlos Aguirre and I, Lynn Williams, a former Special Agent with the Treasury Department met with U. S. Postal Inspector, Trevor Hudson prior to this election and provided him with copies of these statements that were mailed to 732 separate households. Mr. Hudson called Mr. Aguirre a couple of days later, he stated that these statements clearly were violations of the Federal Mail Fraud laws however his immediate supervisor claimed that since no loss of revenue took place they would not file charges.

After the results of this election were announced at the monthly Vistana public meeting where a large number of owners were present. The first question to Mr. Rees was when would the homeowners receive the promised $13,000? At this point of the meeting Ms. Barbara Holland, a First Service area **manager**, took over the meeting and advised the audience that there was no $13,000 nor had

there ever been any excess money coming to Vistana. She further went on to confirm that every one of the four individuals making their promises were false. She verified to the audience that under NRED rules this was **permissible**. That NRED rules only stated that a candidate could not say something bad about another individual running for the BOD. She again advised the home owners that there wasn't any surplus money and they also wouldn't be getting the other $4,200. This again demonstrates the unique relationship with First Service and NRED. It is obvious why First Service didn't advise the NRED Commission. Fortunately we had a written sign-in sheet to identify the homeowners present. We recorded Ms. Holland statements and they should also be in the written BOD minutes. This is just one of many documented events that First Service has engaged in. Ms. Holland is providing legal opinions to assist the same individuals who are suing us. The suit alleges that my Vistana BOD was trying to collect $75,000 from First Service for the violations of their previous CAM. They didn't want to pay.

This was the reason I filed the complaint in #2021-1222. NRED should have records of these previous complaints. The system of Management firms assisting the NRED Ombudsman's office apparently breaks down when their employees violate NRS 116. I am only listing the background information that NRED already had in its possession. I can document $100,000's of loss of funds from the approximately 18 convicted individuals who stole the $19,000,000 from the Vistana HOA. What happened to the previous complaints?I believe I am aware of other First Service CAM's failures to notify the NRED Ombudsman's office that I will provide the Commission with written documentation of other serious violations.

Lynn F. Williams

Lynn Williams
562 708-5178

1/13/22

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Governor

TERRY REYNOLDS
Director

SHARATH CHANDRA
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December 23, 2021

Lynn Williams
3625 Gundry Ave
Long Beach, CA 90807

Re: File No.: 2021-1222

Dear Mr. Lynn Williams:

The Nevada Real Estate Division (the "Division"), Office of the Ombudsman for Owners in Common Interest Communities and Condominium Hotels received your ***Incomplete*** Intervention Affidavit date stamped December 21, 2021. You allege President Michele Diller submitted a fraudulent Executive Board Statement to the Association in August 2018. In addition, you alleged that Christopher Rees failed to produce the required documents when running for the Board in 2017.

After a review of the Intervention Affidavits submitted, it has been determined that your allegations fail to comply with NRS 116.760 (1) ***Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.***

Also, be advised that your complaint submissions are incomplete as the following items were excluded:

1. As per the instructions on page 1 of the Affidavit, statements 1-8 must be met **before** filing an Affidavit; your initials in each box attest to your completion of each item.

2. NRS 116.760 requires the complainant (you) to send the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the affidavit. ***The notice must: (a) Be mailed to the respondent's last known address. (b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.***

3. On page 2, of the Intervention Affidavit (Form 530) the box titled Supporting Law and/or Governing Documents was left blank. In this box statutes from NRS/NAC 116 and/or sections of Governing Documents that support the alleged violations are to be cited.

Based on the fact that your allegations are time barred in addition to the incomplete submissions, please be advised the Division will take no further action and these cases are closed.

Sincerely,

Jason O. Wyatt
Ombudsman