

**PROPOSED REGULATION OF THE COMMISSION ON  
COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS**

**LCB FILE NO. R052-13**

(This draft replaces the one posted on 8/1/2013)

EXPLANATION: Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 116.615; NRS 116A.200 and NRS 116B.805.

**Section 1.** Chapters 116, 116A and 116B of NAC are hereby amended by adding thereto a new section to read as follows:

**Sec. 2.** *Procedures for rehearing. The following procedures are to be used for a rehearing in a decision of the Commission:*

*(a) A party may within 15 days after his or her service of the decision petition the Commission for a rehearing.*

*(b) The petition does not stay any decision of the Commission unless the Commission so orders.*

*(c) The petition must state with particularity the point of law or fact which in the opinion of the petitioner the Commission has overlooked, or misconstrued or a change of law or circumstance, and must contain every argument in support of the application that the petitioner desires to present.*

*(d) Oral argument in support of the petition is not permitted unless granted by the Commission.*

*(e) The respondent to a petition for a rehearing may file and serve an answer within 15 days after it has received service of the petition.*

*(f) If a petition for rehearing is filed and the Commission is not scheduled to meet before the effect date of the penalty, the Division may stay enforcement of*

*the decision appealed from. When determining whether a stay is to be granted, the Division shall determine whether the petition was timely filed and whether it alleges a cause or ground which may entitle the respondent to a rehearing.*

*(g) A rehearing may be granted by the Commission for any of the following causes or grounds:*

- (1) Irregularity in the proceedings in the original hearing;*
- (2) Accident or surprise which ordinary prudence could not have guarded against;*
- (3) Newly discovered evidence of a material nature which the applicant could not with reasonable diligence have discovered and produced at the original hearing;*
- (4) Error in law occurring at the hearing and objected to by the respondent during the earlier hearing; or*
- (5) Change of substantive law.*

*(h) The filing of a petition for rehearing, or the decision therefrom, does not stop the running of the 30-day period of appeal to the district court from the date of the decision of the Commission.*