



State of Nevada Department of Business & Industry

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Immediate Release: November 21, 2014

Common Interest Communities Commission imposes disciplinary action in cases against board member and community manager

Las Vegas- The Nevada Commission for Common Interest Communities and Condominium Hotels (CICCH) this week imposed disciplinary action in two cases heard before the Commission. The Real Estate Division of the Department of Business and Industry brought cases against Judith Fenner and Richard Willer alleging the respondents knowingly and willfully violated multiple statutes of State law. Judith Fenner

The Commission levied heavy administrative fines, penalties and restitution against Judith Fenner after she was found to have violated Nevada law in excess of 30 times. The disciplinary action comes after previous hearings before the Commission which resulted in the revocation of her community management certificate and a voluntary surrender of her real estate salesperson license.

Among the violations, Judith Fenner was found guilty of:

- Comingling money from one association for which she provided services with the account of another association.
- Accepting payment of approximately \$7,500 on two occasions when her contract at the time provided for a fee of \$1,000.
- Causing the Association to incur overdraft and insufficient check fees totaling more approximately \$4,300 by failing to exercise reasonable care in the performance of her duties.
- Advising board members to transfer money from reserves to the operating account to cover shortfalls and then using in excess of \$37,000 from those funds for her personal attorneys' fees.

A default judgment was entered when Ms. Fenner failed to appear at the hearing. She was ordered to pay a total administrative fine of \$95,000 plus \$7,795 for attorney's fees and the cost of the investigation. She is also ordered to pay restitution of \$60,226.90 to Pueblo at Santa Fe Condominium Association.

Richard Willer

Association Board Member Richard Willer was removed from his position as director and officer of Images Homeowners Association. He is precluded from serving on any board in the State of Nevada, including any home owner's association board, for a period of 10 years and until the assessed fine has been paid.

Willer violated his fiduciary responsibility as a board member when he knowingly and willfully committed an act or omission which amounted to incompetence, negligence or gross negligence.

Additionally, he failed to act in the honest belief that his actions were in the best interests of the association during an interaction with a tenant of a unit owned by the association.

In addition to removing him from the board, the Commission also ordered Mr. Willer to pay an administrative fine of \$2,000 plus \$7,120 for the cost of the investigation and attorney's fees.

About the Real Estate Division, CICCH Ombudsman's Office

The Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels Ombudsman's Office was created to assist homeowners and board members in common interest communities to better understand their rights and obligations under the law and their governing documents. The mission of the office is to provide a neutral and fair venue to assist homeowners, board members and community association managers in handling issues that may arise while living in a common-interest community. For more information about the Division or the Ombudsman's Office, please visit <http://red.state.nv.us>.

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