

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,

Case No. 2018-1489

FILED

SEP 26 2019

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Petitioner,

vs.

7 Sierra Ranchos Property Owners
8 Association and Roger Seifert,

Respondents.

10 STIPULATION AND ORDER

11 FOR SETTLEMENT OF DISCIPLINARY ACTION

12 Petitioner, Real Estate Division, Department of Business & Industry, State of
13 Nevada (the "Division") through its Administrator, Sharath Chandra, and
14 RESPONDENT ROGER SEIFERT enter into this STIPULATION AND ORDER FOR
15 SETTLEMENT OF DISCIPLINARY ACTION ("Stipulation and Order") as follows.

16 JURISDICTION AND NOTICE

17 1. RESPONDENTS are parties to the Stipulation and Order for Partial
18 Settlement of Disciplinary Action filed June 16, 2016 in Case No. IN-1608 before this
19 Commission.

20 2. RESPONDENTS are subject to the provisions of Chapter 116 of each the
21 Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC")
22 (hereinafter collectively referred to as "NRS 116") and are subject to the jurisdiction of the
23 Division, and the Commission pursuant to the provisions of NRS 116.750 and NRS
24 116.785(3).

25 FACTS ALLEGED IN THE COMPLAINT

26 3. SEIFERT was a board member for Sierra Ranchos Property Owners
27 Association (the "Association").

28 4. The Division filed a complaint for disciplinary action against SIEFERT and the

1 Association with this Commission in Case No. IN-1608.

2 5. This Commission approved a settlement of that complaint evidenced by the
3 Stipulation and Order for Partial Settlement of Disciplinary Action filed June 16, 2016 (the
4 "Order").

5 6. According to the terms of the Order, SEIFERT was to step down from the
6 board for 5 years.

7 7. In 2017, the Division received a check from the Association for annual filing
8 fees.

9 8. The check was signed by SEIFERT and the Association's bookkeeper, neither
10 of whom is a board member or officer of the Association.

11 9. The annual registration form from 2017 is signed by Sabrina Eckley who is
12 listed as president and board member.

13 10. The Division opened an investigation and asked SEIFERT about his signing of
14 the check.

15 11. SEIFERT stated that he and the bookkeeper signed the check because no
16 board members were signors on the Association's account.

17 12. The Association's bank records show SEIFERT signed approximately 147
18 Association checks after the Order was filed in 2016, 2017 and 2018.

19 13. In October and November 2017, all of the Association's reserve funds were put
20 in its operating account.

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

22 14. SEIFERT violated NRS 116.31153(2) 147 times by signing Association checks
23 when he was not a board member.

24 15. SEIFERT and the Association violated NRS 116.785(3) by failing to comply
25 with the Commission's order in Case No. IN-1608.

26 **DISCIPLINE AUTHORIZED**

27 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
28 116.790 the Commission has discretion to take any or all of the following actions:

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

3 2. Issue an order directing RESPONDENTS to take affirmative action to
4 correct any conditions resulting from the violation.

5 3. Impose an administrative fine of up to \$1,000 for each violation by
6 RESPONDENTS.

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

10 5. If the RESPONDENTS violated any order issued by the Commission, the
11 Commission may impose an administrative fine of not more than \$1,000 for each
12 violation.

13 6. Take whatever further disciplinary action as the Commission deems
14 appropriate.

15 The Commission may order one or any combination of the discipline described
16 above.

17 **SETTLEMENT**

18 1. RESPONDENT ROGER SEIFERT previously agreed not to serve as a member
19 of the board of directors or as an officer for the Association for 5 years from June 9, 2016 in
20 Case No. IN-1608. RESPONDENT ROGER SEIFERT agrees to not serve as an officer or
21 director for any common-interest community in the state of Nevada for a period of no less
22 than ten years in addition to the 5 years he agreed to previously. RESPONDENT ROGER
23 SEIFERT shall not serve on any common-interest community board of directors or as an
24 officer for any common-interest community in the state of Nevada until after June 9, 2031.

25 2. RESPONDENT and the Division agree that by entering into this Stipulation
26 and Order, the Division does not concede any defense or mitigation RESPONDENT may
27 assert and that once this Stipulation and Order is approved and fully performed, the
28 Division will close its file in this matter.

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

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

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

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

22 7. Release. In consideration of execution of this Stipulation and Order,
23 RESPONDENT for himself, his heirs, executors, administrators, successors, and assigns,
24 hereby releases, remises, and forever discharges the State of Nevada, the Department of
25 Business and Industry and the Division, and each of their respective members, agents,
26 employees and counsel in their individual and representative capacities, from any and all
27 manner of actions, causes of action, suits, debts, judgments, executions, claims, and
28 demands whatsoever, known and unknown, in law or equity, that the RESPONDENT ever


1 had, now has, may have, or claim to have, against any or all of the persons or entities
2 named in this section, arising out of or by reason of the Division's investigation, this
3 disciplinary action, and all other matters relating thereto.

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

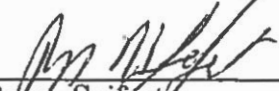
12 9. RESPONDENT has signed and dated this Stipulation and Order only after
13 reading and understanding all terms herein.

14 DATED: 9-26, 2019.

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

By: 
Sharath Chandra, Administrator

18 DATED: 9-10, 2019.


Roger Seifert

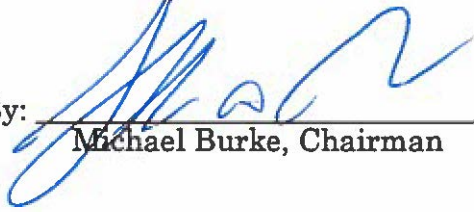
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ORDER

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

Dated: September 17, 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
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Las Vegas, Nevada 89101
Attorneys for Real Estate Division

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