

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 Joyce Ahn,

10                                  Respondent.

Case No. 2021-1232

**FILED**

NOV 03 2022

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

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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 Virginia T. Tomova, Deputy Attorney General, hereby notifies  
16 RESPONDENT JOYCE AHN ("Ahn" or "RESPONDENT") of an administrative hearing  
17 before the Commission for Common-Interest Communities and Condominium Hotels,  
18 State of Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 of the  
19 Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada Administrative Code  
20 ("NAC"). The purpose of the hearing is to consider the allegations stated below and to  
21 determine if an administrative penalty will be imposed on the RESPONDENT pursuant  
22 to the provisions of NRS and NAC including, but not limited to, NRS 116.785 and NRS  
23 116.790.

24                                   **JURISDICTION AND NOTICE**

25                   1.       During the relevant times mentioned in this complaint, RESPONDENT  
26 served as a member and/or officer of University Biltmore Homeowners Association  
27 ("Association"), a common-interest community located in Las Vegas, Nevada.

28                   2.       RESPONDENT is subject to the provisions of Chapter 116 of each the Nevada  
Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter

1 collectively referred to as “NRS 116”) and is subject to the jurisdiction of the Division, and  
2 the Commission for Common-Interest Communities pursuant to the provisions of NRS  
3 116.750.

#### 4 **FACTUAL ALLEGATIONS**

5 1. At all relevant times herein, the Association is comprised of 132 unit  
6 community located in Las Vegas, Nevada.

7 2. At all relevant times, in June of 2020, an initial complaint was initiated  
8 against the Association in case number 2020-505.

9 3. The basis for the initial complaint was the Association’s failure to have a  
10 reserve study being performed every 5 years.

11 4. However, since the RESPONDENT’s admission of embezzlement of funds  
12 from the Association, the 2020-505 case was consolidated with 2021-1232. Bates Nos.  
13 CICC 0263-0264.

14 5. At all relevant times herein, RESPONDENT was the president of the  
15 Association until her resignation from the board of directors on or before September 14,  
16 2020.

17 6. At all relevant times herein, the Association was self-managed up until  
18 October of 2020.

19 7. Since November of 2020, the Association has been managed by Epic  
20 Management Services (“Epic”), with Tonya Gale as the community manager for the  
21 Association. Bates Nos. CICC 0271.

22 8. On or about December 28, 2021, the Division received an Intervention  
23 Affidavit from the Association, regarding the RESPONDENT. Bates Nos. CICC 0001-  
24 0002, CICC 0236.

25 9. In its Intervention Affidavit, the Association stated that the RESPONDENT  
26 has been embezzling funds from the Association from 2018 until 2020. Bates Nos. CICC  
27 0001-0002.

28 . . .

1           10. Once Epic took over the community management of the Association, it  
2 obtained bids from various firms to perform a forensic audit of the Association. Bates Nos.  
3 CICC 0266.

4           11. Hilburn & Lein was the firm the Association retained to perform the forensic  
5 audit of its records. Bates Nos. CICC 0266.

6           12. The purpose of the forensic audit was to determine how much the  
7 RESPONDENT has embezzled from the Association while she was on the board and  
8 president of the Association since January 2018.

- 9           13. In preparation of the forensic audit, Hilburn & Lein reviewed:
- 10           a. cancelled checks issued between 2018-2020;
  - 11           b. corresponding invoices for the cancelled checks issued between 2018-2020;  
12           and
  - 13           c. any additional documentation for paid invoices between 2018-2020. Bates  
14           Nos. CICC 0007-0008.

15           14. The forensic audit showed that the RESPONDENT embezzled funds in the  
16 amount of \$185,506.64 from the Association from January 1, 2018 to December 31, 2020.  
17 Bates Nos. CICC 0001-0002.

18           15. On or about September 8, 2020 and prior to her resignation, the  
19 RESPONDENT retained attorney Gregory Kerr to represent the Association regarding  
20 the embezzlement allegations. Bates Nos. CICC 0265.

21           16. On or about February 1, 2022, the Division sent its initial correspondence to  
22 the RESPONDENT informing her that it has opened an investigation about her  
23 embezzling more than \$160,000 from the Association while she was the President of the  
24 Association. Bates Nos. CICC 0255-0257.

25           17. The RESPONDENT did not provide a response to the Division.

26           18. On or about February 7, 2022, the Division sent its second request for  
27 response regarding the embezzlement allegations. Bates Nos. CICC 0258-0260.

28           19. On or about February 17, 2022, RESPONDENT provided her response to the  
embezzlement allegations. Bates Nos. CICC 0263.

...

1 20. In her response, the RESPONDENT admitted to the embezzlement and  
2 offered to pay back all the monies she had stolen in monthly installments of \$500 per  
3 month.

4 21. She also represented that as of September 2023, she could increase the  
5 monthly amount of \$500, after she becomes eligible for early social security benefits of  
6 about \$674 per month. Bates Nos. CICC 0263.

7 22. The RESPONDENT stated in her response that she wanted to make a full  
8 restitution to the Association of all the monies she has stolen and used for personal use.  
9 Bates Nos. CICC 0263.

10 23. To date, the Division does not have proof that the RESPONDENT has made  
11 any restitution payments.

12 24. On or about February 22, 2022, the Division properly notified  
13 RESPONDENT that it intended to bring a disciplinary action against her for a hearing  
14 before the Commission. Bates Nos. CICC 0261-0262.

#### 15 VIOLATIONS OF LAW

16 25. RESPONDENT violated NRS 116.3103 through NAC 116.405(3) by  
17 committing an act or omission which amounts to incompetence, negligence or gross  
18 negligence.

19 26. RESPONDENT violated NRS 116.3103 through NAC 116.405(2) by failing to  
20 act in good faith and in the honest belief that his actions are in the best interests of the  
21 Association by acting for reasons of self-interest and gain.

22 27. RESPONDENT violated NRS 116.3103 through NAC 116.405(5)(a) by  
23 impeding or otherwise interfering with the Division's investigation by failing to comply  
24 with a request by the Division to provide information or documents during its  
25 investigation.

#### 26 DISCIPLINE AUTHORIZED

27 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS  
28 116.790 the Commission has discretion to take any or all of the following actions:



1           **THE HEARING WILL TAKE PLACE** at the Commission meeting(s)  
2 scheduled for December 6 – December 8, 2022, beginning at approximately 9:00  
3 a.m. each day, or until such time as the Commission concludes its business. The  
4 Commission meeting will be held at the Nevada State Business Center, 3300 W.  
5 Sahara Avenue, 4th Floor, Nevada Room, Las Vegas, Nevada 89102.

6           **STACKED CALENDAR:** Your hearing is one of several hearings that may  
7 be scheduled at the same time as part of a regular meeting of the Commission  
8 that is expected to take place on December 6-8, 2022. Thus, your hearing may be  
9 continued until later in the day or from day to day. It is your responsibility to  
10 be present when your case is called. If you are not present when your hearing is  
11 called, a default may be entered against you and the Commission may decide the  
12 case as if all allegations in the complaint were true. If you need to negotiate a  
13 more specific time for your hearing in advance because of coordination with out  
14 of state witnesses or the like, please call Maria Gallo, Commission Coordinator,  
15 at (702) 486-4074.

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

22           As a **RESPONDENT**, you are specifically informed that you have the right to appear  
23 and be heard in your defense, either personally or through your counsel of choice. At the  
24 hearing, the Division has the burden of proving the allegations in the complaint and will  
25 call witnesses and present evidence against you. You have the right to respond and to  
26 present relevant evidence and argument on all issues involved. You have the right to call  
27 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any  
28 matter relevant to the issues involved.

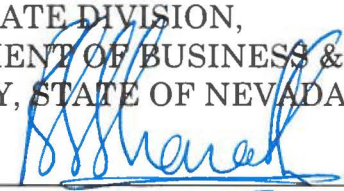


1 You have the right to request that the Commission issue subpoenas to compel  
2 witnesses to testify and/or evidence to be offered on your behalf. In making this request,  
3 you may be required to demonstrate the relevance of the witness' testimony and/or  
4 evidence. Other important rights and obligations,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

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

16 DATED this 2 day of November, 2022.

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

20 By:   
21 SHARATH CHANDRA, Administrator  
22 3300 W. Sahara Ave., Ste 350  
23 Las Vegas, Nevada 89102  
24 (702) 486-4033

25 AARON D. FORD  
26 Attorney General

27 By: */s/ Virginia T. Tomova*

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