

STEVE SISOLAK
Governor

STATE OF NEVADA



TERRY REYNOLDS
Director

SHARATH CHANDRA
Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

www.red.nv.gov

November 14, 2019

McKelleb Carpenter Hazelwood
Attn: Michael McKelleb, Esq.
871 Coronada Center Dr., Ste. 200
Henderson, NV. 89101

Certified No. 7018 1130 0001 8302 2818

Leslie Holland
5511 Hobble Creek Dr.
Las Vegas, NV. 89120

Certified No. 7018 1130 0001 8302 2818

Carline Roks
5639 Hobble Creek Dr.
Las Vegas, NV. 89120

Certified No. 7018 1130 0001 8302 2801

Dave Reid
5563 Hobble Creek Dr.
Las Vegas, NV. 89120

Certified No. 7018 1130 0001 8302 2795

Joshua Schaper
5565 Wheatfield
Las Vegas, NV. 89120

Certified No. 7018 1130 0001 8302 2788

Re: NRED v. GREENRIDGE HOMEOWNERS ASSOCIATION, LESLIE HOLLAND, DIANE LEYVA, JOSHUA SCHAPER, CARLINE ROKS, DAVE REID & JANET MEYERS
Case No: 2018-993

Enclosed herewith you will find the STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION entered by the Nevada Commission for Common-Interest Communities and Condominium Hotels at the meeting held September 17, 2019 in Carson City, Nevada. The following was ordered by the Commission:

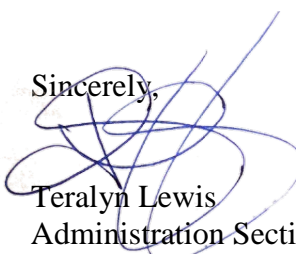
1. The association shall maintain a contract with a community manager until the association is at least 75% funded in its reserves and current on all maintenance obligations, but in no event less than 5 years from the date of the stipulation and order signed by the Commission.
2. The association adopt a special reserve assessment of \$60.00 per unit per month for 5 years. The association shall not lower this special reserve assessment without approval from the Division and the association shall report annually to the Division's Chief Investigator regarding compliance with its reserve funding plan and maintenance obligations for no less than 5 years. The first reporting date shall be January 15, 2020 and shall include the following:

- (a) The budget for the upcoming year;
 - (b) Bank statements for the reserve accounts for the prior 12 months;
 - (c) A description of work performed for any reserve expense for the prior 12 months;
 - (d) Minutes showing the board approved any reserve work completed in the prior 12 months;
 - (e) Invoices for reserve work completed in the prior 12 months; and,
 - (f) Minutes from any board meeting in the prior 12 months that include the board discussion of reserve related repair, replacement or maintenance and compliance with its reserve study dated January 1, 2019 by Better Reserve Consultants.
3. All board members and any future board members for the next year after the stipulation and order is signed by the Commission, shall take 6 hours of classes offered by the Division within 6 months of their being elected or appointed.
 4. The association shall hold an election within 90 days with all board seats up for election.
 5. The association shall place the funds paid to the association by Respondent Diane Leyva pursuant to a separate settlement agreement in this case in the association's reserve account.
 6. Leslie Holland shall resign from the board immediately and may not serve as a board member or officer of any common-interest community in the State of Nevada for a period of no less than 5 years from the date of the stipulation and order.

Please note that Division staff does not have the authority to amend disciplinary action that have been ordered by the Commission. If you find that you are unable to meet the required due date, you will need to request in writing that you be placed on the agenda for a Commission hearing in which the respondent will be allowed to request an extension from the Commission. This request should be made several months prior to the due date.

Please contact me if you have questions regarding this matter.

Sincerely,



Teralyn Lewis
Administration Section Manager
Telephone: (702) 486-4036
Email: Teralyn.Lewis@red.nv.gov

Cc: Sharath Chandra, Administrator
Compliance
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 Greenridge Homeowners Association, Leslie
10 Holland, Diane Leyva, Joshua Schaper,
11 Carline Roks, Dave Reid and Janet Meyers,
12 Respondents.

Case No. 2018-993

FILED

NOV 13 2019

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



13 **STIPULATION AND ORDER**
14 **FOR PARTIAL SETTLEMENT OF DISCIPLINARY ACTION**

15 Petitioner, Real Estate Division, Department of Business & Industry, State of
16 Nevada (the "Division") through its Administrator, Sharath Chandra, and
17 **RESPONDENTS GREENRIDGE HOMEOWNERS ASSOCIATION, LESLIE**
18 **HOLLAND, JOSHUA SCHAPER, CARLINE ROKS, AND DAVE REID ("SETTLING**
19 **RESPONDENTS")** enter into this **STIPULATION AND ORDER FOR PARTIAL**
20 **SETTLEMENT OF DISCIPLINARY ACTION ("Stipulation and Order")** as follows.

21 **JURISDICTION AND NOTICE**

22 1. During the relevant times mentioned in this complaint, **RESPONDENTS**
23 **LESLIE HOLLAND, DIANE LEYVA, JOSHUA SCHAPER, CARLINE ROKS, DAVE**
24 **REID, AND JANET MEYERS** served as board members and/or officers of **GREENRIDGE**
25 **HOMEOWNERS ASSOCIATION** (the "Association"), a common-interest community
26 located in Las Vegas, Nevada.

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

1 provisions of NRS 116.750.

2 **FACTS ALLEGED IN THE COMPLAINT**

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

5 4. The Association has an annual budget of \$64,740.

6 5. The Association failed to submit a reserve study summary form and
7 appeared to be underfunded in its reserves.

8 6. The Division initiated an audit of the Association's records.

9 7. After reviewing Association records, the auditor discovered the following:

10 a. No reserve study since 2010;

11 b. Reserves funded approximately 14%;

12 c. No reserve contributions in 2015 through 2018;

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

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

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

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

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

20 i. The assessments have not increased since 2009.

21 8. The Division initiated an investigation of the Association and requested the
22 board members respond to the allegations.

23 9. The Division sent four certified letters to the board for a response to the
24 allegations and requesting Association documents.

25 10. RESPONDENT DIANE LEYVA said she paid her assessments through the
26 money owed to her husband for services he provided to the Association.

27 11. RESPONDENTS provided no documents to the Division's investigator and
28 no other response to the allegations.

1 maintenance of accounting records, documentation of the authorization for receipts and
2 disbursements, verification of the integrity of the data used in making business decisions,
3 facilitation of fraud detection and prevention, and compliance with the applicable laws
4 and regulations governing financial records.

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

10 DISCIPLINE AUTHORIZED

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

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

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

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

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

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

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

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

1 this Stipulation and Order is signed by the Commission, shall take 6 hours of classes
2 offered by the Division within 6 months of their being elected or appointed.

3 4. The ASSOCIATION shall hold an election within 90 days with all board
4 seats up for election.

5 5. The ASSOCIATION shall place the funds paid to the ASSOCIATION by
6 Respondent Diane Leyva pursuant to a separate settlement agreement in this case in the
7 ASSOCIATION'S reserve account.

8 6. RESPONDENT LESLIE HOLLAND shall resign from the board
9 immediately and may not serve as a board member or officer of any common-interest
10 community in the state of Nevada for a period of no less than 5 years from the date this
11 Stipulation and Order is signed by the Commission. Prior to RESPONDENT HOLLAND
12 serving as a board member or officer of a common-interest community in the future, she
13 shall take no less than 12 hours of classes offered by the Division.

14 7. The Division may treat any default of this settlement by any particular
15 SETTLING RESPONDENT as a violation of a Commission order pursuant to NRS
16 116.785 as to such SETTLING RESPONDENT.

17 8. SETTLING RESPONDENTS and the Division agree that by entering into
18 this Stipulation and Order, the Division does not concede any defense or mitigation
19 SETTLING RESPONDENTS may assert and that once this Stipulation and Order is
20 approved and fully performed, the Division will close its file in this matter.

21 9. SETTLING RESPONDENTS agree that if the terms and conditions of this
22 Stipulation and Order are not met, the Commission may, at its option upon the request
23 of the Division, rescind this Stipulation and Order and allow the prosecution of the
24 Complaint before the Commission.

25 10. SETTLING RESPONDENTS agree and understand that by entering into
26 this Stipulation and Order, SETTLING RESPONDENTS are waiving their right to a
27 hearing at which SETTLING RESPONDENTS may present evidence in their defense,
28 their right to a written decision on the merits of the Complaint, their right to

1 reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which
2 may be accorded by the Nevada Administrative Procedure Act, the Nevada Uniform
3 Common-Interest Ownership Act and accompanying regulations, and the federal and
4 state constitutions. SETTLING 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 SETTLING RESPONDENTS. SETTLING RESPONDENTS fully understand that they
10 have the right to be represented by legal counsel in this matter at their own expense.

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

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

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

27 14. Indemnification. SETTLING RESPONDENTS hereby indemnify and hold
28 harmless the State of Nevada, the Department of Business and Industry, the Division,

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

8 15. SETTLING RESPONDENTS have signed and dated this Stipulation and
9 Order only after reading and understanding all terms herein.

10
11 DATED: OCTOBER 31, 2019.

Real Estate Division,
Department of Business & Industry,
State of Nevada

12
13
14 By: 
Sharath Chandra, Administrator

15
16 DATED: _____, 2019.

Greenridge Homeowners Association

17 By: VINCENT LAFER

18 Name: Vincent Lafere

19
20 Title: PRESIDENT

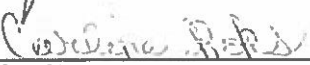
21 DATED: _____, 2019.


22 Leslie Holland

23 DATED: _____, 2019.


24 Joshua Schaper

25 DATED: _____, 2019.


26 Carline Rok

27
28 DATED: _____, 2019.



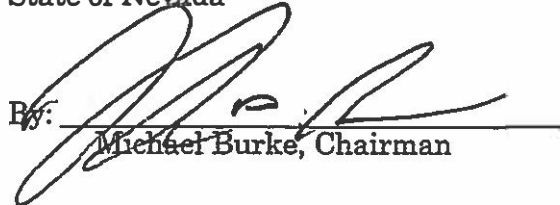
Dave Reid

ORDER

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

Dated: ^{Nov.} ~~September~~ 1, 2019.


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

By: 
Michael Burke, Chairman

Submitted by:

AARON D. FORD, Attorney General

By: _____
Michelle D. Briggs
Senior Deputy Attorney General
555 E. Washington Ave. Ste 3900
Las Vegas, Nevada 89101
Attorneys for Real Estate Division

By: 
Michael W. McKelleb
McKelleb Carpenter Hazlewood
871 Coronado Center Drive, Suite 200
Henderson, NV 89052
Attorney for Respondent Association

Dave Reid

ORDER

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


Dated: September ____, 2019.

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

By: _____
Michael Burke, Chairman

Submitted by:

AARON D. FORD, Attorney General

By:  _____
Michelle D. Briggs
Senior Deputy Attorney General
555 E. Washington Ave. Ste 3900
Las Vegas, Nevada 89101
Attorneys for Real Estate Division

By: _____
Michael W. McKelleb
McKelleb Carpenter Hazlewood
871 Coronado Center Drive, Suite 200
Henderson, NV 89052
Attorney for Respondent Association