

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. 2018-1380

**FILED**

**OCT 03 2019**

NEVADA COMMISSION OF  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

Petitioner,  
vs.  
Gregory Brimm,  
Respondent.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND 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 September 17, 2019, at the Nevada Department of Insurance, 1818 E. College Pkwy, Ste 103, Carson City, Nevada 89706 (the "Hearing"). The RESPONDENT, GREGORY BRIMM, did not appear. 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 Commission took testimony from Teralyn Lewis regarding certified mailing of the complaint, notice of hearing, and documents for this matter. The documents were sent certified mail to the address on file for RESPONDENT BRIMM in the Division's records, and the documents were signed for and the green card was returned to the Division.

BRIMM sent an undated letter to the Division which appears to be in response to the complaint. The letter was reviewed by the Commission and admitted into evidence. The Commission voted to find BRIMM in default for his failure to answer the complaint or attend the Hearing. Ms. Briggs presented exhibits to the Commission and they were admitted into the record.

The Commission enters the following Findings of Fact, Conclusions of Law, and

1 Order. Under Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC)  
2 Chapter 116 and 116A, the Commission has legal jurisdiction over this matter.

3 **FINDINGS OF FACT**

4 Based on a preponderance of the evidence in the record, including the documents  
5 and testimony presented, the Commission voted to find the following factual allegations  
6 were proven:

7 1. BRIMM is the owner and manager of Ponderosa Property Maintenance  
8 (“Ponderosa”) in Incline Village, Nevada.

9 2. Ponderosa provides management services to One Thousand Lakeshore  
10 Homeowners Association (the “Association”).

11 3. BRIMM does not hold a certificate from the Division as a community manager.

12 4. Association checks provided to the Division were signed by BRIMM.

13 5. Ponderosa entered into a management contract with the Association in 2013.

14 6. The 2013 contract states that BRIMM is to provide management services to  
15 the Association including, without limitation: provide budget projections, maintain books,  
16 maintain ownership records, arrange for preparation the Association’s tax return, prepare  
17 and distribute an Annual Financial Report to all homeowners, prepare delinquency reports,  
18 coordinate collection efforts, maintain hours for homeowners to contact him, provide  
19 emergency maintenance services, prepare insurance specifications, make insurance  
20 recommendations to the board, assist in processing insurance claims, prepare meeting  
21 documents and reports, schedule board meetings and prepare detailed financial reports.

22 7. BRIMM signed checks for the Association and is a signor on all bank accounts.

23 8. BRIMM is listed as the “Manager” and Ponderosa is listed as the Management  
24 Company on the Association’s 2014 Annual Registration form.

25 9. Ponderosa advertising in the Summer of 2016 states that it provides  
26 community association management.

27 10. In 2017, BRIMM, through Ponderosa, entered into a Maintenance Contract  
28

1 and a Management Contract with the Association.

2 11. The Association's Rules and Regulations dated April 26, 2018 state that  
3 Ponderosa provides common area maintenance and lists BRIMM as a provisional  
4 community association manager to contact for any problems or inquiries.

5 12. BRIMM provides maintenance and management of the common areas for the  
6 Association.

7 13. In 2018, the Division's auditor completed an audit of the Association's records.

8 14. The auditor's report details problems with the management of the Association  
9 including, without limitation, using reserve funds for non-reserve items, underfunded  
10 reserves, deferred maintenance, and sole signed checks.

11 **VIOLATION OF LAW**

12 Based on the foregoing factual findings and documents in the record, the  
13 Commission concludes by unanimous vote that the following violation of law occurred:

14 15. RESPONDENT violated NRS 116A.400(1) by engaging in the management of  
15 a common-interest community without a community manager certificate from the Division.

16 **ORDER**

17 The Commission being fully apprised in the premises, and good cause appearing to  
18 the Commission, by a unanimous vote, ORDERS as follows:

19 1. BRIMM shall pay an administrative fine to the Division in the total amount  
20 of \$12,500.59 – which includes a fine of \$10,000 for the violation of law and \$2,500.59  
21 representing the total amount due for the Division's attorney's fees and costs – no later  
22 than 90 days from the date of this Order. The Commission considered a breakdown of the  
23 costs and attorneys fees and found them to be reasonable.

24 ...  
25 ...  
26 ...

