

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

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

7 Petitioner,

8 vs.

9 Dorothy Keith and Hacienda La Caliente
10 Homeowners Association,

11 Respondents.

Case No. 2016-3611

FILED

OCT 02 2017

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

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

25 **JURISDICTION AND NOTICE**

26 1. During the relevant times mentioned in this complaint, RESPONDENT
27 DOROTHY KEITH (KEITH) was an officer or director of RESPONDENT HACIENDA LA
28 CALIENTE HOMEOWNERS ASSOCIATION (the "Association"), a homeowners'
association located in Las Vegas, Nevada.

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 RESPONDENTS to cease and desist from continuing to
5 engage in the unlawful conduct that resulted in the violation.

6 2. Issue an order directing RESPONDENTS 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 RESPONDENTS.

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 RESPONDENTS 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.

26 **NOTICE OF HEARING**

27 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider
28 this Administrative Complaint against the above-named RESPONDENTS in accordance

1 with Chapters 233B and 116 and 116A of the Nevada Revised Statutes and Chapters 116
2 and 116A of the Nevada Administrative Code.

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

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

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

24 As a RESPONDENT, you are specifically informed that you have the right to
25 appear and be heard in your defense, either personally or through your counsel of choice.
26 At the hearing, the Division has the burden of proving the allegations in the complaint
27 and will call witnesses and present evidence against you. You have the right to respond
28 and to present relevant evidence and argument on all issues involved. You have the right

1 to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses
2 on any matter relevant to the issues involved.

3 You have the right to request that the Commission issue subpoenas to compel
4 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
5 you may be required to demonstrate the relevance of the witness' testimony and/or
6 evidence. Other important rights and obligations, including your obligation to answer the
7 complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
8 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC
9 116.635 and NRS Chapter 233B.

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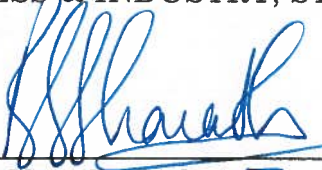
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1 Note that under NAC 116.575, not less than five (5) working days before a hearing,
2 RESPONDENT must provide to the Division a copy of all reasonably available documents
3 that are reasonably anticipated to be used to support his position, and a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

9 DATED this 29 day of September, 2017.

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

14 By: 
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