

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  
Business & Industry, State of Nevada,

Case No. 2016-1949

5                   Petitioner,

6 vs.

**FILED**

7 Pecos Creek Homeowners Association,  
8 James Gilmore, Rodolfo Rocha, Omar  
Guerra, Ofelia Santos, and Patricia Yuen,

**NOV 13 2018**

9                   Respondents.

NEVADA COMMISSION OF  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

10                   **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

11                   This matter came on for hearing before the Commission for Common-  
12 Interest Communities and Condominium Hotels, Department of Business and  
13 Industry, State of Nevada (the "Commission"), during a regular agenda on  
14 November 6, 2018 at the Nevada State Business Center, 3300 W. Sahara Avenue,  
15 Nevada Room, Suite 400, Las Vegas, Nevada 89102 with videoconferencing to  
16 Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada  
17 89706 (the "Hearing"). The Respondent, Pecos Creek Homeowners Association (the  
18 "Association"), appeared through a board member, Lacramiora Stoian. Michelle D.  
19 Briggs, Esq., Senior Deputy Attorney General with the Nevada Attorney General's  
20 Office, appeared on behalf of the Real Estate Division of the Department of  
21 Business and Industry, State of Nevada (the "Division").

22                   **FINDINGS OF FACT**

23                   The Commission finds the following facts are true.

24                   1.     On June 19, 2018, board members, Sherryl Baca and Andrew Dionne,  
25 attended the Commission's meeting as requested by the Commission by order filed  
26 March 13, 2018.

27                   2.     Sherryl Baca and Andrew Dionne were ordered to attend the  
28 Commission's meeting on August 28, 2018 for additional follow up on the board's

1 requirements.

2 3. The Commission's order from the June 19 meeting was issued in  
3 written form filed July 6, 2018.

4 2. Sherryl Baca and Andrew Dionne failed to appear before the  
5 Commission on August 28, 2018.

6 3. The Commission issued an Order filed August 30, 2018 requiring all  
7 of the Association's board members to attend the November Commission meeting  
8 which includes notice of sanctions if the board members failed to appear.

9 4. Sherryl Baca and Andrew Dionne failed to appear for a second time.

10 5. Lacramiora Stoian testified before the Commission that she was  
11 largely left out of decisions made by Sherryl Baca and Andrew Dionne and felt  
12 threatened.

13 6. The board had not met to discuss the funding plan for their reserve  
14 deficit.

15 The Commission heard testimony from Phillip Michaelson who is the  
16 Association's new manager. Mr. Michaelson provided a copy of his management  
17 contract and an email from Ms. Baca with the subject of "budget proposal." The  
18 email from Ms. Baca includes an altered version of what was already presented to  
19 the Commission in August by the Association's prior manager. Ms. Stoian testified  
20 that the document was Ms. Baca's reserve study. The Commission reviewed the  
21 Association's audit as was provided by the Association's prior manager to the  
22 Division.

### 23 CONCLUSIONS OF LAW

24 Based on the testimony provided to the Commission by Ms. Stoian and Mr.  
25 Michaelson, being fully apprised in the premises, and good cause appearing to the  
26 Commission, by a unanimous vote, the Commission found the following violation of  
27 law:

28 Sherryl Baca and Andrew Dionne are in default of the Commission's Order

1 filed August 30, 2018 by knowingly and willfully failing to appear before the  
2 Commission as ordered by the Commission by orders filed July 6, 2018 and August  
3 30, 2018 in violation of NRS 116.785(3).

4 **ORDER**

5 The Commission, by unanimous vote, ORDERED the following:

6 1. SHERRYL BACA and ANDREW DIONNE shall each personally pay  
7 an administrative fine to the Division in the amount of \$1,000 no later than  
8 January 1, 2019.

9 2. SHERRYL BACA and ANDREW DIONNE shall be immediately  
10 removed from the board of the Association and may not serve as a board member  
11 or officer of the Association or any other common-interest community in the State  
12 of Nevada for a period of no less than 3 years from the date of this Order and in no  
13 event prior to full payment of the administrative fine ordered against them.

14 3. The Association shall immediately begin the process of conducting an  
15 election to fill all open board positions.

16 4. Lacramiora Stoian, as the sole board member, may take whatever  
17 action is necessary to maintain the business of the Association.

18 5. The Association shall report at the Commission's next board meeting  
19 regarding its reserve funding plan.

20 6. The Commission's next board meeting will be March 12-14, 2019,  
21 unless otherwise directed.

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