

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. 2018-1380

Petitioner,

FILED

vs.

AUG 08 2019

Gregory Brimm,

Respondent.

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, Senior Deputy Attorney General, hereby notifies Respondent GREGORY BRIMM (the "RESPONDENT" or "BRIMM") 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 116A.900.

JURISDICTION AND NOTICE

1. During the relevant times mentioned in this complaint, Respondent GREGORY BRIMM engaged in the management of a common-interest community as defined by NRS 116A.110 in the state of Nevada.

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

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FACTUAL ALLEGATIONS

3. BRIMM is the owner and manager of Ponderosa Property Maintenance (“Ponderosa”) in Incline Village, Nevada.

4. Ponderosa provides management services to One Thousand Lakeshore Homeowners Association (the “Association”).

5. BRIMM does not hold a certificate from the Division as community manager.

6. Association checks provided to the Division were signed by BRIMM.

7. Ponderosa entered into a management contract with the Association in 2013.

8. The 2013 contract states that GRIMM is to provide management services to the Association including, without limitation: provide budget projections, maintain books, maintain ownership records, arrange for preparation the Association’s tax return, prepare and distribute an Annual Financial Report to all homeowners, prepare delinquency reports, coordinate collection efforts, maintain hours for homeowners to contact him, provide emergency maintenance services, prepare insurance specifications, make insurance recommendations to the board, assist in processing insurance claims, prepare meeting documents and reports, schedule board meetings and prepare detailed financial reports.

9. BRIMM signed checks for the Association and is a signor on all bank accounts.

10. BRIMM is listed as the “Manager” and Ponderosa is listed as the Management Company on the Association’s 2014 Annual Registration form.

11. Ponderosa advertising in the Summer of 2016 states that it provides community association management.

12. In 2017, BRIMM, through Ponderosa, entered into a Maintenance Contract and a Management Contract with the Association.

13. The Association’s Rules and Regulations dated April 26, 2018 state that Ponderosa provides common area maintenance and lists BRIMM as a provisional

1 community association manager to contact for any problems or inquiries.

2 14. BRIMM provides maintenance and management of the common areas for
3 the Association.

4 15. In 2018, the Division's auditor completed an audit of the Association's
5 records.

6 16. The auditor's report details problems with the management of the
7 Association including, without limitation, using reserve funds for non-reserve items,
8 underfunded reserves, deferred maintenance, and sole signed checks.

9 VIOLATIONS OF LAW

10 17. RESPONDENT violated NRS 116A.400(1) by engaging in the management
11 of a common-interest community without a community manager certificate from the
12 Division.

13 DISCIPLINE AUTHORIZED

14 Pursuant to the provisions of NRS 116A.900 the Commission has discretion to
15 impose discipline as it deems appropriate, including, but not limited to one or more of the
16 following actions:

17 1. Impose a fine not to exceed the amount of any gain or economic benefit
18 RESPONDENT derived from the violation or \$10,000, whichever is greater.

19 2. Require the RESPONDENT to pay the costs of the investigation and
20 hearing; and

21 3. Take such other disciplinary action as the Commission deems appropriate.

22 The Commission may order one or any combination of the discipline described
23 above.

24 NOTICE OF HEARING

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

2 THE HEARING WILL TAKE PLACE at the Commission meeting scheduled for
3 September 17-19, 2019, beginning at approximately 9:00 a.m. each day, or until such time
4 as the Commission concludes its business. The Commission meeting will be held at the
5 Nevada Division of Insurance at 1818 East College Parkway, Suite 103, Carson City,
6 Nevada 89706, with video conferencing at the Nevada State Business Center at 3300
7 West Sahara Ave., Fourth Floor, Nevada Room, Las Vegas, Nevada 89102.

8 STACKED CALENDAR: Your hearing is one of several hearings that may be
9 scheduled at the same time as part of a regular meeting of the Commission that is
10 expected to take place on September 17-19, 2019. Thus, your hearing may be continued
11 until later in the day or from day to day. It is your responsibility to be present when your
12 case is called. If you are not present when your hearing is called, a default may be
13 entered against you and the Commission may decide the case as if all allegations in the
14 complaint were true. If you need to negotiate a more specific time for your hearing in
15 advance because of coordination with out of state witnesses or the like, please call
16 Teralyn Lewis, Administration Section Manager, at (702) 486-4036.

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

23 As a RESPONDENT, you are specifically informed that you have the right to
24 appear and be heard in your defense, either personally or through your counsel of choice.
25 At the hearing, the Division has the burden of proving the allegations in the complaint
26 and will call witnesses and present evidence against you. You have the right to respond
27 and to present relevant evidence and argument on all issues involved. You have the right
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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 Chapters 116 and 116A and NAC 116 and 116A,
8 including without limitation, NRS 116.770 through 116.780, and NAC 116.500 through
9 NAC 116.635 and NRS Chapter 233B.

10 Note that under NAC 116.575, not less than five (5) working days before a hearing,
11 RESPONDENT must provide to the Division a copy of all reasonably available documents
12 that are reasonably anticipated to be used to support his or her position, and a list of
13 witnesses RESPONDENT intends to call at the time of the hearing. Failure to provide
14 any document or to list a witness may result in the document or witness being excluded
15 from a RESPONDENT'S defense. The purpose of the hearing is to determine if the

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1 RESPONDENT has violated the provisions of Chapter 116A, and to determine what
2 administrative penalty is to be assessed against RESPONDENT.

3 DATED: August 8th, 2019.

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

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