

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

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS AND INDUSTRY, STATE
6 OF NEVADA,

6 Petitioner,

7 vs.

8 CARMEL COVE HOMEOWNERS
9 ASSOCIATION, INC.,
(Entity Number E0013012006-6)

10 Respondent.

Case No. 2023-603

FILED

MAR 26 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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12 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

13 This matter came on for hearing before the Commission for Common-Interest
14 Communities and Condominium Hotels, State of Nevada (the "Commission") during a
15 regular agenda set on a three-day stack beginning at 9:00 am on March 5, 2024, (the
16 "Hearing"). Community Association Manager Frankie Stevenson was present via
17 videoconference for the hearing but no unit owners of CARMEL COVE HOMEOWNERS
18 ASSOCIATION, INC., ("RESPONDENT") appeared. Phil W. Su, Senior Deputy Attorney
19 General, appeared on behalf of the Real Estate Division of the Department of Business
20 and Industry, State of Nevada (the "Division").

21 Mr. Su informed the Commission that the parties stipulated as to the factual and
22 legal allegations set forth in the Complaint. Ms. Stevenson agreed that the association did
23 not challenge the Complaint's allegations but noted that the RESPONDENT association
24 came into compliance with NRS 116.31034 in January 2024 and was presently compliant.
25 Mr. Su stated that the only task before the Commission was to deliberate whether, and if
26 so, to what extent, discipline should be applied against the RESPONDENT association
27 and, if so, the specific extent of that discipline.

28 The Commission, having considered the evidence introduced by the parties and

1 being fully advised that the parties have stipulated the validity of these allegations,
2 hereby enters the following Findings of Fact, Conclusions of Law, and Order. Under
3 Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapter 116, the
4 Commission has legal jurisdiction and authority over
5 this matter.

6 **FINDINGS OF FACT**

7 Based on a preponderance of the evidence in the record and the documents admitted
8 at the Hearing, the Commission hereby finds that the following factual allegations were
9 proven:

10 1. RESPONDENT is a common-interest community located in Las Vegas,
11 Nevada (Entity Number E0013012006-6) with 60 units.

12 2. At all times relevant to the Complaint, the Respondent's management
13 company was PINNACLE COMMUNITY ASSOCIATION MANAGEMENT.

14 3. On June 28, 2023, the Division discovered that Respondent association did
15 not have at least three board members registered according to Respondent's Form 562
16 Annual Association Registration.

17 4. On or about June 28, 2023, the Division's Investigator, Vanessa Ward, left a
18 voicemail with the Community Association Manager ("CAM") for Respondent association,
19 Francesca Stevenson CAM.0000274-SUPR, to inquire regarding the shortage of board
20 members.

21 5. On or about July 28, 2023, the Division opened an investigation against
22 Respondent association and sent an open investigation letter to the Respondent and its
23 CAM with request for information seeking response by August 14, 2023.

24 6. The Respondent, through its CAM, sent a response dated August 14, 2023,
25 indicating that one of the board members, Thomas Boer, sold his unit on April 17, 2023,
26 and that although Respondent had sent out several notices to recruit candidates to replace
27 Boer, none have submitted a candidacy form yet.

28 7. On October 4, 2023, the Division sent a letter addressed to the Respondent's

1 Executive board, care of its CAM, that it needed to comply with the three-board member
2 requirement per NRS 116.31034, and to remedy the issue by October 9, 2023.

3 8. On November 3, 2023, the CAM emailed the Division's investigator with an
4 update, that "The Association's annual election will be scheduled in December."

5 9. On November 15, 2023, the Division sent, via certified mail, a "Compliance
6 demand letter- extension provided" indicating that the Respondent had until December 29,
7 2023, to bring itself into compliance.

8 10. On December 29, 2023, the CAM emailed the Division's investigator stating
9 that the annual meeting and election would now be held on January 12, 2024.

10 CONCLUSIONS OF LAW

11 Based on the foregoing factual findings and the preponderance of the evidence, the
12 Commission voted, that the following violations of law occurred:

13 11. RESPONDENT violated NRS 116.31034(1) by failing to elect a minimum of
14 three executive board members.

15 ORDER

16 The Commission, being fully apprised in the premises and good cause appearing,
17 ORDERS as follows:

18 1. RESPONDENT shall pay to the Division a total amount of \$3,104.60 for the
19 Division's and the hearing's costs, and attorney's fees, within sixty (60) days of this Order.

20 2. The total amount due reflects that no administrative fine has been assessed
21 by the Commission to RESPONDENT for committing the above-stated violation of law.

22 3. If payment is not actually received by the Division on or before its due date,
23 it shall be construed as a default by RESPONDENT Association. In the event of default,
24 the unpaid balance of the administrative fine and costs, together with any attorney's fees
25 and costs that may have been assessed, shall be due in full to the Division within ten (10)
26 calendar days of the date of default, and the Division may obtain a judgment for the
27 amount owed, including collection fees and costs.

28 4. The Commission retains jurisdiction for correcting any errors that may have

1 occurred in the drafting and issuance of this document.

2 DATED this 26th day of March, 2024.

3 COMMISSION FOR COMMON-INTEREST
4 COMMUNITIES AND CONDOMINIUM HOTELS

5
6 By:  _____

PHYLLIS TOMASSO

Chairperson of the Commission

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8 Submitted by:

9 AARON D. FORD

10 Attorney General of Nevada

11 By: /s/ Phil W. Su

12 PHIL W. SU, ESQ.

13 Senior Deputy Attorney General

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