

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 Michael Skahill,

10 Respondent.

Case No. 2018-1026

FILED

FEB 12 2020

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Kelly Valadez

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

13 The Real Estate Division of the Department of Business and Industry, State of
14 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of
15 the State of Nevada, and Michelle D. Briggs, Esq., Senior Deputy Attorney General, and
16 Karissa D. Neff, Deputy Attorney General, hereby notifies Respondent Michael Skahill
17 ("RESPONDENT" or "Skahill") of an administrative hearing before the Commission for
18 Common-Interest Communities and Condominium Hotels, State of Nevada, which is to be
19 held pursuant to Chapters 233B and Chapters 116 and 116A of the Nevada Revised
20 Statutes ("NRS") and Chapter 116 and 116A of the Nevada Administrative Code ("NAC").
21 The purpose of the hearing is to consider the allegations stated below and to determine if
22 an administrative penalty will be imposed on the RESPONDENT pursuant to the
23 provisions of NRS and NAC including, but not limited to, NAC 116A.360.

24 **JURISDICTION AND NOTICE**

25 1. During all relevant times mentioned in this complaint, RESPONDENT held
26 an active supervising community manager certificate from the Division (CAM.0007489-
27 SUPR) and is, therefore, subject to the jurisdiction of the Division and the provisions of
28 NRS Chapters 116 and 116A and NAC Chapters 116 and 116A.

FACTUAL ALLEGATIONS

2. RESPONDENT was the community manager for Las Brisas Apartment

1 Homes Community Association (the "Association").

2 3. On or around August 2, 2018, RESPONDENT, on behalf of the Association,
3 submitted the Association's Annual Association Registration to the Division along with a
4 check in the amount of \$191.25 for Unit Fees (the "Check").

5 4. The Check was improperly signed because it only had RESPONDENT's
6 signature and not a second signature from the appropriate person on behalf of the
7 Association, and was also short of the amount due.

8 5. On August 10, 2017, the Division notified RESPONDENT that the check was
9 short and that a balance was still owed.

10 6. The Division received an unsigned check from the Association dated August
11 16, 2017, in the amount of \$12.75- the balance due.

12 7. On July 30, 2018 and on August 13, 2018, the Division properly notified
13 RESPONDENT that it was opening up an investigation to determine if statutory and/or
14 administrative codes had been violated with respect to improperly signed checks and
15 requested that RESPONDENT provide the following documents to the Division: (1) the
16 management agreement with the Association, (2) operating and reserve bank statements
17 along with the cancelled checks from the Association from January 1, 2017 to present, and
18 (3) the governing documents for the Association (collectively the "Division Requested
19 Documents").

20 8. On August 12, 2018, RESPONDENT provided a response to the Division and
21 stated that if the Division had an issue with the Association's check, the Division should
22 have returned it and that the Division's investigation, "sounds to me like a compliance issue
23 in your office."

24 9. RESPONDENT claimed that he normally signs checks and then sends them
25 to a board member to sign, and that if the board members don't sign them, that there is
26 nothing he can do.

27 10. In his August 12, 2018 response to the Division, RESPONDENT failed to
28 provide the Division Requested Documents.

1 11. Thereafter, on August 27, 2018, October 18, 2018, and again on November 26,
2 2018, the Division properly notified RESPONDENT of its investigation and again
3 requested that RESPONDENT provide the Division Requested Documents.

4 12. RESPONDENT never provided the Division Requested Documents or
5 provided a subsequent response to the Division.

6 13. On July 12, 2019, the Division properly notified RESPONDENT of its intent
7 to commence disciplinary action against him.

8 VIOLATIONS OF LAW

9 14. RESPONDENT violated NRS 116.31153 by sole signing a check to the
10 Division.

11 15. RESPONDENT violated NRS 116A.630(6)(a) by failing to ensure the financial
12 transactions of a client are current, accurate and properly documented by improperly
13 signing checks to the Division.

14 16. RESPONDENT violated NRS 116A.630(9) by failing to make the financial
15 records of an association available for inspection by the Division when he failed to provide
16 the Division Requested Documents.

17 17. RESPONDENT violated NRS 116A.630(10) by failing to cooperating with the
18 Division involving complaints filed with the Division when he failed to provide the Division
19 Requested Documents.

20 18. RESPONDENT violated NAC 116A.345(2)(a) by failing to comply with the
21 Division's request to provide the Division Requested Documents.

22 19. RESPONDENT violated NAC 116A.355(2)(c) by engaging in deceitful,
23 fraudulent or dishonest conduct by blaming the Division for the deficiencies related to the
24 checks he wrote to the Division and then by failing to provide the Division Requested
25 Documents.

26 20. RESPONDENT violated NAC 116A.355(2)(f) by failing to cooperate with the
27 Division in the investigation of a complaint, including, without limitation, failure to
28 produce any document, book or record in the possession or control of the community

1 manager after requested by the Division by failing to provide the Division Requested
2 Documents.

3 21. RESPONDENT violated NRS 116A.630(2)(a) by failing to comply with state
4 laws when he improperly sole signed and/or failed to sign checks and failed to provide the
5 Division Requested Documents.

6 DISCIPLINE AUTHORIZED

7 Pursuant to the provisions of NAC 116A.360 the Commission has discretion to
8 impose discipline as it deems appropriate, including, but not limited to one or more of the
9 following actions:

- 10 1. Revoke or suspend the certificate;
- 11 2. Refuse to renew or reinstate the certificate;
- 12 3. Place the community manager on probation;
- 13 4. Issue a reprimand or censure to the community manager;
- 14 5. Impose a fine of not more than \$5,000 for each violation of a statute or
15 regulation;
- 16 6. Require the community manager to pay restitution;
- 17 7. Require the community manager to pay the costs of the investigation and
18 hearing;
- 19 8. Require the community manager to obtain additional education relating to
20 the management of common-interest communities; and
- 21 9. Take such other disciplinary action as the Commission deems appropriate.

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

23 NOTICE OF HEARING

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

28

1 THE HEARING WILL TAKE PLACE at the Commission meeting scheduled
2 for March 17-19, 2020, beginning at approximately 9:00 a.m. each day, or until
3 such time as the Commission concludes its business. The Commission meeting
4 will be held on March 17-18, 2020 at the Nevada State Business Center, 3300 W.
5 Sahara Avenue, Nevada Room, Suite 400, Las Vegas, Nevada 89102, and on March
6 19, 2020 at the Nevada State Business Center, 3300 W. Sahara Avenue, Tahoe
7 Room, Suite 430, Las Vegas, Nevada 89102, with videoconferencing to Division of
8 Insurance, 1818 E. College Parkway, Ste. 103, Carson City, Nevada 89706.

9 **STACKED CALENDAR:** Your hearing is one of several hearings that may
10 be scheduled at the same time as part of a regular meeting of the Commission
11 that is expected to last from March 17-19, 2020. Thus, your hearing may be
12 continued until later in the day or from day to day. It is your responsibility to be
13 present when your case is called. If you are not present when your hearing is
14 called, a default may be entered against you and the Commission may decide the
15 case as if all allegations in the complaint were true. If you need to negotiate a
16 more specific time for your hearing in advance because of coordination with out
17 of state witnesses or the like, please call Kelly Valadez, Commission Coordinator,
18 at (702) 486-4606.

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

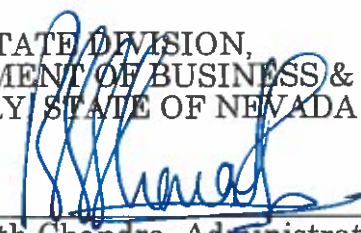
25 As a **RESPONDENT**, you are specifically informed that you have the right to appear
26 and be heard in your defense, either personally or through your counsel of choice. At the
27 hearing, the Division has the burden of proving the allegations in the complaint and will
28 call witnesses and present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

1 present relevant evidence and argument on all issues involved. You have the right to call
2 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any
3 matter relevant to the issues involved.

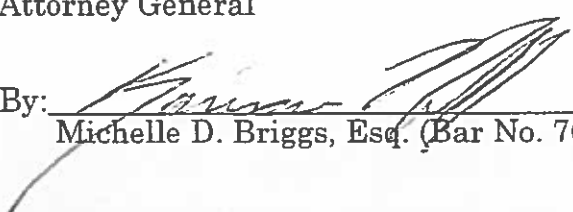
4 You have the right to request that the Commission issue subpoenas to compel
5 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
6 you may be required to demonstrate the relevance of the witness's testimony and/or
7 evidence. Other important rights and obligations, including your obligation to answer the
8 complaint, you have are listed in NAC 116A.560 through NAC 116A.655, NRS Chapter
9 233B, and NRS Chapters 116 and 116A and NAC 116 and 116A. Note that under NAC
10 116A.585, not less than five (5) working days before a hearing, RESPONDENT must
11 provide to the Division a copy of all reasonably available documents that are reasonably
12 anticipated to be used to support his or her position, and a list of witnesses RESPONDENT
13 intends to call at the time of the hearing. Failure to provide any document or to list a
14 witness may result in the document or witness being excluded from RESPONDENT'S
15 defense. The purpose of the hearing is to determine if the
16 RESPONDENT has violated any of the provisions of NRS and NAC Chapters 116 and
17 116A, and to determine what administrative penalty is to be assessed against
18 RESPONDENT, if any, pursuant to NAC 116A.360.

19 DATED: February 11th, 2020.

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21 REAL ESTATE DIVISION,
22 DEPARTMENT OF BUSINESS &
INDUSTRY STATE OF NEVADA

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