

BRIAN SANDOVAL
Governor

STATE OF NEVADA



C.J. MANTHE
Director

SHARATH CHANDRA
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

www.red.nv.gov

March 9, 2018

Tyson and Mendes, LLP.
Attn: Thomas McGrath
3960 Howard Hughes Pkwy, Ste. 600
Las Vegas, NV 89169

Certified No. 7016 2070 0000 4948 4284

Re: NRED v. CIMARRON RIDGE ASSOCIATION, RICHARD SHINN, MAGGIE SHINN AND JASON BISHOP Case No. 2017-1368

Dear Mr. McGrath:

Enclosed herewith you will find the STIPULATION AND ORDER FOR PARTIAL SETTLEMENT AND ACTION FOR MAGGIE AND RICHARD SHINN entered by the Nevada Commission for Common-Interest Communities and Condominium Hotels at the meeting held March 6, 2018 in Las Vegas, Nevada.

The Commission has ordered the following:

1. RESPONDENTS RICHARD SHINN AND MAGGIE SHINN agree not to serve as a board member or officer of any common-interest community located in the State of Nevada for a period of no less than 5 years from the date of this Order.

EFFECTIVE DATE OF THIS ORDER: MARCH 6, 2018

If you have any questions, feel free to contact me at (702) 486-4606, or sdwilliams@red.nv.gov

Sincerely,


Samuel Williams
Commission Coordinator

cc: Michelle Briggs, Senior Deputy Attorney General

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 Cimarron Ridge Association, Richard
10 Shinn, Maggie Shinn, and Jason Bishop,
11 Respondents.

Case No. 2017-1368

FILED

MAR 06 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 November 15, 2017, at the
16 Nevada State Business Center, 3300 W. Sahara Avenue, Nevada Room, Suite 400, Las
17 Vegas, Nevada 89102 with videoconferencing to Department of Business & Industry,
18 Director's Office, 1830 East College Parkway, Suite 100, Carson City, Nevada 89706 (the
19 "Hearing"). Respondents, Richard Shinn and Maggie Shinn, were represented by their
20 attorney, Christopher Lund, Esq. Richard Shinn appeared in person. Michelle D. Briggs,
21 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"). Brett Dieffenbach, Esq. appeared, in Carson
24 City, on behalf of Cimarron Ridge Association (the "Association") and Jason Bishop. The
25 Association's community manager, Stephanie Swain, addressed the Commission. The
26 Association is to hold an election on December 5, 2017 and will report back to the
27 Commission at its next meeting. Through counsel, the Division and Respondents Richard
28 Shinn and Maggie Shinn presented settlement terms to the Commission. The

1 Commission unanimously approved and ordered the stipulated terms. The parties
2 stipulated as follows:

3 **JURISDICTION AND NOTICE**

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

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

13 **STIPULATED FACTS**

14 The following factual allegations are stipulated to by the Division and the
15 RESPONDENT:

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

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

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

22 6. The 2016 annual registration form is signed by RESPONDENT RICHARD
23 SHINN and lists the same address for RESPONDENTS MAGGIE SHINN and JASON
24 BISHOP.

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

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

6 **VIOLATION OF LAW**

7 RESPONDENTS admit to the following violation of law:

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

11 **DISCIPLINE AUTHORIZED**

12 Pursuant to the provisions of NRS 116.615, NRS 116.755, NRS 116.785, and NRS
13 116.790, the Commission has discretion to take any or all of the following actions:

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

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

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

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

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

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

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

3 8. Take whatever further disciplinary action as the Commission deems
4 appropriate.

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

9 SETTLEMENT

10 1. RESPONDENTS RICHARD SHINN and MAGGIE SHINN agree not to serve
11 as a board member or officer of any common-interest community located in the State of
12 Nevada for a period of no less than 5 years from the date of this Order.

13 2. RESPONDENTS and the Division agree that by entering into this Stipulation
14 and Order, the Division does not concede any defense or mitigation RESPONDENTS may
15 assert and that once this Stipulation and Order is approved and fully performed, the
16 Division will close its file in this matter.

17 3. This Stipulation and Order includes any claims that could have been included
18 in a supplemental or amended complaint arising from the same operative facts, transactions
19 and occurrences in existence as of the effective date of this Stipulation and Order. However,
20 this Stipulation and Order does not include claims arising from facts or circumstances
21 which have been concealed by RESPONDENTS.

22 4. RESPONDENTS agree that if the terms and conditions of this Stipulation and
23 Order are not met, the Division may, at its option, rescind this Stipulation and Order and
24 proceed with prosecuting the Complaint before the Commission.

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

11 6. Each party shall bear its own attorney's fees and costs.

12 7. Stipulation and Order is Not Evidence. Neither this Stipulation and Order nor
13 any statements made concerning this Stipulation and Order may be discussed or introduced
14 into evidence at any hearing on the Complaint, if the Division must ultimately present its
15 case based on the Complaint filed in this matter.

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

26 9. Indemnification. RESPONDENTS hereby indemnify and hold harmless the
27 State of Nevada, the Department of Business and Industry, the Division, and each of their
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1 respective members, agents, employees and counsel in their individual and representative
2 capacities against any and all claims, suits, and actions brought against said persons and/or
3 entities by reason of the Division's investigation, this disciplinary action and all other
4 matters relating thereto, and against any and all expenses, damages, and costs, including
5 court costs and attorney fees, which may be sustained by the persons and/or entities named
6 in this section as a result of said claims, suits, and actions.

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1 10. RESPONDENTS have signed and dated this Stipulation and Order only after
2 reading and understanding all terms herein.

3 DATED: ~~November~~ ^{MARCH 1}, 201~~7~~⁸

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

By: 
Sharath Chandra, Administrator

7 DATED: ~~November~~ ^{2/27/18}, 201~~7~~⁸


Richard Shinn


Maggie Shinn

12 ORDER

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


15 Dated: ~~November~~ ^{3/6/18}, 201~~7~~⁸

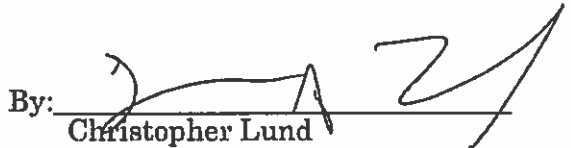
17 COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM
HOTELS, DEPARTMENT OF BUSINESS
& INDUSTRY, STATE OF NEVADA

19 By: 
Michael Burke, Chairman

21 Submitted by:

22 ADAM PAUL LAXALT, Attorney General

23 By: 
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