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**BEFORE THE COMMISSION FOR COMMON-INTEREST  
COMMUNITIES AND CONDOMINIUM HOTELS  
STATE OF NEVADA**

GAIL J. ANDERSON, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
OF BUSINESS & INDUSTRY,  
STATE OF NEVADA,

Petitioner,

vs.

ALICE LUCAS,

Respondent.

Case No. CIS 10-05-09-258

**FILED**

JUN 21 2012

NEVADA COMMISSION OF  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

This matter came on for hearing before the Commission for Common-Interest Communities and Condominium Hotels, Department of Business and Industry, State of Nevada ("Commission") on December 6, 2011 at the Grant Sawyer Building, 555 E. Washington Avenue, Room 4401, Las Vegas, NV 89101 ("Hearing"). Present were Commissioners Michael Buckley, Randolph Watkins, M.Favil West, Gary Lein, Robert Schwenk, Scott Sibley, and Marilyn Brainard. Due to a conflict of interest with regard to the Respondent, Commissioners Schwenk and Buckley recused themselves and Commissioner Watkins replaced Chairman Buckley as chair of the Commission for this matter. Respondent Alice Lucas failed to appear at the Hearing, failed to file and Answer to the Complaint, and failed to request a continuance of the Hearing. Kimberly A. Arguello, Senior Deputy Attorney General appeared on behalf of Petitioner.

**FINDINGS OF FACT**

The Commission, based upon the evidence presented during the Hearing, finds that there is substantial evidence in the record to establish each of the following Findings of Fact:

1. Counsel for Petitioner made an offer of proof that RESPONDENT was given proper Notice of the Hearing.

2. Teralyn Thompson, Commission Coordinator, testified that the Complaint, Notice of Complaint and Notice of Documents were mailed to RESPONDENT at the last known

1 address RESPONDENT provided to the Division via certified and regular mail more than 29  
2 days prior to the Hearing.

3 3. Ms. Thompson testified that the mail was returned to the Division.

4 4. Ms. Thompson testified that and the Commission so finds that RESPONDENT  
5 failed to file an Answer and failed to request a continuance of the Hearing.

6 5. The Commission finds that proper notice of the hearing was given to  
7 RESPONDENT.

8 6. Pursuant to NAC 116A.590, the Commission finds that the following charges  
9 specified in the Complaint are true.

10 7. RESPONDENT was a licensed Community Manager under certificate number  
11 CAM.0001608.

12 8. At all relevant times, RESPONDENT was an employee of RMI Management,  
13 LLC as the on-site community manager for Las Vegas Motorcoach Resort Owners  
14 Association ("the Association").

15 9. While acting as a community manager pursuant to the Certificate issued by the  
16 Division, RESPONDENT had access to an Association debit card connected to Wells Fargo  
17 bank account number ending in 6070 ("Association Wells Fargo account").

18 10. An audit of the Association Wells Fargo account determined that RESPONDENT  
19 used the debit card to withdraw funds for her own personal use.

20 11. On July 11, 2009, RESPONDENT withdrew \$203.50 from the Association Wells  
21 Fargo account for her own personal use.

22 12. On July 11, 2009, RESPONDENT withdrew another \$103.50 from the  
23 Association Wells Fargo account for her own personal use.

24 13. On August 7, 2009, RESPONDENT withdrew \$303.50 from the Association  
25 Wells Fargo account for her own personal use.

26 14. On August 8, 2009, RESPONDENT withdrew \$303.50 from the Association  
27 Wells Fargo account for her own personal use.

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1           15.    On August 14, 2009, RESPONDENT withdrew \$303.50 from the Association  
2 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
3 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

4           16.    On August 16, 2009, RESPONDENT withdrew \$303.50 from the Association  
5 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
6 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

7           17.    On September 7, 2009, RESPONDENT withdrew \$303.50 from the Association  
8 Wells Fargo account for her own personal use.

9           18.    On September 9, 2009, RESPONDENT withdrew \$203.50 from the Association  
10 Wells Fargo account for her own personal use.

11          19.    On September 12, 2009, RESPONDENT used the Association Wells Fargo  
12 account debit card to pay \$389.00 to the Nevada DMV for her own personal use.

13          20.    On September 12, 2009, RESPONDENT used the Association Wells Fargo  
14 account debit card to pay \$36.99 to Jiffy Lube for her own personal use.

15          21.    On September 18, 2009, RESPONDENT withdrew \$303.50 from the Association  
16 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
17 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

18          22.    On September 23, 2009, RESPONDENT withdrew \$303.50 from the Association  
19 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
20 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

21          23.    On September 26, 2009, RESPONDENT withdrew \$303.50 from the Association  
22 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
23 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

24          24.    On October 2, 2009, RESPONDENT withdrew \$303.50 from the Association  
25 Wells Fargo account for her own personal use.

26          25.    On October 14, 2009, RESPONDENT withdrew \$303.50 from the Association  
27 Wells Fargo account for her own personal use.

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1           26.    On October 16, 2009, RESPONDENT withdrew \$303.50 from the Association  
2 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
3 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

4           27.    On October 29, 2009, RESPONDENT withdrew \$300.00 from the Association  
5 Wells Fargo account for her own personal use.

6           28.    On October 30, 2009, RESPONDENT withdrew \$303.50 from the Association  
7 Wells Fargo account for her own personal use.

8           29.    On November 4, 2009, RESPONDENT withdrew \$303.50 from the Association  
9 Wells Fargo account for her own personal use.

10          30.    On November 6, 2009, RESPONDENT withdrew \$303.50 from the Association  
11 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
12 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

13          31.    On November 7, 2009, RESPONDENT withdrew \$303.75 from the Association  
14 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
15 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

16          32.    On November 10, 2009, RESPONDENT withdrew \$300.00 from the Association  
17 Wells Fargo account for her own personal use.

18          33.    On November 13, 2009, RESPONDENT withdrew \$303.00 from the Association  
19 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
20 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

21          34.    On November 16, 2009, RESPONDENT withdrew \$300.00 from the Association  
22 Wells Fargo account for her own personal use.

23          35.    On November 23, 2009, RESPONDENT withdrew \$303.50 from the Association  
24 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
25 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

26          36.    On November 24, 2009, RESPONDENT withdrew \$300.00 from the Association  
27 Wells Fargo account for her own personal use.

28    ...

1           37.    On November 25, 2009, RESPONDENT withdrew \$303.50 from the Association  
2 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
3 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

4           38.    On November 27, 2009, RESPONDENT withdrew \$300.00 from the Association  
5 Wells Fargo account for her own personal use.

6           39.    On November 28, 2009, RESPONDENT withdrew \$303.50 from the Association  
7 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
8 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

9           40.    On November 30, 2009, RESPONDENT withdrew \$303.50 from the Association  
10 Wells Fargo account for her own personal use.

11          41.    On December 3, 2009, RESPONDENT withdrew \$300.00 from the Association  
12 Wells Fargo account for her own personal use.

13          42.    On December 5, 2009, RESPONDENT withdrew \$303.50 from the Association  
14 Wells Fargo account for her own personal use.

15          43.    On December 7, 2009, RESPONDENT withdrew \$303.50 from the Association  
16 Wells Fargo account for her own personal use. The Association Wells Fargo account was  
17 charged a \$2.50 transaction fee for this non-Wells Fargo transaction.

18          44.    On December 9, 2009, RESPONDENT withdrew \$300.00 from the Association  
19 Wells Fargo account for her own personal use.

20          45.    On December 15, 2009, RESPONDENT withdrew \$300.00 from the Association  
21 Wells Fargo account for her own personal use.

22          46.    The total debit card disbursements for unauthorized, non-Association related  
23 expenditures from the Association Wells Fargo account is \$10,529.77.

24          47.    RESPONDENT's employer RMI Management, LLC issued a check to the  
25 Association on January 12, 2010 in the amount of \$10,045.49 as reimbursement for the  
26 misappropriated funds.

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4. The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting or issuance of this Order.

This Order shall become effective on the 26<sup>th</sup> day of July 2012.

DATED this 19<sup>th</sup> day of JUNE, 2012.

COMMISSION FOR COMMON-INTEREST  
COMMUNITIES AND CONDOMINIUM HOTELS

By: Randolph Watkins  
CHAIRMAN

Attorney General's Office  
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Las Vegas, NV 89101

