

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

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

7 Petitioner,

8 vs.

9 Sierra Ranchos Property Owners
10 Association and Roger Seifert,

11 Respondents.

Case No. 2018-1489

FILED

JUL 29 2019

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, Aaron Ford, Attorney General of the
16 State of Nevada, and Michelle D. Briggs, Esq., Senior Deputy Attorney General, hereby
17 notifies RESPONDENTS SIERRA RANCHOS PROPERTY OWNERS ASSOCIATION
18 (the "ASSOCIATION") and ROGER SEIFERT ("SEIFERT") (collectively
19 "RESPONDENTS") of an administrative hearing before the Commission for Common-
20 Interest Communities and Condominium Hotels, State of Nevada (the "Commission"),
21 which is to be held pursuant to Chapters 233B and 116 of the Nevada Revised Statutes
22 ("NRS") and Chapter 116 of the Nevada Administrative Code ("NAC"). The purpose of the
23 hearing is to consider the allegations stated below and to determine if an administrative
24 penalty will be imposed on the RESPONDENTS pursuant to the provisions of NRS and
25 NAC including, but not limited to, NRS 116.785 and NRS 116.790.

26 **JURISDICTION AND NOTICE**

27 1. RESPONDENTS are parties to the Stipulation and Order for Partial
28 Settlement of Disciplinary Action filed June 16, 2016 in Case No. IN-1608 before this
Commission.

 2. RESPONDENTS are subject to the provisions of Chapter 116 of each the
Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC")

1 (hereinafter collectively referred to as "NRS 116") and are subject to the jurisdiction of the
2 Division, and the Commission pursuant to the provisions of NRS 116.750 and NRS
3 116.785(3).

4 FACTUAL ALLEGATIONS

5 3. SEIFERT was a board member for Sierra Ranchos Property Owners
6 Association (the "Association").

7 4. The Division filed a complaint for disciplinary action against SEIFERT and the
8 Association with this Commission in Case No. IN-1608.

9 5. This Commission approved a settlement of that complaint evidenced by the
10 Stipulation and Order for Partial Settlement of Disciplinary Action filed June 16, 2016 (the
11 "Order").

12 6. According to the terms of the Order, SEIFERT was to step down from the
13 board for 5 years.

14 7. In 2017, the Division received a check from the Association for annual filing
15 fees.

16 8. The check was signed by SEIFERT and the Association's bookkeeper, neither
17 of whom is a board member or officer of the Association.

18 9. The annual registration form from 2017 is signed by Sabrina Eckley who is
19 listed as president and board member.

20 10. The Division opened an investigation and asked SEIFERT about his signing of
21 the check.

22 11. SEIFERT stated that he and the bookkeeper signed the check because no
23 board members were signors on the Association's account.

24 12. The Association's bank records show SEIFERT signed approximately 147
25 Association checks after the Order was filed in 2016, 2017 and 2018.

26 13. In October and November 2017, all of the Association's reserve funds were put
27 in its operating account.

28 ...

1 **VIOLATIONS OF LAW**

2 14. SEIFERT violated NRS 116.31153(2) 147 times by signing Association checks
3 when he was not a board member.

4 15. SEIFERT and the Association violated NRS 116.785(3) by failing to comply
5 with the Commission's order in Case No. IN-1608.

6 **DISCIPLINE AUTHORIZED**

7 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
8 116.790 the Commission has discretion to take any or all of the following actions:

9 1. Issue an order directing RESPONDENTS to cease and desist from
10 continuing to engage in the unlawful conduct that resulted in the violation.

11 2. Issue an order directing RESPONDENTS to take affirmative action to
12 correct any conditions resulting from the violation.

13 3. Impose an administrative fine of up to \$1,000 for each violation by
14 RESPONDENTS.

15 4. Require RESPONDENTS to pay the costs of the proceedings incurred by the
16 Division, including, without limitation, the cost of the investigation and reasonable
17 attorney's fees.

18 5. If the RESPONDENTS violated any order issued by the Commission, the
19 Commission may impose an administrative fine of not more than \$1,000 for each
20 violation.

21 6. Take whatever further disciplinary action as the Commission deems
22 appropriate.

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

25 **NOTICE OF HEARING**

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

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 entered
13 against you and the Commission may decide the case as if all allegations in the complaint
14 were true. If you need to negotiate a more specific time for your hearing in advance
15 because of coordination with out of state witnesses or the like, please call Jan Unger,
16 Commission Coordinator, at (702) 486-4606.

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 open and closed portions of the
22 meeting, although you must pay for the transcription.

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
28 to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses


1 on any matter relevant to the issues involved.

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


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

17 DATED: July 29, 2019.

18 REAL ESTATE DIVISION,
19 DEPARTMENT OF BUSINESS & INDUSTRY,
STATE OF NEVADA

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