

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 PYRENEES AT MOUNTAINS EDGE
9 HOMEOWNERS ASSOCIATION,
(Entity Number 0896092005-0)

10 Respondent.

Case No. 2023-826

FILED

MAR 11 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

12 This matter came on for hearing before the Commission for Common-Interest
13 Communities and Condominium Hotels, State of Nevada (the "Commission") during a
14 regular agenda set on a three-day stack beginning at 9:00 am on March 5, 2024 (the
15 "Hearing."). Only Board Treasurer Dink O'Neal was present, but no unit owners of
16 PYRENEES AT MOUNTAINS EDGE HOMEOWNERS ASSOCIATION
17 ("RESPONDENT") appeared. RESPONDENT'S community association manager
18 ("CAM"), Janet Herrera (CAM.0009066-SUPR) of Associa Sierra South, appeared.
19 Counsel for the RESPONDENT, John E. Leach, Esq., appeared. Christal P. Keegan,
20 Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf
21 of the Real Estate Division of the Department of Business and Industry, State of Nevada
22 (the "Division").
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24 Mrs. Keegan informed the Commission that on February 23, 2024, RESPONDENT
25 requested a continuance, which the Commission Secretary denied. Thereafter, on
26 February 29, 2024, RESPONDENT filed their Answer to the Division's Complaint filed
27 January 31, 2024, and subsequently on March 1, 2024, submitted supporting
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1 documentation which was the draft meeting minutes from the Emergency Meeting held
2 on February 29, 2024. Mrs. Keegan informed the Commission that based on the
3 RESPONDENT'S Answer filed February 29, 2024, RESPONDENT'S admitted to the
4 Division's factual allegations and violations of law.

5 Attorney Leach informed the Commission that the Board had just come into
6 compliance with NRS 116.31034.

7 Therefore, the Commission, having considered the evidence introduced by the
8 parties and being fully advised, enters the following Findings of Fact, Conclusions of Law,
9 and Order. Under Nevada Revised Statutes (NRS) and Nevada Administrative Code
10 (NAC) Chapter 116, the Commission has legal jurisdiction and authority over
11 this matter.

12 **FINDINGS OF FACT**

13 Based on a preponderance of the evidence in the record and the documents admitted
14 at the Hearing, the Commission voted, to find the following factual allegations
15 were proven:

- 16 1. RESPONDENT'S Form 562 Annual Association Registration dated March
17 15, 2023, represented only one board member. *CICCH 002.*
- 18 2. On or about April 19, 2023, at the Board of Directors Meeting, the
19 RESPONDENT appointed a second board member. *CICCH 008.*
- 20 3. Therefore, on or about September 29, 2023, the Division opened an
21 investigation against the RESPONDENT'S Executive Board. *CICCH 006 – CICCH 007.*
- 22 4. On or about October 11, 2023, the RESPONDENT'S community manager,
23 Janet A. Herrera (CAM.0009066-SUPR), admitted the third seat remained vacant.
24 *CICCH 012.*

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1 **CONCLUSIONS OF LAW**

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

4 5. RESPONDENT violated NRS 116.31034 for failing to elect a minimum of
5 three executive board members.

6 **ORDER**

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

9 1. RESPONDENT shall pay to the Division a total amount of \$1,663.07 for the
10 Division's and the hearing's costs, and attorney's fees, within sixty (60) days of this Order;

11 2. The total amount due reflects no administrative fine amounts for committing
12 the above-stated (1) violation of law;

13 3. If payment is not actually received by the Division on or before its due date,
14 it shall be a default by RESPONDENT. In the event of default, RESPONDENT agrees
15 that the RESPONDENT Association's license shall be immediately suspended, and that
16 the foregoing suspension of its license shall continue until the unpaid balance of the
17 administrative fines and costs are paid in full. In the event of default, the unpaid balance
18 of the administrative fine and costs, together with any attorney's fees and costs that may
19 have been assessed, shall be due in full to the Division within ten (10) calendar days of the
20 date of default, and the Division may obtain a judgment for the amount owed, including
21 collection fees and costs;

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1 4. The Commission retains jurisdiction for correcting any errors that may have
2 occurred in the drafting and issuance of this document.

3 DATED this 11th day of March, 2023.

4 COMMISSION FOR COMMON-INTEREST
5 COMMUNITIES AND CONDOMINIUM HOTELS
6 DEPARTMENT OF BUSINESS AND INDUSTRY
7 STATE OF NEVADA

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9 By: _____
10 PHYLLIS TOMASSO
11 CHAIRWOMAN

12 Submitted by:

13 AARON D. FORD
14 Attorney General

15 

16 By: _____
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