

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. 2016-3832

Petitioner,

vs.

Helen Amanda Davis, aka H. Amanda
Davis,

Respondent.

FILED

OCT 02 2017

CK

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

**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 Helen Amanda Davis ("RESPONDENT" or "DAVIS") 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.

JURISDICTION

1. During all relevant times mentioned in this complaint, DAVIS held and currently holds a supervisory community manager certificate from the Division, CAM.0001226-SUPR, and is, therefore, subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and 116A and NAC Chapters 116 and 116A.

ALLEGATIONS OF FACT

2. In August 2016, the Division initiated an investigation involving Cimarron

1 West Homes Association (the "Association") for being in default with the Secretary of
2 State and not having a properly funded reserve account.

3 3. During the investigation of the Association, the Division opened a separate
4 investigation against the Association's manager, RESPONDENT, HELEN AMANDA
5 DAVIS.

6 4. DAVIS holds a supervisory community manager certificate from the Division
7 and managed the Association beginning in February 2016.

8 5. DAVIS was asked to respond to an allegation that Association checks
9 included the signature of a former board member, Joseph Mondo.

10 6. DAVIS responded that the board's president authorized the checks, and the
11 former board member's signature was applied to the checks.

12 7. DAVIS stated that she never saw the checks and that the accounting
13 department generates the checks after the invoices are approved by the board's president.

14 8. The Association's check number 5050 was paid to DAVIS'S company, Unique
15 Construction Service, LLC, in the amount of \$95.00 on April 28, 2016 and that check
16 contained Mr. Mondo's signature.

17 9. While DAVIS was the Association's manager, there were approximately 106
18 Association checks issued with Mr. Mondo's signature in 2016 totaling approximately
19 \$145,500.

20 10. According to a Registration Filing Addendum submitted to the Division in
21 July of 2015, Mr. Mondo had resigned from the board.

22 11. The Association's annual budget is over \$300,000.

23 12. The Association did not have the 2015 audit performed in 2016.

24 13. DAVIS blamed the prior manager for the audit not being done.

25 14. DAVIS informed the Division that a firm was hired to do the 2015 audit at
26 the end of 2016, but no such audit was ever done.

27

28

1 **VIOLATIONS OF LAW**

2 15. DAVIS violated NRS 116A.630(6)(a) by failing to ensure the financial
3 transactions of the Association were current, accurate and properly documented.

4 16. DAVIS violated NRS 116A.630(1)(a) by failing to act as a fiduciary of the
5 Association when she failed to prevent or notice that a former board member's signature
6 was used on over 100 Association checks.

7 17. DAVIS violated NRS 116A.630(1)(a) by failing to act as a fiduciary of the
8 Association when she failed to cause the Association to comply with NRS 116.31144 and
9 NAC 116.457.

10 18. DAVIS violated NRS 116A.630(1)(b) by failing to exercise ordinary and
11 reasonable care in the performance of her duties by failing to prevent or notice that a
12 former board member's signature was used on over 100 Association checks.

13 19. DAVIS violated NRS 116A.630(1)(b) by failing to exercise ordinary and
14 reasonable care in the performance of her duties by failing to have the Association comply
15 with NRS 116.31144 and NAC 116.457.

16 20. DAVIS violated NRS 116A.630(2)(b) by failing to comply with federal, state
17 and local laws, regulations and ordinances.

18 21. DAVIS violated NRS 116A.630(15) by failing to maintain internal
19 accounting controls.

20 22. DAVIS violated NRS 116A.640(2)(b) and NAC 116A.345(2)(b) by impeding or
21 otherwise interfering with an investigation of the Division by supplying false or
22 misleading information to an investigator.

23 **DISCIPLINE AUTHORIZED**

24 Pursuant to the provisions of NAC 116A.360 the Commission has discretion to
25 impose discipline as it deems appropriate, including, but not limited to one or more of the
26 following actions:

- 27 1. Revoke or suspend the certificate;

28

1 until later in the day or from day to day. It is your responsibility to be present when your
2 case is called. If you are not present when your hearing is called, a default may be entered
3 against you and the Commission may decide the case as if all allegations in the complaint
4 were true. If you need to negotiate a more specific time for your hearing in advance
5 because of coordination with out of state witnesses or the like, please call Claudia
6 Rosolen, Commission Coordinator, at (702) 486-4606.

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

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


20 You have the right to request that the Commission issue subpoenas to compel
21 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
22 you may be required to demonstrate the relevance of the witness' testimony and/or
23 evidence. Other important rights and obligations, including your obligation to answer the
24 complaint, you have are listed in NAC 116A.560 through NAC 116A.655, NRS Chapter
25 233B, and NRS Chapters 116 and 116A and NAC 116 and 116A.

26 Note that under NAC 116A.585, not less than five (5) working days before a
27 hearing, RESPONDENT must provide to the Division a copy of all reasonably available
28


1 documents that are reasonably anticipated to be used to support his or her position, and a
2 list of witnesses RESPONDENT intends to call at the time of the hearing. Failure to
3 provide any document or to list a witness may result in the document or witness being
4 excluded from Respondent's defense. The purpose of the hearing is to determine if the
5 RESPONDENT has violated any of the provisions of NRS and NAC Chapters 116 and
6 116A, and to determine what administrative penalty is to be assessed against
7 RESPONDENT, if any, pursuant to NAC 116A.360.

8 DATED this 29 day of September, 2017.

9
10 REAL ESTATE DIVISION,
11 DEPARTMENT OF BUSINESS & INDUSTRY,
STATE OF NEVADA

12 By: 
13 Sharath Chandra, Administrator
14 3300 W. Sahara Ave.
15 Las Vegas, Nevada 89102
16 (702) 486-4033

17 ADAM PAUL LAXALT
18 Attorney General

19 By: 
20 Michelle D. Briggs, Esq.
21 Senior Deputy Attorney General
22 555 E. Washington Avenue, Ste 3900
23 Las Vegas, Nevada 89101
24 (702) 486-3420
25 Attorneys for Nevada Real Estate Division
26
27
28