

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. 2017-290

Petitioner,

vs.

Helen Amanda Davis, aka H. Amanda  
Davis,

Respondent.

**FILED**

OCT 02 2017

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, Senior Deputy Attorney General, hereby notifies Respondent Helen Amanda Davis (the "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 Chapters 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 RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to, NAC 116A.360.

**JURISDICTION AND NOTICE**

1. DAVIS engages in the management of common-interest communities as defined by NRS 116A.110 in the state of Nevada under certificate number (CAM.0001226-SUPR).

2. DAVIS is subject to the provisions of Chapters 116 and 116A of both the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") and is

1 subject to the jurisdiction of the Division, and the Commission for Common-Interest  
2 Communities and Condominium Hotels.

### 3 FACTUAL ALLEGATIONS

4 3. On or about March 25, 2016, RESPONDENT DAVIS provided the Division  
5 with a list of homeowners' associations she was managing for PW James Management  
6 and Consulting ("PW James").

7 4. DAVIS began managing the associations on February 2, 2016 when the prior  
8 manager, Jeffrey Alan Frederick, agreed to surrender his certificate pending the outcome  
9 of a disciplinary case against him.

10 5. After Mr. Frederick surrendered his certificate, DAVIS became the only  
11 certificate holder to work for PW James.

12 6. Palmilla Homeowners Association (the "Association") is on the list of  
13 associations managed by DAVIS.

14 7. The Division opened an investigation against the Association for its failure  
15 to annually register with the Division, to have audits performed, and to have an updated  
16 reserve study. (Case No. 2016-3042)

17 8. Records produced during the investigation of the Association showed "A  
18 Unique Construction SVC LLC" was a vendor for the Association in 2016 and the address  
19 for the vendor was DAVIS'S address.

20 9. DAVIS is the owner of A Unique Construction Service, LLC ("A Unique  
21 Construction").

22 10. During the investigation of the Association, the Division also became aware  
23 that Rest Easy Pest Control was a vendor of the Association and is owned by the board  
24 president, William Simpson. (Case No. 2016-4209)

25 11. In 2016, while managing the Association, DAVIS received over \$9,000 from  
26 the Association for her company, A Unique Construction.

27 12. The reference description for the invoices from A Unique Construction state:  
28 back gate lock repair, washer and dryer removal, utility door repair, locking bars 5950

1 barbosa, graffiti removal, men's restroom, pool fence repairs, trash removal, material  
2 deposit utility door, new lock back door.

3 13. Board member, Karen Henderson, informed the Division that she did not  
4 know DAVIS was the owner of A Unique Construction.

5 14. The Division opened an investigation against DAVIS and asked for a  
6 response.

7 15. DAVIS did not respond to the investigation or provide any documentation.

8 16. The Association's financial records indicate that A Unique Construction has  
9 been providing services to the Association since 2012 and was paid a total of \$45,138.14.

10 17. DAVIS is not a licensed contractor.

11 18. DAVIS was charged in 2013 and in 2017 with contracting without a license  
12 under NRS 624.750.

### 13 VIOLATIONS OF LAW

14 19. DAVIS violated NRS 116A.630(1)(a) by failing to act as a fiduciary in her  
15 relationship with the Association.

16 20. DAVIS violated NRS 116A.630(1)(b) by failing to exercise ordinary and  
17 reasonable care in the performance of her duties.

18 21. DAVIS violated NRS 116A.630(2)(a) by failing to comply with state laws.

19 22. DAVIS violated NRS 116A.640(2)(a) and NAC 116A.345(2)(a) by impeding or  
20 otherwise interfering with an investigation of the Division by failing to comply with a  
21 request of the Division to provide documents.

22 23. DAVIS violated NRS 116A.640(2)(c) and NAC 116A.345(2)(c) by impeding or  
23 otherwise interfering with an investigation of the Division by concealing facts or  
24 documents relating to the business of a client.

25 24. DAVIS violated NRS 116A.640(7)(b); NAC 116A.345(6)(b) and NAC  
26 116A.355(4)(c) by providing services to the Association for which she is not properly  
27 licensed.

28 25. DAVIS violated NAC 116A.355(1)(a)(1) (NAC 116A.355(2)(b)) by committing

1 unprofessional conduct by failing to disclose to a client any material fact or other  
2 information that she knows which concerns or relates to the common-interest community  
3 and which is of customary or express interest to the client.

4 26. DAVIS violated NAC 116A.355(1)(a)(1) (NAC 116A.355(2)(c)) by committing  
5 unprofessional conduct by engaging in deceitful, fraudulent, or dishonest conduct,  
6 including, without limitation, knowingly communicating false, misleading or fraudulent  
7 information to a client.

8 27. DAVIS violated NAC 116A.355(1)(a)(1) (NAC 116A.355(2)(f)) by committing  
9 unprofessional conduct by failing to cooperate with the Division in the investigation of a  
10 complaint including, without limitation, failure to produce any document, book or record  
11 in the possession or control of the community manager after the Division requests the  
12 production of such document, book or record in the course of an investigation of a  
13 complaint.

14 28. DAVIS violated NAC 116A.355(1)(a)(1) (NAC 116A.355(2)(i)) by committing  
15 unprofessional conduct by exceeding the authority granted to her by the Association.

16 29. DAVIS violated NAC 116A.355(1)(a)(2) (NAC 116A.355(3)(a)) by committing  
17 professional incompetence by demonstrating a significant lack of ability, knowledge or  
18 fitness to perform a duty or obligation owed to a client.

19 30. DAVIS violated NAC 116A.355(1)(a)(2) (NAC 116A.355(3)(b)) by committing  
20 professional incompetence by failing to exercise reasonable skill and care with respect to  
21 a duty or obligation owed to a client.

22 31. DAVIS violated NAC 116A.355(1)(a)(1) and (2) (NAC 116A.355(4)(d)) by  
23 committing unprofessional conduct or professional incompetence by failing to comply with  
24 the disclosure requirement of NAC 116A.330.

25 32. DAVIS violated NAC 116A.355(1)(a)(1) and (2) (NAC 116A.355(4)(g)) by  
26 committing unprofessional conduct or professional incompetence by failing to act in the  
27 best interests of the Association by failing to disclose her ownership of A Unique  
28 Construction.

1 **DISCIPLINE AUTHORIZED**

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

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

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

19 **NOTICE OF HEARING**

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

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

1 Director's Office, 1830 East College Parkway, Suite 100, Carson City, Nevada 89706.

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

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

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


24       You have the right to request that the Commission issue subpoenas to compel  
25 witnesses to testify and/or evidence to be offered on your behalf. In making this request,  
26 you may be required to demonstrate the relevance of the witness's testimony and/or  
27 evidence. Other important rights and obligations, including your obligation to answer the  
28 complaint, you have are listed in NRS Chapters 116 and 116A and NAC 116 and 116A,

1 including without limitation, NRS 116.770 through 116.780, and NAC 116.500 through  
2 NAC 116.635 and NRS Chapter 233B.


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

11 DATED this 29 day of September, 2017.

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

16 By:   
17 Sharath Chandra, Administrator  
18 3300 W. Sahara Avenue, Ste 350  
19 Las Vegas, Nevada 89102  
20 (702) 486-4033

21 ADAM PAUL LAXALT,  
22 Attorney General

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