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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,

Case No. 2018-993

FILED

JAN 09 2020

**NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS**

vs.

Greenridge Homeowners Association, Leslie
Holland, Diane Leyva, Joshua Schaper,
Carline Roks, Steve Hall, Dave Reid and
Janet Meyers,

Respondents.

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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 December 3, 2019, at the Nevada State Business Center, 3300 West Sahara Avenue, Nevada Room, Suite 400, Las Vegas, Nevada 89102 (the "Hearing"). RESPONDENT Janet Meyers did not appear.¹ Michelle D. Briggs, 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").

Division staff, Teralyn Lewis, testified regarding notice to Respondent Meyers of the Hearing. The Hearing notice was sent to Respondent Meyers at the address on file with the Division. The Commission voted to find Respondent Meyers in default for her failure to attend Hearing.

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

¹ This matter was resolved previously for all other respondents.

1 Order. Under NRS 116 and NAC 116, the Commission has legal jurisdiction over this
2 matter.

3 FINDINGS OF FACT

4 Based on Respondent's default, the Commission voted to find the following factual
5 allegations were proven:

6 1. GREENRIDGE HOMEOWNERS ASSOCIATION (the "Association"), is a
7 self-managed, planned community consisting of 83 units.

8 2. The Association has an annual budget of \$64,740.

9 3. The Association failed to submit a reserve study summary form and
10 appeared to be underfunded in its reserves.

11 4. The Division initiated an audit of the Association's records.

12 5. After reviewing Association records, the auditor discovered the following:

13 a. No reserve study since 2010;

14 b. Reserves funded approximately 14%;

15 c. No reserve contributions in 2015 through 2018;

16 d. RESPONDENT DIANE LEYVA's husband is a vendor for the Association;

17 e. The Association could not provide a balance sheet, an income statement, or
18 a general ledger;

19 f. The bank signature card does not have any board member listed as a signor;

20 g. Two board members, RESPONDENTS DIANE LEYVA AND JANET
21 MYERS do not appear to pay assessments;

22 h. The Association's bank records show multiple overdraft charges; and

23 i. The assessments have not increased since 2009.

24 6. The Division initiated an investigation of the Association and requested the
25 board members respond to the allegations.

26 7. The Division sent four certified letters to the board for a response to the
27 allegations and requesting Association documents.

28 8. RESPONDENT DIANE LEYVA said she paid her assessments through the

1 money owed to her husband for services he provided to the Association.

2 9. RESPONDENTS provided no documents to the Division's investigator and
3 no other response to the allegations.

4 10. The Association is not in good standing with the Division.

5 11. The Division could not complete its investigation of the Association due to
6 RESPONDENTS failure to cooperate during the investigation.

7 **VIOLATIONS OF LAW**

8 Based on the findings of fact, the Commission finds the following violations of law
9 occurred:

10 12. RESPONDENT violated NRS 116.31152 by failing to have a reserve study
11 conducted once every five years.

12 13. RESPONDENT violated NRS 116.3115(2)(b) by failing to adequately fund
13 its reserves.

14 14. RESPONDENT violated NRS 116.3103 (through NAC 116.405(3)) by failing
15 to act in good faith and in the best interests of the Association when they committed an
16 act or omission which amounts to incompetence, negligence or gross negligence by failing
17 to comply with Nevada law.

18 15. RESPONDENT violated NRS 116.3103 (through NAC 116.405(8)(a)) by
19 failing to act in good faith and in the best interests of the Association when they failed to
20 cause the Association to comply with all state laws.

21 16. RESPONDENT violated NRS 116.3103 (through NAC 116.405(5)) by failing
22 to act in good faith and in the best interests of the Association when they failed to comply
23 with a request by the Division to provide documents and concealed facts and documents
24 relating to the business of the Association.

25 17. RESPONDENT violated NRS 116.3103 (through NAC 116.405(8)(g)) by
26 failing to maintain current, accurate and properly documented financial records.

27 18. RESPONDENT violated NRS 116.3103 (through NAC 116.405(8)(i)) by
28 failing to establish policies and procedures that are designed to provide reasonable

1 assurances in the reliability of financial reporting, including, without limitation, proper
2 maintenance of accounting records, documentation of the authorization for receipts and
3 disbursements, verification of the integrity of the data used in making business decisions,
4 facilitation of fraud detection and prevention, and compliance with the applicable laws
5 and regulations governing financial records.

6 19. RESPONDENT violated NRS 116.3103 (through NAC 116.405(8)(j)) by
7 failing to prepare interim and annual financial statements that will allow the Division,
8 the executive board, the units' owners and the accountant or auditor to determine
9 whether the financial position of the association is fairly presented in accordance with
10 the provisions of NAC 116.451 to 116.461, inclusive.

11 **ORDER**

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

14 JANET MEYERS shall not serve as a board member or officer for any common-
15 interest community in the state of Nevada for a period of no less than 5 years from the
16 date of this Order.


17 DATED: January 8, 2020.

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

20 
21 By: Michael Burke, Chairman

22 Submitted by:

23 AARON D. FORD
24 Attorney General

25 By: 
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