

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,

Case No. 2018-1663

8 vs.

9 Sierra Ranchos Property Owners
10 Association, Sabrina Brin, Tony Boggs, and
11 Greg Mayer,

12 Respondents.

FILED

SEP 26 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 **RESPONDENT SIERRA RANCHOS PROPERTY OWNERS ASSOCIATION** enter into
18 this **STIPULATION AND ORDER FOR PARTIAL SETTLEMENT OF DISCIPLINARY**
19 **ACTION ("Stipulation and Order")** as follows.

20 **JURISDICTION AND NOTICE**

21 1. During the relevant times mentioned in this complaint, **RESPONDENTS**
22 **SABRINA BRIN, TONY BOGGS, AND GREG MAYER** served as board members and/or
23 officers of **SIERRA RANCHOS PROPERTY OWNERS ASSOCIATION** (the
24 "Association"), a common-interest community located in Reno, 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 those services.

2 15. Mr. Lingle was paid over \$90,000 in two years from June 2016 to June 2018.

3 16. The Association's financial statements do not comply with NAC 116.451.

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

5 17. RESPONDENTS violated NRS 116.31153(2) by allowing a former board
6 member and the Association's bookkeeper to sign over 160 Association checks.

7 18. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(3)) by
8 failing to act in good faith and in the best interests of the Association when they
9 committed multiple acts or omissions which amount to incompetence, negligence or gross
10 negligence by failing to comply with Nevada law.

11 19. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(a)) by
12 failing to act in good faith and in the best interests of the Association when they failed to
13 keep informed of laws, regulations and developments relating to common-interest
14 communities.

15 20. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(d)) by
16 failing to act in good faith and in the best interests of the Association when they failed to
17 obtain bids from reputable service providers who possess the proper licensing before
18 purchasing any service for use by the Association.

19 21. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(e)) by
20 failing to act in good faith and in the best interests of the Association when they failed to
21 consult with appropriate professionals as necessary before making any major decision
22 affecting the Association or the common elements.

23 22. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(g)) by
24 failing to act in good faith and in the best interests of the Association by failing to
25 maintain current, accurate and properly documented financial records.

26 23. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(j)) by
27 failing to act in good faith and in the best interests of the Association by failing to prepare
28 interim and annual financial statements that will allow the Division, the executive board,

1 the units' owners to determine whether the financial position of the association is fairly
2 presented in accordance with the provisions of NAC 116.451.

3 DISCIPLINE AUTHORIZED

4 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
5 116.790 the Commission has discretion to take any or all of the following actions:

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

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

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

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

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

17 6. Require the BOARD MEMBERS to hire a community manager who holds a
18 certificate.

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

22 8. Take whatever further disciplinary action as the Commission deems
23 appropriate.

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

28

SETTLEMENT

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

4 2. The ASSOCIATION shall hire and maintain the services of a community
5 manager for no less than 5 years from the date of this Order and Stipulation; but in no
6 event may this requirement terminate prior to the ASSOCIATION'S reserve account
7 being adequately funded to be determined by the Division.

8 3. The ASSOCIATION shall provide a funding plan for reserves to the Division
9 within 180 days.

10 4. The ASSOCIATION shall not hire or otherwise provide any compensation to
11 homeowners or anyone else unless they are properly licensed to perform such service for
12 the ASSOCIATION. This includes, without limitation, bookkeeping and road
13 maintenance services.

14 5. For the next two years from the date this Order and Stipulation is signed by
15 the Commission, each board member shall take 6 hours of education offered by the
16 Division within 1 year of becoming a board member. The Division may, in its discretion,
17 extend the time required to obtain the education required by this subsection.

18 6. The ASSOCIATION shall not allow any non-board member to make motions
19 at meetings of the board or otherwise participate in the board taking action at a meeting.

20 7. The ASSOCIATION shall place money it receives as a result of the
21 settlement of Case No. 2018-1488 (Joy Marvin) in its reserve account.

22 8. The ASSOCIATION shall not allow any non-board member or non-officer to
23 sign ASSOCIATION checks except for its community manager pursuant NRS 116.31153.

24 9. The Division may treat any default of this settlement as a violation of a
25 Commission order pursuant to NRS 116.785.

26 10. RESPONDENT and the Division agree that by entering into this Stipulation
27 and Order, the Division does not concede any defense or mitigation RESPONDENT may
28 assert and that once this Stipulation and Order is approved and fully performed, the

1 Division will close its file in this matter.

2 11. RESPONDENT agrees that if the terms and conditions of this Stipulation
3 and Order are not met, the Division may, at its option, rescind this Stipulation and Order
4 and proceed with prosecuting the Complaint before the Commission.

5 12. RESPONDENT agrees and understands that by entering into this
6 Stipulation and Order, RESPONDENT is waiving its right to a hearing at which
7 RESPONDENT may present evidence in its defense, its right to a written decision on the
8 merits of the Complaint, its right to reconsideration and/or rehearing, appeal and/or
9 judicial review, and all other rights which may be accorded by the Nevada Administrative
10 Procedure Act, the Nevada Uniform Common-Interest Ownership Act and accompanying
11 regulations, and the federal and state constitutions. RESPONDENT understands that
12 this Stipulation and Order and other documentation may be subject to public records laws.
13 The Commission members who review this matter for approval of this Stipulation and
14 Order may be the same members who ultimately hear, consider and decide the Complaint
15 if this Stipulation and Order is either not approved by the Commission or is not timely
16 performed by RESPONDENT. RESPONDENT fully understands that it has the right to
17 be represented by legal counsel in this matter at its own expense.

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

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

23 15. Release. In consideration of execution of this Stipulation and Order,
24 RESPONDENT for itself, its heirs, executors, administrators, successors, and assigns,
25 hereby releases, remises, and forever discharges the State of Nevada, the Department of
26 Business and Industry and the Division, and each of its respective members, agents,
27 employees and counsel in their individual and representative capacities, from any and all
28 manner of actions, causes of action, suits, debts, judgments, executions, claims, and

1 demands whatsoever, known and unknown, in law or equity, that the RESPONDENT
2 ever had, now has, may have, or claim to have, against any or all of the persons or entities
3 named in this section, arising out of or by reason of the Division's investigation, this
4 disciplinary action, and all other matters relating thereto.

5 16. Indemnification. RESPONDENT hereby indemnifies and holds harmless
6 the State of Nevada, the Department of Business and Industry, the Division, and each of
7 their respective members, agents, employees and counsel in their individual and
8 representative capacities against any and all claims, suits, and actions brought against
9 said persons and/or entities by reason of the Division's investigation, this disciplinary
10 action and all other matters relating thereto, and against any and all expenses, damages,
11 and costs, including court costs and attorney fees, which may be sustained by the persons
12 and/or entities named in this section as a result of said claims, suits, and actions.

13 17. RESPONDENT has signed and dated this Stipulation and Order only after
14 reading and understanding all terms herein.

15 DATED: SEPT 26, 2019.

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

17 By: [Signature]
18 Sharath Chandra, Administrator

19 DATED: SEPT 11, 2019.

Sierra Ranchos Property Owners
Association

21 By: [Signature]
22 Name: Loren Pierce
23 Title: President, SRPOA
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ORDER


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

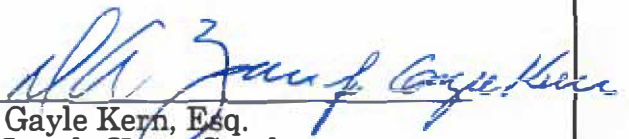
Dated: September 11, 2019.

Commission for Common-Interest
Communities and Condominium Hotels,
Department of Business & Industry,
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: 
Gayle Kern, Esq.
Leach, Kern, Gruchow
5421 Kietzke Lane, Suite 200
Reno, NV 89511
Attorney for Respondent