

## Via Email

**To:** Kristopher Sanchez, Director  
Nevada Department of Business and Industry  
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**From:** Mike Kosor

**Subject:** Failure of the Nevada Real Estate Division to Establish and Implement Rulemaking Procedures Under NRS 233B and NRS 116.623

**Date:** October 31, 2025

Dear Director Sanchez:

I am writing to express concern regarding the Nevada Real Estate Division's (Division's) ongoing failure to establish and implement procedures for processing petitions for rulemaking submitted under NRS 233B.100.

This year I submitted multiple petitions seeking clarification of regulatory and procedural standards within the Division's and the Commission for Common-Interest Communities and Condominium Hotels' (Commission's) jurisdiction under NRS 116. The Division has acknowledged receipt and acceptance of these petitions — satisfying the statutory filing threshold — yet no discernible process, timeline, or communication has followed.

Importantly, these submissions were formal petitions under NRS 233B.100, *not informal suggestions or stakeholder comments*. The statute imposes a mandatory duty: within 30 days of submission, an agency must either deny the petition in writing, stating its reasons, or initiate formal rulemaking proceedings. Treating petitions as discretionary "input" for possible future consideration converts a legally binding process into an optional courtesy and effectively nullifies a public right the Legislature deliberately conferred.

While the Division's acceptance satisfies the statutory threshold, the absence of adopted internal procedures means:

1. No timeline or docketing exists for advancing accepted petitions to the Commission's agenda;
2. No written acknowledgment of next procedural steps or staff recommendations has been issued to petitioners; and
3. No uniform public process exists for receiving, tracking, or noticing accepted petitions as contemplated by NRS 233B.050–.120 and NRS 116.623(2).

This procedural vacuum frustrates the Legislature's intent. The process was designed to ensure public accountability and stakeholder participation in administrative governance — not to leave accepted petitions indefinitely dormant.

The Division's inaction undermines confidence in the administrative process, creates the perception of selective engagement, and denies policymakers the public record necessary for informed legislative oversight.

I respectfully request that the Department:

1. Direct the Division to adopt written internal procedures governing the receipt, review, and advancement of NRS 233B.100 petitions, including docketing, acknowledgment, and timeline requirements consistent with NRS 233B.050-.120;
2. Ensure that accepted petitions are timely noticed and placed on the Commission's agenda for discussion and determination; and
3. Provide petitioners written notice of their petition's procedural status, staff review, and anticipated next steps.

These measures require no new legislation — only the administrative discipline necessary to give effect to laws already enacted.

Rulemaking petitions are not advisory suggestions; they are formal citizen instruments authorized by statute to improve regulatory accountability. By failing to process accepted petitions through a transparent, rule-bound procedure, the Division has effectively nullified a public right the Legislature explicitly granted.

The NVHOAReform Coalition urges the Department to restore this process and, in doing so, reaffirm Nevada's commitment to fair and responsive administration.

Sincerely,



Mike Kosor

Founder, NVHOAReform Coalition

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