

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

JOSEPH (JD) DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY, STATE OF
NEVADA,

Petitioner,

vs.

SIERRA RANCHOS PROPERTY
OWNERS ASSOCIATION; ROGER
SEIFERT; SCOTT DALMAN; SCOTT
CROW; BRENT JOHNSON; and RON WIX,

Respondents.

Case No. IN-1608

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER

FILED

AUG 25 2016

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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 August 16th and 17th, 2016, at the Nevada State Gaming Control Board, 1919 College Parkway, Carson City, Nevada (the "Hearing"). RESPONDENT BRENT JOHNSON, representing himself, appeared at the Hearing. The other Respondents settled with the Division and that settlement was approved by the Commission in June 2016. Michelle D. Briggs, 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").

After hearing the allegations, the testimony, the respective arguments, and having considered the evidence introduced by the parties and being fully advised, the Commission enters the following Findings of Fact, Conclusions of Law, and Order. Under Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapter 116, the Commission has legal jurisdiction and authority over this matter.

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FINDINGS OF FACT

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2 The Commission, by a vote of 5 to 0, based upon the evidence presented during the
3 Hearing, finds that by a preponderance of the evidence in the record the following facts have
4 been proven.

5 1. The Sierra Ranchos Property Owners Association (the "ASSOCIATION") was
6 created in 1974 and governs 212 lots which are all approximately 10 or more acres in size and
7 located in Reno, Nevada.

8 2. The Association is self-managed.

9 3. On or about July 10, 2012, a homeowner within the ASSOCIATION, Greta
10 Anderson, filed an Intervention Affidavit against the ASSOCIATION and the BOARD.

11 4. Ms. Anderson alleged retaliation and selective enforcement of the governing
12 documents in violation of NRS 116.

13 5. Ms. Anderson provided evidence of a dispute between herself and her neighbor,
14 RESPONDENT BRENT JOHNSON.

15 6. Beginning in 2010, RESPONDENT JOHNSON made complaints about Ms.
16 Anderson's horses and dogs on the north side of her property to the Washoe County Regional
17 Animal Services, the Washoe County Department of Public Works, the Washoe County
18 Sheriff's Department, and BLM – Department of the Interior.

19 7. RESPONDENT JOHNSON'S property is on the north side of Ms. Anderson's
20 property.

21 8. Beginning on or about August 26, 2011, RESPONDENT JOHNSON began
22 making complaints to the Washoe County Regional Animal Service and recorded a hand
23 written complaint nearly every day until the end of October 2011.

24 9. Ms. Anderson moved her horses to the south side of her property due to
25 RESPONDENT JOHNSON'S complaints.

26 10. RESPONDENT JOHNSON became a board member in November 2011 when
27 the board decided after he was elected that he would fill a vacancy on the board until his
28 official term began.

1 11. At the November 2011 meeting where RESPONDENT JOHNSON was
2 appointed to the board, the board directed him and RESPONDENT WIX to investigate a
3 complaint filed by owners about their neighbor putting 55 gallon drums along the fence line.

4 12. In RESPONDENT JOHNSON'S report regarding the complaint he concluded
5 there were over 80 steel and plastic drums being placed at the owner's fence line which he
6 stated would be a violation of the CC&R's Section 3.09.

7 13. Section 3.09 requires removal of rubbish and debris which is defined as "items
8 of trash that are offensive by sight or smell to owners of neighboring Lots or other members of
9 the association."

10 14. RESPONDENT JOHNSON called the complaining owner informing him that the
11 board "has not historically taken a position that [he] was aware of regarding CC&R violations
12 regarding section 3.09."

13 15. RESPONDENT JOHNSON'S report goes on to say there are much more
14 egregious violators.

15 16. RESPONDENT JOHNSON recommended that the board take no action on the
16 complaint, and the board took no action on the complaint.

17 17. On March 12, 2012, Ms. Anderson filed an application for an order for protection
18 against stalking, aggravated stalking or harassment against RESPONDENT JOHNSON.

19 18. Ms. Anderson alleged that RESPONDENT JOHNSON was verbally abusive and
20 threatening to her, fired his guns and shoots air horns to incite her animals, and videotapes
21 her.

22 19. On March 15, 2012, RESPONDENT JOHNSON made a written complaint to the
23 ASSOCIATION that Ms. Anderson's horse shelters did not comply with the 60' setback
24 requirement in the ASSOCIATION'S governing documents and that she erected a used
25 building structure.

26 20. The horse shelters RESPONDENT JOHNSON complained about were located
27 on the south side of Ms. Anderson's property.
28

1 21. According to the Association's minutes from the hardship hearing, one shelter
2 was about 30 feet from the property line, and one was about 33 feet away from the property
3 line.

4 22. Along the south side of Ms. Anderson's property is several acres of vacant
5 property.

6 23. On April 11, 2012, Ms. Anderson received a restraining order against
7 RESPONDENT JOHNSON which was extended for a year to expire on April 11, 2013.

8 24. The Extended Order for Protection Against Stalking, Aggravated Stalking, or
9 Harassment prohibits RESPONDENT JOHNSON from the following:

- 10 a. Going on Ms. Anderson's property;
- 11 b. Making a video of Ms. Anderson;
- 12 c. Firing any weapon on his property unless to defend himself or his animals;
- 13 d. Stopping on the street in front of or along the side of Ms. Anderson's property;
- 14 and
- 15 e. Vilifying, defaming or calling Ms. Anderson names or otherwise speaking of her
16 in a derogatory manner.

17 25. Ms. Anderson also provided to the attorney a table identifying over 30 properties
18 within the ASSOCIATION that have structures, including some homes, within the 60' setback
19 based on an aerial view of the properties.

20 26. The table was created by Don Jeppson, the Director of the Washoe County
21 Building and Safety Department, using aerial photographs of the property.

22 27. The ASSOCIATION took no action against the properties identified in the table
23 provided by Ms. Anderson.

24 28. During the Division's investigation into Ms. Anderson's allegations of selective
25 enforcement, the ASSOCIATION was asked to provide a complete record of disciplinary
26 action taken against any owner.

27 29. As of October 28, 2014, the complete list of disciplinary action contains two
28 owners, Ms. Anderson for the setback requirements dated March 2012, and one other owner
who built an animal shelter before building the main residence in June 2012.

