

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

4 Sharath Chandra, Administrator,
5 Real Estate Division, Department of
6 Business & Industry, State of Nevada,
7 Petitioner,

8 Vs.

9 Cimarron Ridge Association, Richard
10 Shinn, Maggie Shinn, and Jason Bishop,
11 Respondents.

Case No. 2017-1368

FILED

OCT 02 2017

NEVADA COMMISSION OF *CR*
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

11 **COMPLAINT FOR DISCIPLINARY**
12 **ACTION AND NOTICE OF HEARING**

13 The Real Estate Division of the Department of Business and Industry, State of
14 Nevada (the "Division"), by and through its counsel, Adam Paul Laxalt, Attorney
15 General of the State of Nevada, and Michelle D. Briggs, Senior Deputy Attorney
16 General, hereby notifies Respondent CIMARRON RIDGE ASSOCIATION, RICHARD
17 SHINN, MAGGIE SHINN, and JASON BISHOP (hereinafter, "RESPONDENTS") of an
18 administrative hearing before the Commission for Common-Interest Communities and
19 Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters 233B
20 and 116 of the Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada
21 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations
22 stated below and to determine if an administrative penalty will be imposed on the
23 RESPONDENTS pursuant to the provisions of NRS and NAC including, but not limited
24 to, NRS 116.785 and NRS 116.790.

25 **JURISDICTION AND NOTICE**

26 1. During the relevant times mentioned in this complaint, RESPONDENTS
27 RICHARD SHINN, MAGGIE SHINN, and JASON BISHOP served as board members
28 and/or officers of RESPONDENT CIMARRON RIDGE ASSOCIATION (the

1 "Association"), a common-interest community located in Las Vegas, Nevada.

2 2. RESPONDENTS are subject to the provisions of Chapter 116 of each the
3 Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC")
4 (hereinafter collectively referred to as "NRS 116") and are subject to the jurisdiction of
5 the Division, and the Commission for Common-Interest Communities pursuant to the
6 provisions of NRS 116.750.

7 **FACTUAL ALLEGATIONS**

8 3. In June, 2017, the Division initiated an investigation of the Association
9 based on its failure to file an annual association registration form or pay the annual fee.

10 4. According to the 2016 annual registration form, the Association consists of
11 70 single family homes and has a total annual budget of \$42,000.

12 5. It also appeared that a husband and wife, RESPONDENTS RICHARD
13 SHINN and MAGGIE SHINN, were serving on the board together.

14 6. The 2016 annual registration form is signed by RESPONDENT RICHARD
15 SHINN and lists the same address for RESPONDENTS MAGGIE SHINN and JASON
16 BISHOP.

17 7. Since 2015, the Association has been managed by: Tonya Gale with Epic
18 Association Management; Stacy Fry-Cable, Sheri Wilson, and June Heydarian with
19 Terra West; Jim Robertson with Las Vegas Valley Community Management; Jamie
20 Collins with Shelter Management; Trish Hall; possibly Colonial Management; Kallea
21 Smith with The Greenspun Corporation; and currently, Stephanie Swain with Regal
22 Management.

23 8. RESPONDENTS RICHARD SHINN, MAGGIE SHINN, and JASON
24 BISHOP did not respond to the Division's investigation.

25 9. By letter dated September 20, 2017, Ms. Swain informed the Division that
26 the board members plan to meet in September to discuss the issues and that she
27 scheduled an election.

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1 **VIOLATIONS OF LAW**

2 10. RESPONDENTS RICHARD SHINN, MAGGIE SHINN, and JASON
3 BISHOP knowingly and willfully violated NRS 116.3103 (through NAC 116.405(5)(a))
4 by failing to act in good faith and in the best interests of the Association when they
5 impeded the Division's investigation by failing to comply with a request by the Division
6 to provide information and documents.

7 11. RESPONDENTS RICHARD SHINN, MAGGIE SHINN, and JASON
8 BISHOP knowingly and willfully violated NRS 116.3103 (through NAC 116.405(5)(c))
9 by failing to act in good faith and in the best interests of the Association when they
10 impeded the Division's investigation by concealing facts and documents relating to the
11 business of the Association.

12 12. RESPONDENTS RICHARD SHINN, MAGGIE SHINN, and JASON
13 BISHOP knowingly and willfully violated NRS 116.3103 (through NAC 116.405(3)) by
14 committing an act or omission which amounts to incompetence, negligence or gross
15 negligence.

16 13. RESPONDENTS RICHARD SHINN and MAGGIE SHINN knowingly and
17 willfully violated NRS 116.31034(9) by serving on the board together when they are
18 related by blood, adoption or marriage, or reside together.

19 **DISCIPLINE AUTHORIZED**

20 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
21 116.790 the Commission has discretion to take any or all of the following actions:

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

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

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

28 4. IF RESPONDENT IS FOUND TO HAVE KNOWINGLY AND

1 WILLFULLY COMMITTED A VIOLATION of NRS or NAC 116 AND it is in the best
2 interest of the Association, such RESPONDENTS may be removed from his/her position
3 as a director and/or officer.

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

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

8 7. Require RESPONDENTS to pay the costs of the proceedings incurred by
9 the Division, including, without limitation, the cost of the investigation and reasonable
10 attorney's fees.

11 8. Take whatever further disciplinary action as the Commission deems
12 appropriate.

13 The Commission may order one or any combination of the discipline described
14 above. If the Commission finds that the RESPONDENTS knowingly and willfully
15 violated the provisions of NRS or NAC 116, the Commission may order that
16 RESPONDENTS be personally liable for all fines and costs imposed.

17 NOTICE OF HEARING

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

22 THE HEARING WILL TAKE PLACE at the Commission meeting scheduled for
23 November 14-16, 2017, beginning at approximately 9:00 a.m. each day, or until such
24 time as the Commission concludes its business. The Commission meeting will be held at
25 the Nevada State Business Center, 3300 W. Sahara Avenue, Nevada Room, Suite 400,
26 Las Vegas, Nevada 89102 with videoconferencing to Department of Business &
27 Industry, Director's Office, 1830 East College Parkway, Suite 100, Carson City, Nevada
28 89706.

1 **STACKED CALENDAR:** Your hearing is one of several hearings that may be
2 scheduled at the same time as part of a regular meeting of the Commission that is
3 expected to take place on November 14-16, 2017. Thus, your hearing may be continued
4 until later in the day or from day to day. It is your responsibility to be present when
5 your case is called. If you are not present when your hearing is called, a default may be
6 entered against you and the Commission may decide the case as if all allegations in the
7 complaint were true. If you need to negotiate a more specific time for your hearing in
8 advance because of coordination with out of state witnesses or the like, please call
9 Claudia Rosolen, Commission Coordinator, at (702) 486-4606.

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

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

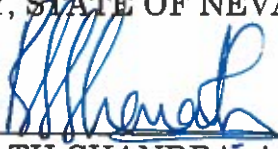
23 You have the right to request that the Commission issue subpoenas to compel
24 witnesses to testify and/or evidence to be offered on your behalf. In making this
25 request, you may be required to demonstrate the relevance of the witness' testimony
26 and/or evidence. Other important rights and obligations, including your obligation to
27 answer the complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116,
28 including without limitation, NRS 116.770 through 116.780, and NAC 116.500 through

1 NAC 116.635 and NRS Chapter 233B.


2 Note that under NAC 116.575, not less than five (5) working days before a
3 hearing, RESPONDENTS must provide to the Division a copy of all reasonably
4 available documents that are reasonably anticipated to be used to support his position,
5 and a list of witnesses RESPONDENTS intend to call at the time of the hearing. Failure
6 to provide any document or to list a witness may result in the document or witness
7 being excluded from RESPONDENTS' defense. The purpose of the hearing is to
8 determine if the RESPONDENTS have violated the provisions of NRS 116, and to
9 determine what administrative penalty is to be assessed against RESPONDENTS.

10 DATED this 29 day of September, 2017.

11 REAL ESTATE DIVISION,
12 DEPARTMENT OF BUSINESS &
13 INDUSTRY, STATE OF NEVADA

14 By: 
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