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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. 2018-680

Petitioner,

vs.

Shadow Wood Homeowners Association
and Jose Escalona,

Respondents.

FILED

JAN 25 2019

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, Aaron D. Ford, Attorney General of the State of Nevada, and Michelle D. Briggs, Esq., Senior Deputy Attorney General, hereby notifies RESPONDENTS SHADOW WOOD HOMEOWNERS ASSOCIATION AND JOSE ESCALONA ("RESPONDENTS") 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 116 of the Nevada Revised Statutes ("NRS") and Chapter 116 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 RESPONDENTS pursuant to the provisions of NRS and NAC including, but not limited to, NRS 116.785 and NRS 116.790.

JURISDICTION AND NOTICE

1. During the relevant times mentioned in this complaint, RESPONDENT JOSE ESCALONA was, and currently is, a director of SHADOW WOOD HOMEOWNERS ASSOCIATION (the "Association"), a common-interest community located in Las Vegas, Nevada.

2. RESPONDENTS are subject to the provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and is subject to the jurisdiction of the

1 Division, and the Commission for Common Interest Communities pursuant to the
2 provisions of NRS 116.750.

3 **FACTUAL ALLEGATIONS**

4 3. RESPONDENT ESCALONA performs bookkeeping services using the name
5 "J.E. & Associates."

6 4. ESCALONA served on the Association's board since at least September 2014,
7 and presently serves as the Association's treasurer.

8 5. During a separate investigation, the Division became aware that ESCALONA
9 was paid by the Association through J.E. & Associates to perform payroll services for the
10 Association.

11 6. From November 2016 to March 2018, J.E. & Associates was paid
12 approximately \$3,450 by the Association for payroll services.

13 7. No Association records reflect J.E. & Associates was hired to provide payroll
14 services.

15 8. J.E. & Associates is not a legal entity or registered fictitious firm name with
16 any government agency in Nevada.

17 9. According to on-line advertising for J.E. & Associates, ESCALONA is the
18 President.

19 10. ESCALONA responded to the Division's investigation stating that he's an
20 employee of J.E. & Associates.

21 11. ESCALONA provided invoices from J.E. & Associates, but did not say who his
22 supervisor was, who prepared the invoices, or who provided the payroll services.

23 12. The address for J.E. & Associates is the same address reported to the Division
24 for board member ESCALONA on annual registration forms.

25 **VIOLATIONS OF LAW**

26 13. RESPONDENT ESCALONA violated NRS 116.31187(1) by receiving
27 compensation from the Association through his business name J.E. & Associates in
28 exchange for services to the Association.

1 were true. If you need to negotiate a more specific time for your hearing in advance
2 because of coordination with out of state witnesses or the like, please call Samiel
3 Williams, Commission Coordinator, at (702) 486-4606.

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

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


17 You have the right to request that the Commission issue subpoenas to compel
18 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
19 you may be required to demonstrate the relevance of the witness' testimony and/or
20 evidence. Other important rights and obligations, including your obligation to answer the
21 complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
22 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC
23 116.635 and NRS Chapter 233B.

24 Note that under NAC 116.575, not less than five (5) working days before a hearing,
25 RESPONDENT must provide to the Division a copy of all reasonably available documents
26 that are reasonably anticipated to be used to support his position, and a list of witnesses
27 RESPONDENT intends to call at the time of the hearing. Failure to provide any
28 document or to list a witness may result in the document or witness being excluded from


1 RESPONDENT'S defense. The purpose of the hearing is to determine if the
2 RESPONDENT has violated the provisions of Chapter 116, and to determine what
3 administrative penalty is to be assessed against RESPONDENT.

4 DATED this 25 day of January, 2019.

5 REAL ESTATE DIVISION,
6 DEPARTMENT OF BUSINESS & INDUSTRY,
7 STATE OF NEVADA

8 By: 
9 Sharath Chandra, Administrator
10 3300 W. Sahara Avenue
11 Las Vegas, Nevada 89104
12 (702) 486-4033

11 AARON D. FORD
12 Attorney General

13 By: 
14 Michelle D. Briggs, Esq.
15 Senior Deputy Attorney General
16 555 E. Washington Avenue, Suite 3900
17 Las Vegas, Nevada 89101
18 (702) 486-3420
19 Attorneys for Nevada Real Estate Division
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CERTIFICATE OF SERVICE
(NRS 116.770)

I hereby certify that on this 6th day of February 2019 I deposited a true and correct copy of the foregoing:

**COMPLAINT AND NOTICE OF HEARING,
NOTICE OF DOCUMENTS PRODUCED,
And NOTICE OF COMPLAINT AND OBLIGATION TO RESPOND**

In the United States Mail, postage pre-paid, in Las Vegas, Nevada, through the State of Nevada mailroom, by certified mail addressed to the following respondents at his last known address as follows:

Certified No. 7017 1450 0000 8967 9576
Shadow Wood Homeowners Association
C/O Prime Community Management
181 N. Arroyo Grande Parkway, Ste. 125
Henderson, Nevada 89074

Certified No. 7017 1450 0000 8967 9606
Jose Escalona
1515 S. Maryland Pkwy
Las Vegas, Nevada 89104

By: 

Samuel D. Williams
Commission Coordinator
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102