

1 **FINDINGS OF FACT**

2 Based on the Commission's finding of a default against RESPONDENT for failing
3 to appear, the Commission accepted as true all of the following factual allegations:

4 1. BITSKY was a board member for Autumn Chase Homeowners Association
5 (the "Association").

6 2. After the hearing on Case No. IS 10-2194, this Commission ordered BITSKY
7 removed from the Association's board.

8 3. BITSKY was to pay the Association restitution in the amount of \$10,312.83.

9 4. BITSKY was to pay to the Division costs totaling \$22,884.39 and an
10 administrative fine in the amount of \$41,700.

11 5. BITSKY has not paid the restitution to the Association or the fines or costs
12 due to the Division.

13 6. In December 2016, the Division received a complaint from the board
14 members for the Association against BITSKY.

15 7. The complaint states that BITSKY hand delivered to the board members
16 several documents "claiming to order the immediate transfer of Board of Directors to a
17 new temporary board, the immediate removal of Triton HOA Services, LLC" which is the
18 Association's management company and "immediate delivery of all [Association] property
19 to the new temporary board."

20 8. The documents included a petition with illegible signatures and no
21 addresses.

22 9. BITSKY also sent emails to news reporter, Darcy Spears, saying that he was
23 the spokesperson for the new board and that the prior board was removed.

24 10. BITSKY circulated a letter to the owners within the Association directing
25 them to send assessment payments to the new temporary board member's home address.

26 11. In response to the investigation, BITSKY provided a written statement
27 saying:

28 This is harassment by the H.O.A. manager – there is no legal board of
directors (CC&R's).

1 **CONCLUSIONS OF LAW**

2 Based on the foregoing factual findings, the Commission concludes by unanimous
3 vote that the following violations of law occurred:

4 12. BITSKY violated NRS 116.785(3) by failing to comply with the Commission's
5 order in Case No. IS 10-2194.

6 **ORDER**

7 The Commission being fully apprised in the premises, and good cause appearing to
8 the Commission, by a unanimous vote, **ORDERS** as follows:

9 1. BITSKY is prohibited from contacting, soliciting or communicating with any
10 homeowner within the Association about where to send assessment payments or any
11 other type of communication alleged to be on behalf of the Association, its board of
12 directors, or its community manager.

13 2. BITSKY shall pay an administrative fine to the Division in the total amount
14 of \$2,816.50 – which includes a fine of \$1,000 for the violation of law and \$1,816.50
15 representing the total amount due for the Division's attorney's fees and costs – no later
16 than 60 days from the date of this Order.

17 3. The Division may seek to have this Commission's prior administrative
18 sanction, totaling \$64,584.39, reduced to a judgment.

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1 4. The Division may institute debt collection proceedings for failure to timely
2 pay the total fine imposed by this Order, including action to reduce this Order to a
3 judgment. Further, if collection goes through the State of Nevada, then BITSKY shall
4 also pay the costs associated with collection.


5 Dated: November 28th, 2017.

6 Commission for Common-Interest Communities
7 and Condominium Hotels, Department of Business
8 & Industry, State of Nevada

9 By: 
10 Michael Burke, Chairman

11 Submitted by:

12 ADAM PAUL LAXALT
13 Attorney General

14 By: 
15 Michelle D. Briggs
16 Senior Deputy Attorney General
17 555 East Washington Avenue, Suite 3900
18 Las Vegas, Nevada 89101
19 (702) 486-3809
20 Attorneys for Real Estate Division
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