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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,

Petitioner,

vs.

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

Respondents.

Case No. 2016-1949

FILED

AUG 30 2018

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

ORDER

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 August 28, 2018. The Respondent, Pecos Creek Homeowners Association, appeared through their community manager, Jonathon Kelly and a board member, Lacaramiora Stoian. 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").

Pursuant to the Commission's Order filed July 6, 2018, board members Sherryl Baca, Andrew Dionne, Ofelia Santos and Lacaramiora Stoian were required to complete the following:

1. An annual registration form with the current information for the Association shall be provided to the Division no later than June 22, 2018;
2. The Secretary of State's records shall be updated with the current list of officers and directors no later than June 22, 2018;
3. The draft audit and final audit shall be provided to Ms. Briggs no later than August 21, 2018.

1 None of the items were completed. The Association's manager, Mr. Kelly,
2 reported that Ms. Santos resigned from the board, Ms. Baca was out of the country
3 and he did not know where Mr. Dionne was.

4 Mr. Kelly testified that he thought the registration form was completed. Mr.
5 Kelly signed an addendum form dated June 19, 2018, instead of an annual
6 registration form. Based on Mr. Kelly's testimony:

- 7 • It was not clear if the board had a meeting to discuss the
8 Commission's June order.
- 9 • The Association's CPA is Michael Rosten at Piercy Bowler Taylor &
10 Kern.
- 11 • The Association's funding plan is to add \$50 per unit per month to
12 the reserves.

13 Ms. Stoian asked for more time to get the audit and reserve funding plan
14 completed.

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

16 1. An annual registration form with the current information for the
17 Association shall be provided to the Division no later than August 31, 2018.

18 2. The Secretary of State's records shall be updated with the current list
19 of officers and directors no later than August 31, 2018.

20 3. The draft audit and final audit shall be provided to Ms. Briggs prior to
21 the next Commission meeting scheduled for November 6-8, 2018.

22 4. The Association and its board members, Sherryl Baca, Andrew
23 Dionne, and Lacaramiora Stoian, shall attend the next Commission meeting to
24 report on the status of the audit and to provide a funding plan for the reserve
25 deficit that is discussed with the Association's reserve study specialist and based
26 on a recommendation from the reserve study specialist.

27 5. If these items are not completed as stated in this Order, the
28 Commission may impose discipline against the Association and the board

1 members personally as provided in NRS 116.785 and NRS 116.790.

2 The Commission's next meeting is November 6-8, 2018.


3 IT IS SO ORDERED.

4 DATED: August 30, 2018.

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