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BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

Sharath Chandra, Administrator,
Real Estate Division, Department of
Business & Industry, State of Nevada,

Case No. 2016-4209

Petitioner,

vs.

William Simpson, and Palmilla
Homeowner's Association,

Respondents.

FILED

MAR 23 2017

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

STIPULATION AND ORDER

FOR SETTLEMENT OF DISCIPLINARY ACTION

This matter came on for hearing before the Commission for Common-Interest Communities and Condominium Hotels, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda on March 8, 2017, at the Nevada Department of Employment Training & Rehabilitation, 2800 E. St. Louis Avenue, Conference Room A-C, Las Vegas, Nevada 89104 (the "Hearing"). The Respondent, William Simpson, appeared along with his attorney, Christopher Lund, Esq. Michelle D. Briggs, Esq., Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"). The Division and Respondent presented settlement terms to the Commission. The Commission unanimously approved and ordered the stipulated terms. Commissioner Sibley did not attend the Hearing. The parties stipulated as follows:

JURISDICTION AND NOTICE

During the relevant times mentioned in this complaint, RESPONDENT was, and currently is, an officer or director of PALMILLA HOMEOWNER'S ASSOCIATION (the "Association"), a common-interest community located in North Las Vegas, Nevada.

1 RESPONDENT is subject to the provisions of Chapter 116 of each the Nevada
2 Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter
3 collectively referred to as "NRS 116") and is subject to the jurisdiction of the Division, and
4 the Commission for Common-Interest Communities pursuant to the provisions of NRS
5 116.750.

6 STIPULATED FACTS

7 The following factual allegations are stipulated to by the Division and the
8 RESPONDENT:

9 1. RESPONDENT SIMPSON is a co-owner of Rest Easy Pest Control.

10 2. At a meeting of the Association on October 20, 2014, the Association's board
11 took action to approve Rest Easy Pest Control to provide pest control services to the
12 Association.

13 3. RESPONDENT SIMPSON was a board member in 2014 when his company
14 was hired to provide services to the Association.

15 4. PW James Management and Consulting ("PW James") provided community
16 management services to the Association in 2014 and Penny Frederick, Jeffrey Allan
17 Frederick, and Paul Cluver attended the meeting on behalf of PW James.

18 5. Since October 1, 2003, NRS 116.31187 prohibited a board member or officer
19 from entering into a contract with the association or receiving "any commission, personal
20 profit or compensation of any kind for providing financing, goods or services to the
21 association."

22 6. Bank records for the Association from 2015 and 2016 show that Rest Easy Pest
23 Control received payments from the Association.

24 7. On or about December 22, 2016, H. Amanda Davis, a community manager
25 with PW James, responded to the Division's investigation on behalf of RESPONDENT
26 SIMPSON.

27 8. The Division directed that RESPONDENT SIMPSON respond personally.
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1 4. IF RESPONDENT IS FOUND TO HAVE KNOWINGLY AND WILLFULLY
2 COMMITTED A VIOLATION of NRS or NAC 116 AND it is in the best interest of the
3 Association, such RESPONDENT may be removed from his/her position as a director
4 and/or officer.

5 5. Order an audit of the ASSOCIATION, at the expense of the ASSOCIATION.

6 6. Require the BOARD MEMBERS to hire a community manager who holds a
7 certificate.

8 7. Require RESPONDENT to pay the costs of the proceedings incurred by the
9 Division, including, without limitation, the cost of the investigation and reasonable
10 attorney's fees.

11 8. Take whatever further disciplinary action as the Commission deems
12 appropriate.

13 The Commission may order one or any combination of the discipline described
14 above. If the Commission finds that the RESPONDENT knowingly and willfully violated
15 the provisions of NRS or NAC 116, the Commission may order that RESPONDENT be
16 personally liable for all fines and costs imposed.

17 SETTLEMENT

18 1. RESPONDENT agrees not to serve as a board member or officer of any
19 common-interest community located in the state of Nevada for a period of no less than 3
20 years from the date of this Order.

21 2. RESPONDENT agrees that if after 3 years from the date of this Order,
22 RESPONDENT serves as a board member or officer of any common-interest community
23 within the state of Nevada that he will not have any company he owns receive payments
24 from such community to the extent it is prohibited by NRS 116 at that time.

25 3. RESPONDENT and the Division agree that by entering into this Stipulation
26 and Order, the Division does not concede any defense or mitigation RESPONDENT may
27 assert and that once this Stipulation and Order is approved and fully performed, the
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1 Division will close its file in this matter.

2 4. This Stipulation and Order includes any claims that could have been included
3 in a supplemental or amended complaint arising from the same operative facts, transactions
4 and occurrences in existence as of the effective date of this Stipulation and Order. However,
5 this Stipulation and Order does not include claims arising from facts or circumstances
6 which have been concealed by RESPONDENT.

7 5. RESPONDENT agrees that if the terms and conditions of this Stipulation and
8 Order are not met, the Division may, at its option, rescind this Stipulation and Order and
9 proceed with prosecuting the Complaint before the Commission.

10 6. RESPONDENT agrees and understands that by entering into this Stipulation
11 and Order, RESPONDENT is waiving his right to a hearing at which RESPONDENT may
12 present evidence in his defense, his right to a written decision on the merits of the
13 Complaint, his rights to reconsideration and/or rehearing, appeal and/or judicial review, and
14 all other rights which may be accorded by the Nevada Administrative Procedure Act, the
15 Nevada Common Interest Ownership statutes and accompanying regulations, and the
16 federal and state constitutions. RESPONDENT understands that this Stipulation and
17 Order and other documentation may be subject to public records laws. The Commission
18 members who review this matter for approval of this Stipulation and Order may be the
19 same members who ultimately hear, consider and decide the Complaint if this Stipulation
20 and Order is either not approved by the Commission or is not timely performed by
21 RESPONDENT. RESPONDENT fully understands that he has the right to be represented
22 by legal counsel in this matter at his own expense.

23 7. Each party shall bear its own attorney's fees and costs.

24 8. Stipulation and Order is Not Evidence. Neither this Stipulation and Order nor
25 any statements made concerning this Stipulation and Order may be discussed or introduced
26 into evidence at any hearing on the Complaint, if the Division must ultimately present its
27 case based on the Complaint filed in this matter.

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1 9. Release. In consideration of execution of this Stipulation and Order,
2 RESPONDENT for himself, his heirs, executors, administrators, successors, and assigns,
3 hereby releases, remises, and forever discharges the State of Nevada, the Department of
4 Business and Industry and the Division, and each of their respective members, agents,
5 employees and counsel in their individual and representative capacities, from any and all
6 manner of actions, causes of action, suits, debts, judgments, executions, claims, and
7 demands whatsoever, known and unknown, in law or equity, that the RESPONDENT ever
8 had, now has, may have, or claim to have, against any or all of the persons or entities
9 named in this section, arising out of or by reason of the Division's investigation, this
10 disciplinary action, and all other matters relating thereto.

11 10. Indemnification. RESPONDENT hereby indemnifies and holds harmless the
12 State of Nevada, the Department of Business and Industry, the Division, and each of their
13 respective members, agents, employees and counsel in their individual and representative
14 capacities against any and all claims, suits, and actions brought against said persons and/or
15 entities by reason of the Division's investigation, this disciplinary action and all other
16 matters relating thereto, and against any and all expenses, damages, and costs, including
17 court costs and attorney fees, which may be sustained by the persons and/or entities named
18 in this section as a result of said claims, suits, and actions.

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1 11. RESPONDENT has signed and dated this Stipulation and Order only after
2 reading and understanding all terms herein.

3 DATED: March _____, 2017.

REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA

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6 By: 
7 Sharath Chandra, Administrator

8 DATED: March _____, 2017.

9 _____
10 William Simpson

11 **ORDER**

12 **IT IS ORDERED** that the foregoing Stipulation and Order for Settlement of
13 Disciplinary Action is approved in full.

14 Dated: March _____, 2017.

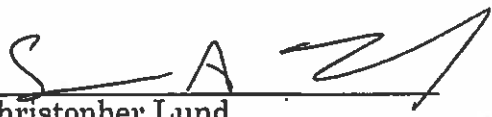
15 COMMISSION FOR COMMON-INTEREST
16 COMMUNITIES AND CONDOMINIUM
17 HOTELS, DEPARTMENT OF BUSINESS
& INDUSTRY, STATE OF NEVADA

18 By: _____
19 Barry Breslow, Chairman

20 Submitted by:

21 ADAM PAUL LAXALT
22 Attorney General

23 By: 
24 Michelle D. Briggs
25 Senior Deputy Attorney General
26 555 E. Washington Ave. Ste 3900
27 Las Vegas, Nevada 89101
28 (702) 486-3420
Attorneys for Real Estate Division

By: 
Christopher Lund
Tyson & Mendes
8275 South Eastern Ave, Ste 115
Las Vegas, Nevada 89123
(702) 724-2648
Attorney for William Simpson

1 11. RESPONDENT has signed and dated this Stipulation and Order only after
2 reading and understanding all terms herein.


3 DATED: March _____, 2017.

REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA

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By: _____
Sharath Chandra, Administrator

8 DATED: March 27, 2017.



William Simpson

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ORDER


11 IT IS ORDERED that the foregoing Stipulation and Order for Settlement of
12 Disciplinary Action is approved in full.

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Dated: March 28, 2017.

COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM
HOTELS, DEPARTMENT OF BUSINESS
& INDUSTRY, STATE OF NEVADA

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By: 

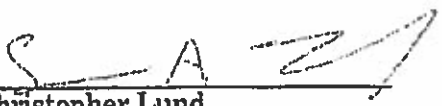
Barry Breslow, Chairman

18
19

20 Submitted by:
21 ADAM PAUL LAXALT
22 Attorney General

23

By: _____
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Senior Deputy Attorney General
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