

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

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

Case No. 2015-3007

Petitioner,

FILED

vs.

DEC 30 2015

MARTIN L. SAXON,

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Respondent.

COMPLAINT FOR DISCIPLINARY
ACTION AND NOTICE OF HEARING

The Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Michelle D. Briggs, Esq., Senior Deputy Attorney General, hereby notifies Respondent MARTIN L. SAXON ("RESPONDENT" or "SAXON") of an administrative hearing before the Commission for Common-Interest Communities and Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and 116A of the Nevada Revised Statutes ("NRS") and Chapter 116 and 116A of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if an administrative penalty will be imposed on the RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to, NAC 116A.360.

///
///
///
///

1 **JURISDICTION**

2 1. During all relevant times mentioned in this complaint, SAXON was licensed as a
3 community manager by the Division and is, therefore, subject to the jurisdiction of the
4 Division and the provisions of NRS Chapters 116 and 116A and NAC Chapters 116 and
5 116A.

6 **ALLEGATIONS OF FACT**

7 2. SAXON was at all relevant times mentioned in this complaint a community
8 manager under certificate number CAM.0007152 and received his supervisory designation
9 on October 27, 2015.

10 3. SAXON works for Performance CAM, LLC and is the community manager for
11 Durango Trails Homeowners Association Inc. (the "Association") located in Las Vegas,
12 Nevada.

13 4. As the Association's community manager, SAXON completed, signed and
14 submitted annual registration forms for the Association for the years 2012 and 2013.

15 5. Both annual registration forms from 2012 and 2013 state under the signature
16 line: "Authorized person signing is attesting to the accuracy of the information provided."

17 6. The 2012 annual registration form states that the Association completed its
18 annual audit required by NRS 116.31144 on June 29, 2012.

19 7. SAXON signed the 2012 annual registration form on July 15, 2012.

20 8. The 2013 annual registration form states that the Association completed its
21 annual audit required by NRS 116.31144 on June 24, 2013.

22 9. SAXON signed the 2013 annual registration form on July 22, 2013.

23 10. Both 2012 and 2013 annual registration forms state the Association's reserve
24 balance was over \$1million.

25 11. In November 2014, the Division's auditor reviewed the Association's records
26 and discovered that the Association had not completed audits for 2012 or 2013.

27 12. The Division's auditor also found that the Association's reserve balance was
28 just over \$40,000.

1 actions:

- 2 1. Revoke or suspend the certificate;
- 3 2. Refuse to renew or reinstate the certificate;
- 4 3. Place the community manager on probation;
- 5 4. Issue a reprimand or censure to the community manager;
- 6 5. Impose a fine of not more than \$5,000 for each violation of a statute or
- 7 regulation;
- 8 6. Require the community manager to pay restitution;
- 9 7. Require the community manager to pay the costs of the investigation and
- 10 hearing;
- 11 8. Require the community manager to obtain additional education relating to the
- 12 management of common-interest communities; and
- 13 9. Take such other disciplinary action as the Commission deems appropriate.

14 The Commission may order one or any combination of the discipline described above.

15 NOTICE OF HEARING

16 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider this
17 Administrative Complaint against the above-named RESPONDENT in accordance with
18 Chapters 233B and 116 and 116A of the Nevada Revised Statutes and Chapters 116 and
19 116A of the Nevada Administrative Code.

20 **THE HEARING WILL TAKE PLACE** on February 2-4, 2016 beginning at 9:00 a.m.
21 each day or until such time as the Commission concludes its business. **The Commission**
22 **meeting on February 2, 2016, will be located at the Department of Business and**
23 **Industry, 2501 E. Sahara Avenue, 2nd Floor Conference Room, Las Vegas Nevada**
24 **89104, with videoconferencing to the Department of Business and Industry, Director's**
25 **Office, 1830 East College Parkway, Suite 100, Carson City, Nevada 89706. The**
26 **Commission meeting on February 3, 2016, will be located at the Nevada Department of**
27 **Employment Training and Rehabilitation, 2800 East St. Louis Avenue, Conference**
28 **Room A-C, Las Vegas, Nevada 89104, with videoconferencing to the Nevada**

1 Department of Employment Training and Rehabilitation, 500 East Third Street, Carson
2 City, Nevada 89713. The Commission meeting on February 4, 2016, will be located at
3 the Department of Business and Industry, 2501 E. Sahara Avenue, 2nd Floor
4 Conference Room, Las Vegas Nevada 89104, with no videoconferencing.

5 STACKED CALENDAR: Your hearing is one of several hearings that may be
6 scheduled at the same time as part of a regular meeting of the Commission that is expected
7 to take place on February 2-4, 2016. Thus, your hearing may be continued until later in the
8 day or from day to day. It is your responsibility to be present when your case is called. If you
9 are not present when your hearing is called, a default may be entered against you and the
10 Commission may decide the case as if all allegations in the complaint were true. If you need
11 to negotiate a more specific time for your hearing in advance because of coordination with
12 out of state witnesses or the like, please call Claudia Rosolen, Commission Coordinator, at
13 (702) 486-4606.

14 YOUR RIGHTS AT THE HEARING: Except as mentioned below, the hearing is an
15 open meeting under Nevada's open meeting law, and may be attended by the public. After
16 the evidence and arguments, the commission may conduct a closed meeting to discuss your
17 alleged misconduct or professional competence. A verbatim record will be made by a
18 certified court reporter. You are entitled to a copy of the transcript of the open and closed
19 portions of the meeting, although you must pay for the transcription.

20 As a RESPONDENT, you are specifically informed that you have the right to appear
21 and be heard in your defense, either personally or through your counsel of choice. At the
22 hearing, the Division has the burden of proving the allegations in the complaint and will call
23 witnesses and present evidence against you. You have the right to respond and to present
24 relevant evidence and argument on all issues involved. You have the right to call and
25 examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter
26 relevant to the issues involved.

27 You have the right to request that the Commission issue subpoenas to compel
28 witnesses to testify and/or evidence to be offered on your behalf. In making this request, you

1 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
2 Other important rights and obligations, including your obligation to answer the complaint, you
3 have are listed in NAC 116A.560 through NAC 116A.655, NRS Chapter 233B, and NRS
4 Chapters 116 and 116A and NAC 116 and 116A.

5 Note that under NAC 116A.585, not less than five (5) working days before a hearing,
6 RESPONDENT must provide to the Division a copy of all reasonably available documents
7 that are reasonably anticipated to be used to support his or her position, and a list of
8 witnesses RESPONDENT intends to call at the time of the hearing. Failure to provide any
9 document or to list a witness may result in the document or witness being excluded from
10 Respondent's defense. The purpose of the hearing is to determine if the RESPONDENT has
11 violated any of the provisions of NRS and NAC Chapters 116 and 116A, and to determine
12 what administrative penalty is to be assessed against RESPONDENT, if any, pursuant to
13 NAC 116A.360.

14 DATED this _____ day of December, 2015.

15 REAL ESTATE DIVISION
16 DEPARTMENT OF BUSINESS & INDUSTRY
17 STATE OF NEVADA

18 By: _____
19 JOSEPH (J.D.) DECKER, Administrator
20 2501 East Sahara Avenue
21 Las Vegas, Nevada 89104
22 (702) 486-4033

23 ADAM PAUL LAXALT
24 Attorney General

25 By: 
26 MICHELLE D. BRIGGS, ESQ.
27 Senior Deputy Attorney General
28 555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
(702) 486-3809
Attorneys for Real Estate Division

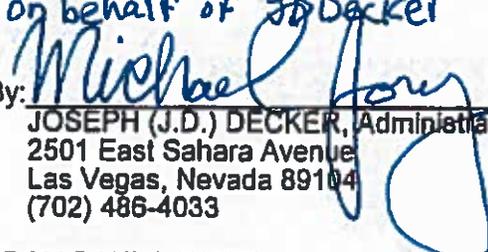
1 may be required to demonstrate the relevance of the witness' testimony and/or evidence.
2 Other important rights and obligations, including your obligation to answer the complaint, you
3 have are listed in NAC 116A.560 through NAC 116A.655, NRS Chapter 233B, and NRS
4 Chapters 116 and 116A and NAC 116 and 116A.

5 Note that under NAC 116A.585, not less than five (5) working days before a hearing,
6 RESPONDENT must provide to the Division a copy of all reasonably available documents
7 that are reasonably anticipated to be used to support his or her position, and a list of
8 witnesses RESPONDENT intends to call at the time of the hearing. Failure to provide any
9 document or to list a witness may result in the document or witness being excluded from
10 Respondent's defense. The purpose of the hearing is to determine if the RESPONDENT has
11 violated any of the provisions of NRS and NAC Chapters 116 and 116A, and to determine
12 what administrative penalty is to be assessed against RESPONDENT, if any, pursuant to
13 NAC 116A.360.

14 DATED this 30TH day of December, 2015.

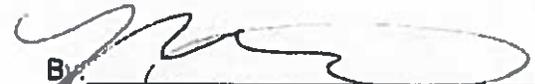
15 REAL ESTATE DIVISION
16 DEPARTMENT OF BUSINESS & INDUSTRY
17 STATE OF NEVADA

18 * on behalf of J.D. Decker

19 By: 

20 JOSEPH (J.D.) DECKER, Administrator
21 2501 East Sahara Avenue
22 Las Vegas, Nevada 89104
23 (702) 486-4033

24 ADAM PAUL LAXALT
25 Attorney General

26 By: 

27 MICHELLE D. BRIGGS, ESQ.
28 Senior Deputy Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
(702) 486-3809
Attorneys for Real Estate Division