

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. 2018-1488

FILED

JUL 29 2019

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Petitioner,

vs.

Joy Marvin,

Respondent.

**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 Ford, Attorney General of the State of Nevada, and Michelle D. Briggs, Senior Deputy Attorney General, hereby notifies Respondent JOY MARVIN (the "RESPONDENT" or "MARVIN") 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 JOY MARVIN engaged in the management of a common-interest community as defined by NRS 116A.110 in the state of Nevada.

2. MARVIN 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.

1 **FACTUAL ALLEGATIONS**

2 3. In 2017 and 2018, the Division received checks from Sierra Ranchos
3 Property Owners Association (the "Association") signed RESPONDENT MARVIN.

4 4. MARVIN is not a board member or officer of the Association and is not a
5 community manager.

6 5. The Division opened an investigation into MARVIN'S activities for the
7 Association.

8 6. The Association is a self-managed planned community consisting of 197
9 units.

10 7. MARVIN was paid \$425 each month and received reimbursement for
11 expenses.

12 8. MARVIN signed all Association checks in 2016 through 2018.

13 9. The Association transferred all of its reserve funds in October 2017 and
14 November 2017 to its operating account.

15 10. MARVIN is the Association's custodian of records.

16 11. MARVIN reports the financials to the board, prepares financials,
17 participates in board meetings, prepares checks, deposits checks, enters financial
18 information into an accounting program, and prepares resale packages.

19 **VIOLATIONS OF LAW**

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

23 **DISCIPLINE AUTHORIZED**

24 Pursuant to the provisions of NRS 116A.900 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. Impose a fine not to exceed the amount of any gain or economic benefit
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1 RESPONDENT derived from the violation or \$10,000, whichever is greater.

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

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

5 The Commission may order one or any combination of the discipline described
6 above.

7 **NOTICE OF HEARING**

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

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

18 **STACKED CALENDAR:** Your hearing is one of several hearings that may be
19 scheduled at the same time as part of a regular meeting of the Commission that is
20 expected to take place on September 17-19, 2019. Thus, your hearing may be continued
21 until later in the day or from day to day. It is your responsibility to be present when your
22 case is called. If you are not present when your hearing is called, a default may be
23 entered against you and the Commission may decide the case as if all allegations in the
24 complaint were true. If you need to negotiate a more specific time for your hearing in
25 advance because of coordination with out of state witnesses or the like, please call Jan
26 Unger, Commission Coordinator, at (702) 486-4606.

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

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

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

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

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

4 DATED: July 29, 2019.

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

8 By: 

9 Sharath Chandra, Administrator
10 3300 W. Sahara Avenue, Ste 350
11 Las Vegas, NV 89102
12 (702) 486-4033

13 AARON D. FORD,
14 Attorney General

15 By: 

16 Michelle D. Briggs, Esq.
17 Senior Deputy Attorney General
18 555 East Washington Avenue, Suite 3900
19 Las Vegas, Nevada 89101
20 (702) 486-3809
21 Attorneys for Real Estate Division
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