

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,

Petitioner,

vs.

Rodolfo Rocha,

Respondent.

Case No. 2016-4210

FILED

MAR 21 2017

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

STIPULATION AND ORDER

FOR SETTLEMENT OF DISCIPLINARY ACTION

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 March 8, 2017, at the Nevada Department of Employment Training & Rehabilitation, 2800 E. St. Louis Avenue, Conference Room A-C, Las Vegas, Nevada 89104 (the "Hearing"). The Respondent, Rodolfo Rocha, appeared. 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"). The Division and Respondent presented settlement terms to the Commission. The Commission unanimously approved and ordered the stipulated terms. Commissioner Sibley did not attend the Hearing. The parties stipulated as follows:

JURISDICTION AND NOTICE

During the relevant times mentioned in this complaint, RESPONDENT was an officer or director of PECOS CREEK HOMEOWNERS ASSOCIATION (the "Association"), a common-interest community located in Las Vegas, Nevada.

RESPONDENT is subject to the provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter

1 collectively referred to as "NRS 116") and is subject to the jurisdiction of the Division, and
2 the Commission for Common Interest Communities pursuant to the provisions of NRS
3 116.750.

4 STIPULATED FACTS

5 The following factual allegations are stipulated to by the Division and the
6 RESPONDENT:

7 1. RESPONDENT RODOLFO ROCHA owns Rudy's Cleaning Service.

8 2. At a meeting of the Association on May 30, 2007, the Association's board took
9 action to approve Rudy's Cleaning Service to provide property maintenance and janitorial
10 services to the Association in the amount of \$950 per month.

11 3. RESPONDENT ROCHA was a board member in 2007 when his company was
12 hired to provide services to the Association.

13 4. PW James Management and Consulting ("PW James") provided community
14 management services to the Association in 2007 and Penny Wood was the only
15 representative from PW James in attendance at the meeting.

16 5. Since October 1, 2003, NRS 116.31187 prohibited a board member or officer
17 from entering into a contract with the association or receiving "any commission, personal
18 profit or compensation of any kind for providing financing, goods or services to the
19 association."

20 6. At some time in 2016, RESPONDENT ROCHA resigned as a board member,
21 but remained an officer of the Association until this Commission ordered a change to the
22 board's governance at its November 2016 meeting based on a complaint filed against the
23 Association and its purported board members (the "Association Complaint").

24 7. RESPONDENT ROCHA was named as a party to the Association Complaint,
25 but failed to appear or respond.

26 8. The Commission ordered two owners who appeared for the November hearing
27 to be the board members and any other board members or officers of the Association were
28

1 deemed to be resigned.

2 9. Bank records for the Association show that RESPONDENT ROCHA'S wife,
3 Evangelina Rocha, received payments from the Association.

4 10. Invoices received by the Division for some of those payments are from Rudy's
5 Cleaning Service with directive to pay Evangelina Rocha.

6 11. On or about December 22, 2016, H. Amanda Davis, a community manager
7 with PW James, responded to the Division's investigation on behalf of RESPONDENT
8 ROCHA.

9 12. The Division directed that RESPONDENT ROCHA respond personally.

10 13. In a substantially similar statement to that provided by Ms. Davis,
11 RESPONDENT ROCHA'S response states that he did not receive compensation from the
12 Association and that his wife was hired to provide cleaning services for the Association, and
13 she sends the money to her family in Mexico.

14 14. According to the bank records provided to the Division, the Association paid
15 RESPONDENT ROCHA'S wife a total of \$38,200 with 38 checks from January 2014
16 through October 2016.

17 15. Virtually every Association check issued to RESPONDENT ROCHA'S wife is
18 signed by RESPONDENT ROCHA.

19 VIOLATIONS OF LAW

20 RESPONDENT admits to the following violations of law:

21 16. RESPONDENT ROCHA violated NRS 116.31187(1) by receiving
22 compensation from the Association through his wife for services provided by his company,
23 Rudy's Cleaning Service.

24 17. RESPONDENT ROCHA violated NRS 116.31034(9)(a)(2) by serving as a
25 board member and officer of the Association when he stood to gain personal profit or
26 compensation of any kind from a matter before the executive board of the Association.

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1 **DISCIPLINE AUTHORIZED**

2 Pursuant to the provisions of NRS 116.615, NRS 116.755, NRS 116.785, and NRS
3 116.790, the Commission has discretion to take any or all of the following actions:

4 1. Issue an order directing RESPONDENT to cease and desist from continuing
5 to engage in the unlawful conduct that resulted in the violation.

6 2. Issue an order directing RESPONDENT to take affirmative action to correct
7 any conditions resulting from the violation.

8 3. Impose an administrative fine of up to \$1,000 for each violation by
9 RESPONDENT.

10 4. IF RESPONDENT IS FOUND TO HAVE KNOWINGLY AND WILLFULLY
11 COMMITTED A VIOLATION of NRS or NAC 116 AND it is in the best interest of the
12 Association, such RESPONDENT may be removed from his/her position as a director
13 and/or officer.

14 5. Order an audit of the ASSOCIATION, at the expense of the ASSOCIATION.

15 6. Require the BOARD MEMBERS to hire a community manager who holds a
16 certificate.

17 7. Require RESPONDENT to pay the costs of the proceedings incurred by the
18 Division, including, without limitation, the cost of the investigation and reasonable
19 attorney's fees.

20 8. Take whatever further disciplinary action as the Commission deems
21 appropriate.

22 The Commission may order one or any combination of the discipline described
23 above. If the Commission finds that the RESPONDENT knowingly and willfully violated
24 the provisions of NRS or NAC 116, the Commission may order that RESPONDENT be
25 personally liable for all fines and costs imposed.

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1 RESPONDENT. RESPONDENT fully understands that he has the right to be represented
2 by legal counsel in this matter at his own expense.

3 6. Each party shall bear its own attorney's fees and costs.

4 7. Stipulation and Order is Not Evidence. Neither this Stipulation and Order nor
5 any statements made concerning this Stipulation and Order may be discussed or introduced
6 into evidence at any hearing on the Complaint, if the Division must ultimately present its
7 case based on the Complaint filed in this matter.

8 8. Release. In consideration of execution of this Stipulation and Order,
9 RESPONDENT for himself, his heirs, executors, administrators, successors, and assigns,
10 hereby releases, remises, and forever discharges the State of Nevada, the Department of
11 Business and Industry and the Division, and each of their respective members, agents,
12 employees and counsel in their individual and representative capacities, from any and all
13 manner of actions, causes of action, suits, debts, judgments, executions, claims, and
14 demands whatsoever, known and unknown, in law or equity, that the RESPONDENT ever
15 had, now has, may have, or claim to have, against any or all of the persons or entities
16 named in this section, arising out of or by reason of the Division's investigation, this
17 disciplinary action, and all other matters relating thereto.

18 9. Indemnification. RESPONDENT hereby indemnifies and holds harmless the
19 State of Nevada, the Department of Business and Industry, the Division, and each of their
20 respective members, agents, employees and counsel in their individual and representative
21 capacities against any and all claims, suits, and actions brought against said persons and/or
22 entities by reason of the Division's investigation, this disciplinary action and all other
23 matters relating thereto, and against any and all expenses, damages, and costs, including
24 court costs and attorney fees, which may be sustained by the persons and/or entities named
25 in this section as a result of said claims, suits, and actions.

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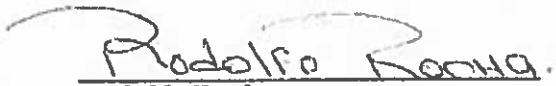
1 10. RESPONDENT has signed and dated this Stipulation and Order only after
2 reading and understanding all terms herein.

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4 DATED: March _____, 2017.

REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA

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7 By: 
Sharath Chandra, Administrator

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9 DATED: March 15, 2017.


Rodolfo Rocha

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12 **ORDER**

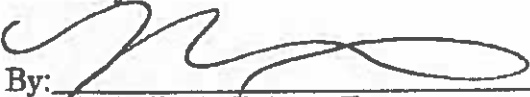
13 **IT IS ORDERED** that the foregoing Stipulation and Order for Settlement of
14 Disciplinary Action is approved in full.

15 Dated: March 21, 2017.

16 COMMISSION FOR COMMON-INTEREST
17 COMMUNITIES AND CONDOMINIUM
HOTELS, DEPARTMENT OF BUSINESS
18 & INDUSTRY, STATE OF NEVADA

19
20 By: 
Barry Breslow, Chairman

21 Submitted by:
22 ADAM PAUL LAXALT
Attorney General

23
24 By: 
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