

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

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

6 Petitioner,

7 vs.

8 Cimarron Ridge Association, Richard
9 Shinn, Maggie Shinn, and Jason Bishop,

10 Respondents.

Case No. 2017-1368

FILED

APR 10 2018

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



11 **STIPULATION AND ORDER**
12 **FOR PARTIAL SETTLEMENT OF DISCIPLINARY ACTION**

13 This matter came on for hearing before the Commission for Common-Interest
14 Communities and Condominium Hotels, Department of Business and Industry, State of
15 Nevada (the "Commission"), during a regular agenda on March 6, 2018, at the Nevada
16 State Business Center, 3300 W. Sahara Avenue, Nevada Room, Suite 400, Las Vegas,
17 Nevada 89102 with videoconferencing to Department of Business & Industry, Director's
18 Office, 1830 East College Parkway, Suite 100, Carson City, Nevada 89706 (the
19 "Hearing"). Respondent, Jason Bishop, was present and represented by his attorney,
20 Brett Dieffenbach, Esq who also appeared on behalf of the Association. Michelle D.
21 Briggs, Esq., Senior Deputy Attorney General with the Nevada Attorney General's Office,
22 appeared on behalf of the Real Estate Division of the Department of Business and
23 Industry, State of Nevada (the "Division"). The Association completed its election on
24 December 5, 2017.

25 Mr. Bishop through counsel presented settlement terms to the Commission. The
26 Commission unanimously approved and ordered the terms. The parties stipulated as
27 follows:

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1 **JURISDICTION AND NOTICE**

2 1. During the relevant times mentioned in this complaint, RESPONDENTS
3 RICHARD SHINN, MAGGIE SHINN, and JASON BISHOP served as board members
4 and/or officers of RESPONDENT CIMARRON RIDGE ASSOCIATION (the "Association"), a
5 common-interest community located in Las Vegas, Nevada.

6 2. RESPONDENTS are subject to the provisions of Chapter 116 of each the
7 Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC")
8 (hereinafter collectively referred to as "NRS 116") and are subject to the jurisdiction of the
9 Division, and the Commission for Common-Interest Communities pursuant to the
10 provisions of NRS 116.750.

11 **FACTS ALLEGED IN THE COMPLAINT**

12 3. In June, 2017, the Division initiated an investigation of the Association based
13 on its failure to file an annual association registration form or pay the annual fee.

14 4. According to the 2016 annual registration form, the Association consists of 70
15 single family homes and has a total annual budget of \$42,000.

16 5. It also appeared that a husband and wife, RESPONDENTS RICHARD SHINN
17 and MAGGIE SHINN, were serving on the board together.

18 6. The 2016 annual registration form is signed by RESPONDENT RICHARD
19 SHINN and lists the same address for RESPONDENTS MAGGIE SHINN and JASON
20 BISHOP.

21 7. Since 2015, the Association has been managed by: Tonya Gale with Epic
22 Association Management; Stacy Fry-Cable, Sheri Wilson, and June Heydarian with Terra
23 West; Jim Robertson with Las Vegas Valley Community Management; Jamie Collins with
24 Shelter Management; Trish Hall; possibly Colonial Management; Kallea Smith with The
25 Greenspun Corporation; and currently, Stephanie Swain with Regal Management.

26 8. RESPONDENTS RICHARD SHINN, MAGGIE SHINN, and JASON BISHOP
27 did not respond to the Division's investigation.

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1 9. By letter dated September 20, 2017, Ms. Swain informed the Division that the
2 board members plan to meet in September to discuss the issues and that she scheduled an
3 election.

4 **VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT**

5 10. RESPONDENTS RICHARD SHINN, MAGGIE SHINN, and JASON BISHOP
6 knowingly and willfully violated NRS 116.3103 (through NAC 116.405(5)(a)) by failing to act
7 in good faith and in the best interests of the Association when they impeded the Division's
8 investigation by failing to comply with a request by the Division to provide information and
9 documents.

10 11. RESPONDENTS RICHARD SHINN, MAGGIE SHINN, and JASON BISHOP
11 knowingly and willfully violated NRS 116.3103 (through NAC 116.405(5)(c)) by failing to act
12 in good faith and in the best interests of the Association when they impeded the Division's
13 investigation by concealing facts and documents relating to the business of the Association.

14 12. RESPONDENTS RICHARD SHINN, MAGGIE SHINN, and JASON BISHOP
15 knowingly and willfully violated NRS 116.3103 (through NAC 116.405(3)) by committing an
16 act or omission which amounts to incompetence, negligence or gross negligence.

17 13. RESPONDENTS RICHARD SHINN and MAGGIE SHINN knowingly and
18 willfully violated NRS 116.31034(9) by serving on the board together when they are related
19 by blood, adoption or marriage, or reside together.

20 **DISCIPLINE AUTHORIZED**

21 Pursuant to the provisions of NRS 116.615, NRS 116.755, NRS 116.785, and NRS
22 116.790, the Commission has discretion to take any or all of the following actions:

23 1. Issue an order directing RESPONDENTS to cease and desist from
24 continuing to engage in the unlawful conduct that resulted in the violation.

25 2. Issue an order directing RESPONDENTS to take affirmative action to
26 correct any conditions resulting from the violation.

27 3. Impose an administrative fine of up to \$1,000 for each violation by
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1 RESPONDENTS.

2 4. IF RESPONDENTS ARE FOUND TO HAVE KNOWINGLY AND
3 WILLFULLY COMMITTED A VIOLATION of NRS or NAC 116 AND it is in the best
4 interest of the Association, such RESPONDENT may be removed from his/her position as
5 a director and/or officer.

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

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

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

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

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

18 SETTLEMENT

19 1. RESPONDENT JASON BISHOP agrees to resign from the board and not
20 serve as an officer until the December 2018 election. RESPONDENT JASON BISHOP
21 agrees not to be appointed to the board for a period of 5 years from the date of this
22 Stipulation and Order, but may be elected beginning in December 2018.

23 2. RESPONDENT and the Division agree that by entering into this Stipulation
24 and Order, the Division does not concede any defense or mitigation. RESPONDENT may
25 assert and that once this Stipulation and Order is approved and fully performed, the
26 Division will close its file in this matter. RESPONDENT and the Division agree that by
27 entering into this Stipulation and Order, RESPONDENT does not concede that any
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1 Violations of Law as Alleged in the Complaint against RESPONDENT occurred.

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

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

18 5. Each party shall bear its own attorney's fees and costs.

19 6. Stipulation and Order is Not Evidence. Neither this Stipulation and Order nor
20 any statements made concerning this Stipulation and Order may be discussed or introduced
21 into evidence at any hearing on the Complaint, if the Division must ultimately present its
22 case based on the Complaint filed in this matter.

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

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

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

DATED: ~~March~~ ^{APRIL 9th} 2018.

Real Estate Division,
Department of Business & Industry,
State of Nevada

By: 
Sharath Chandra, Administrator

DATED: March ____, 2018.

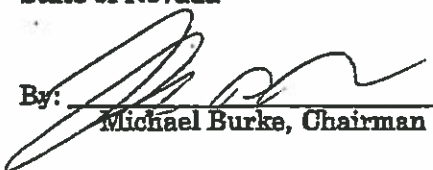

Jason Bishop

ORDER


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

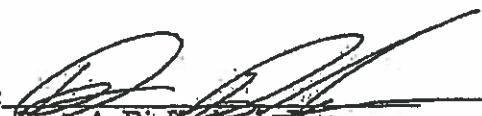
Dated: ~~March~~ ^{APRIL 9th} 2018.

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

By: 
Michael Burke, Chairman

Submitted by:
ADAM PAUL LAXALT, Attorney General

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

By: 
Brett A. Dieffenbach, Esq.
Erickson, Thorpe & Swainston, Ltd.
99 West Arroyo Street
Reno, Nevada 89509
Attorney for the Association and
Jason Bishop