

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**

**SEP 27 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 Respondent,  
17 Diane Leyva enter into this STIPULATION AND ORDER FOR PARTIAL  
18 SETTLEMENT OF DISCIPLINARY ACTION ("Stipulation and Order") as follows.

19                                   **JURISDICTION AND NOTICE**

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

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



1           13.    The Division could not complete its investigation of the Association due to  
2 RESPONDENTS failure to cooperate during the investigation.

3                           **VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT**

4           14.    RESPONDENTS violated NRS 116.31152 by failing to have a reserve study  
5 conducted once every five years.

6           15.    RESPONDENTS violated NRS 116.3115(2)(b) by failing to adequately fund  
7 its reserves.

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

12           17.    RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(a)) by  
13 failing to act in good faith and in the best interests of the Association when they failed to  
14 cause the Association to comply with all state laws.

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

19           19.    RESPONDENT DIANE LEYVA violated NRS 116.31034(10) by serving on  
20 the board when she stood to gain personal profit or compensation from a matter before  
21 the executive board.

22           20.    RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(g)) by  
23 failing to maintain current, accurate and properly documented financial records.

24           21.    RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(i)) by  
25 failing to establish policies and procedures that are designed to provide reasonable  
26 assurances in the reliability of financial reporting, including, without limitation, proper  
27 maintenance of accounting records, documentation of the authorization for receipts and  
28 disbursements, verification of the integrity of the data used in making business decisions,

1 facilitation of fraud detection and prevention, and compliance with the applicable laws  
2 and regulations governing financial records.

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

### 8 DISCIPLINE AUTHORIZED

9 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS  
10 116.790 the Commission has discretion to take any or all of the following actions:

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

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

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

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

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

22 6. Require the BOARD MEMBERS to hire a community manager who holds a  
23 certificate.

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

27 8. Take whatever further disciplinary action as the Commission deems  
28 appropriate.

1 The Commission may order one or any combination of the discipline described  
2 above. If the Commission finds that the RESPONDENTS knowingly and willfully  
3 violated the provisions of NRS or NAC 116, the Commission may order that  
4 RESPONDENTS be personally liable for all fines and costs imposed.

5 **SETTLEMENT**

6 1. RESPONDENT DIANE LEYVA shall resign from the Association's board  
7 immediately, if she is currently serving, and shall not serve as an officer or director for  
8 any common-interest community in the state of Nevada for a period of no less than ten  
9 years from the date of this Stipulation and Order, but in no event prior to completion of  
10 the payments agreed to be paid to the Association pursuant to this Stipulation and Order.

11 2. RESPONDENT DIANE LEYVA shall reimburse the Association the sum of  
12 \$1,560 to be paid in monthly installments of no less than \$50, until paid in full. Payments  
13 are due on the first of each month. The first payment shall be due on October 1, 2019. A  
14 late fee of \$10 shall be applied to any payment made after the 15<sup>th</sup> of each month. If a  
15 payment or late fee is more than 60 days delinquent, it shall constitute a default of this  
16 Stipulation and Order.

17 3. The Division may treat any default of this settlement as a violation of a  
18 Commission order pursuant to NRS 116.785.

19 4. RESPONDENT and the Division agree that by entering into this Stipulation  
20 and Order, the Division does not concede any defense or mitigation RESPONDENT may  
21 assert and that once this Stipulation and Order is approved and fully performed, the  
22 Division will close its file in this matter.

23 5. RESPONDENT agrees that if the terms and conditions of this Stipulation  
24 and Order are not met, the Division may, at its option, rescind this Stipulation and Order  
25 and proceed with prosecuting the Complaint before the Commission.

26 6. RESPONDENT agrees and understand that by entering into this Stipulation  
27 and Order, RESPONDENT is waiving her right to a hearing at which RESPONDENT  
28 may present evidence in her defense, her right to a written decision on the merits of the

1 Complaint, her 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 Uniform Common-Interest Ownership Act and accompanying regulations,  
4 and the federal and state constitutions. RESPONDENT understands that this Stipulation  
5 and Order and other documentation may be subject to public records laws. The  
6 Commission members who review this matter for approval of this Stipulation and Order  
7 may be the same members who ultimately hear, consider and decide the Complaint if this  
8 Stipulation and Order is either not approved by the Commission or is not timely  
9 performed by RESPONDENT. RESPONDENT fully understands that she has the right  
10 to be represented by legal counsel in this matter at her own expense.

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

12 8. 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 9. Release. In consideration of execution of this Stipulation and Order,  
17 RESPONDENT for herself, her heirs, executors, administrators, successors, and assigns,  
18 hereby releases, remises, and forever discharges the State of Nevada, the Department of  
19 Business and Industry and the Division, and each of their respective members, agents,  
20 employees and counsel in their individual and representative capacities, from any and all  
21 manner of actions, causes of action, suits, debts, judgments, executions, claims, and  
22 demands whatsoever, known and unknown, in law or equity, that the RESPONDENT  
23 ever had, now has, may have, or claim to have, against any or all of the persons or entities  
24 named in this section, arising out of or by reason of the Division's investigation, this  
25 disciplinary action, and all other matters relating thereto.

26 10. Indemnification. RESPONDENT hereby indemnifies and holds harmless  
27 the State of Nevada, the Department of Business and Industry, the Division, and each of  
28 their respective members, agents, employees and counsel in their individual and

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

6 11. RESPONDENT has signed and dated this Stipulation and Order only after  
7 reading and understanding all terms herein.

8  
9 DATED: SEPT 26, 2019.

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

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11  
12 By: [Signature]  
Sharath Chandra, Administrator

13 DATED: 9/10/2019 2019.

14 [Signature]  
Diane Leyva

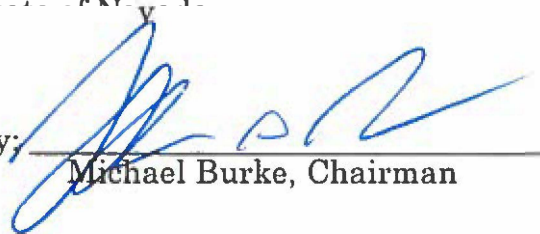
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**ORDER**

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

Dated: September 11, 2019.

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

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  
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Attorneys for Real Estate Division

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