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

Sharath Chandra, Administrator,
Real Estate Division, Department of
Business & Industry, State of Nevada,

Case No. 2015-3526

Petitioner,

FILED

vs.

NOV 30 2016 *CR*

Carlos O. Hidrogo,

Respondent.

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND STIPULATED
ORDER FOR DISCIPLINE

This matter came on for hearing before the Commission for Common-Interest Communities and Condominium Hotels, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda on November 15, 2016. The Respondent, Carlos O. Hidrogo, did not appear. Michelle D. Briggs, Esq., Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"). Due to Respondent's failure to appear in person or through counsel and not having filed an answer to the Complaint, the Division requested a default be entered and the Complaint be accepted as true. The Commission so ordered.

On November 16, 2016 during a regular agenda of the Commission, the matter was brought before the Commission a second time at the request of Alex Ghibaudo, Respondent's counsel, and the Division. Respondent's counsel represented to the Commission that he had intended to appear, but failed to calendar the hearing date properly. The Division and Respondent's counsel presented the Commission with a joint request for reconsideration of the prior order and asked for an order to impose discipline as stipulated by the parties.

1 The Commission, having jurisdiction over this matter, and being fully
2 advised, enters the following Findings of Fact, Conclusions of Law, and Stipulated
3 Order for Discipline.

4 **FINDINGS OF FACT**

5 Based on the stipulation of the parties, the Commission finds the following
6 findings of fact have been proven:

7 1. RESPONDENT held a provisional community manager certificate
8 from the Division under number CAM.0008221-PROV from May 5, 2014 to March
9 26, 2015.

10 2. RESPONDENT engaged in the management of two common-interest
11 communities, Diamond Head Villas, Inc. and Diamond Head Villas Association
12 Phase II (collectively hereinafter, the "Associations") while his mother, Maria
13 Limon, was incarcerated beginning in August 2015 through February 17, 2016.

14 3. Limon managed the Associations despite having her community
15 manager certificate revoked by this Commission in July 2014.

16 4. At its meeting in February 2016, this Commission accepted as true
17 the allegations contained in the complaint against Limon under Case No. 2015-
18 2028; wherein it details Limon's total control over all the finances for the
19 Associations, including substantial electronic transfers of funds into her personal
20 accounts.

21 5. Before reporting to federal prison in Victorville, California, Limon told
22 board member, Willie Johnson, by text messages that she was going to receive
23 chemotherapy treatments for stomach cancer and would be back in 7 months.

24 6. Limon told board members by text message that RESPONDENT, her
25 son, would take over for her.

26 7. The text messages state:

27 LIMON: Willie will have to cancel I am in pain
28 LIMON: What I needed to let you all know is no secret that I have a
tumor in my stomach I had surgery a year ago, it came back and it's
seems it's staying.

1 LIMON: I will be out in chemo for at least 7 months but need this only
2 job so my son will help me. I apologize but it happen all of a sudden
3 found out about two weeks ago. Been going to see Drs. But no one
4 wants to operate. So best thing is chemo, we all know this won't work
5 but we have to have hope and faith that something will right? So
6 wanted to say my good byes in case I don't make it. To let you know I
7 will hang in there to the end.

8 Board Member: Ok Maria I understand I'll be praying for you it's not
9 over until God say so let us know what you need us to do, I'll let
10 Frances know also

11 LIMON: Yes I have not yet told Ed. I will he should be coming soon
12 will let you all know if he comes we may get together. I am in so much
13 pain and all along I thought it was acid reflux

14 Board Member: Take care of yourself and have faith in God

15 LIMON: Willie this is Carlos phone number 702-371-5535 in case he
16 doesn't answer you just leave him a message or text him he'll call you,
17 he works but can be reached at any time

18 Board Member: Ok thanks

19 LIMON: Oh and this is the gardeners number 702-358-4392 his name
20 is Os, anything you need let him know

21 8. "Os" is Osvaldo Hidrogo, RESPONDENT'S father, the owner of
22 Hidrogo Lawn Maintenance.

23 9. Board members did not know RESPONDENT'S father was the
24 landscaper for their association.

25 10. After Limon reported to the federal prison, assessment checks
26 continued to be mailed to the mail box for Ms. Limon, and the checks were
27 deposited into the Associations' accounts by someone other than the board
28 members.

11 11. According to bank records received by the Division, Limon's signature
12 continued to appear on Association checks and electronic transfers of the
13 Associations' funds continued to be paid to Limon's personal accounts while she
14 was in prison.

15 12. Board members for the Associations contacted RESPONDENT as they
16 were instructed to do once Limon was no longer available.

17 13. On September 17, 2015, a board member sent RESPONDENT a text
18 regarding setting up a meeting indicating that she understood he took Limon's
19 place and states that she has called him several times.

20 14. On September 24, 2015, RESPONDENT provided the board member
21 with another board member's number.

1 15. On October, 15, 2015, a board member asked RESPONDENT by email
2 to follow up on common area maintenance issues.

3 16. On November 5, 2015, a board member sent a text message to
4 RESPONDENT about a letter from the Division. The text states:

5 Carlos Willie received a certified letter which he cannot understand about
6 minutes and all people name on board. Financial info which Willi never was
7 handed. We would like to know what's going on. If your mother had you take
8 over you need to contact people to give them information. Willi talk to Ed
9 tomorrow about this. Paper work was not given or shown to us when we sat
with Maria. Bills or any kind of transferred was not shown or responsible to
mail of to any party. Number you need to contact is (18778299907) you need
to get to the bottom of this. No idea what they need.

10 17. On November 5, 2015, RESPONDENT responded to the board
11 member regarding the letter from the Division by text saying:

12 Yes I talked to Ed he told me to get a copy and figure out what they need we
will talk tomorrow if possible thanks.

13 18. On November 7, 2015, a board member provided RESPONDENT with
14 a copy of the letter from the Division by email.

15 19. RESPONDENT made no more contact with the board members.

16 20. Shortly thereafter, the Association hired a new manager.

17 21. The board members were never able to get control over their bank
18 accounts as the accounts were only in Limon's name.

19 22. Homeowners unknowingly continued to pay their assessments to Ms.
20 Limon's mailbox address into February 2016.

21 23. The Division asked RESPONDENT to respond to allegations that he
22 had control of the Associations' money while Limon was in prison and the
23 Associations' funds were being misappropriated during that time.

24 24. RESPONDENT, in two separate statements to the Division, denied
25 any involvement in the Associations.

26 25. The statements from RESPONDENT list his return address as the
27 home of his parents, Limon and Osvaldo Hidrogo.

28 26. The Division asked RESPONDENT to provide all communications he
had with the board members.

