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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,

Case No. 2017-2476

Petitioner,

vs.

Eldora Plaza, Inc., Barbara Jackson, and  
Amalia Dominguez.

Respondents.

**FILED**

NOV 02 2020

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

*Kelly Valadez*

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**STIPULATION AND ORDER  
FOR SETTLEMENT OF DISCIPLINARY ACTION**

Petitioner, Real Estate Division, Department of Business & Industry, State of Nevada (the "Division") through its Administrator, Sharath Chandra, ELDORA PLAZA, INC., BARBARA JACKSON, and AMALIA DOMINGUEZ (hereinafter, "RESPONDENTS") enter into this STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION ("Stipulation and Order") as follows.

**JURISDICTION AND NOTICE**

During the relevant times mentioned in the complaint, RESPONDENTS BARBARA JACKSON and AMALIA DOMINGUEZ served as board members and/or officers of ELDORA PLAZA, INC. (the "Association"), a common-interest community located in Las Vegas, Nevada.

RESPONDENTS are subject to the provisions of Chapter 116 of each the 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 provisions of NRS 116.750.

**FACTUAL ALLEGATIONS IN THE COMPLAINT**

1. ELDORA PLAZA, INC. is an association located in Las Vegas, Nevada, consisting of 18 fourplexes, containing a total of 72 units.

1           2.     On or around October 1, 2012, Board members Daryl Morse and JACKSON  
2 appointed DOMINGUEZ to the Board after the Association's former president and  
3 treasurer resigned.

4           3.     From approximately October of 2012 through March of 2018, DOMINGUEZ  
5 served as president/treasurer of the Association.

6           4.     JACKSON served on the Association's Board as its secretary.

7           5.     Mr. Morse served on the Board through May of 2016 at which time he  
8 resigned and has since passed away.

9           6.     Following Mr. Morse's resignation, the third position on the Association's  
10 Board remained vacant.

11          7.     While on the Board, DOMINGUEZ performed bookkeeping services and  
12 other services for the Association that ordinary would be performed by a community  
13 manager.

14          8.     To compensate DOMINGUEZ for her services while on the Board, the Board  
15 members agreed that DOMINGUEZ's monthly HOA assessments would be waived by  
16 fifty percent.

17          9.     DOMINGUEZ and her husband own two buildings in the Association either  
18 personally and/or through different business entities.

19          10.    JACKSON continued to pay her full monthly assessments while on the  
20 Board.

21          11.    The Division initiated an audit of the Association on or around October 18,  
22 2017, when it discovered that the Association failed to submit its Annual Registration  
23 form to the Division.

24          12.    Based on the audit's findings, on or around December 5, 2017, the Division  
25 properly notified RESPONDENTS that it had opened an investigation and requested a  
26 response to a variety of allegations, including, without limitation, failing to hold  
27 meetings, failing to hold elections, failing to hire properly licensed vendors, giving board  
28 members reduced assessments, failing to prepare proper financial statements, failing to

1 properly sign checks, failing to fund reserves, and failing to fulfill the Association's  
2 maintenance obligations.

3 13. The Association was self-managed until approximately April 1, 2018, at  
4 which time the Association employed Phillip Michaelson of Griswold Real Estate  
5 Management as its community manager, and now uses Yvonne Culliver of 5STRMGT,  
6 LLC

7 14. RESPONDENT DOMINGUEZ provided a response to the Division dated  
8 January 25, 2018, which was received by the Division on April 17, 2018.

9 15. On August 26, 2019, the Association's attorney sent a letter to the Division  
10 proposing a plan to bring the Association into compliance with Nevada law.

11 16. In the letter to the Division, the attorney pointed out that most of the initial  
12 allegations brought against the Association were due to the Association being self-  
13 managed but have since been remedied after the Association hired a community manager  
14 in 2018.

15 17. The plan the Association's attorney submitted to the Division to bring the  
16 Association into compliance with Nevada law was as follows:

- 17 • With respect to the reserve study and funding, the Association was soliciting  
18 bids for its 2019 Reserved Study, understood its reserve account was  
19 underfunded, and intended to consider a reserve assessment if necessary.
- 20 • With respect to the Association's operations, the Association believed that since  
21 it had retained professional management, issues regarding violations related to  
22 notices, frequency, agendas, minutes of Board meetings, the need to solicit bids,  
23 and properly holding elections would be remedied.
- 24 • With respect to the Association's finances, by retaining professional  
25 management, the Association believed issues related to properly signing checks,  
26 approval of electronic payments, adequately funding the operating account,  
27 properly setting monthly assessments, and preparing and distributing interim  
28 financial statements would be remedied.

- 1 • With respect to contractors, the Board understood it must hire only licensed  
2 vendors to provide services to the Association.
- 3 • With respect to Association's placing maintenance obligations for the exterior  
4 of buildings on the unit owners, the Association stated it planned to propose an  
5 amendment to the Declaration to address the maintenance and repair of the  
6 buildings and if the membership approved the amendment, it would be  
7 recorded.
- 8 • With respect to DOMINGUEZ's paying 50 percent of her assessments while on  
9 the Board, the Association responded that in January 2018 DOMINGUEZ  
10 began paying full assessments for units in both buildings she owns.

11 18. DOMINGUEZ owes the Association for the portion of her improperly waived  
12 assessments given to her in exchange for her providing the Association bookkeeping  
13 services from approximately October of 2012 through December of 2017.

14 19. The amount owed by DOMINGUEZ to the Association for the improperly  
15 waived assessments is approximately \$15,600 dollars.

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

17 20. RESPONDENTS violated NRS 116.31187(1) by permitting DOMINGUEZ to  
18 be compensated for performing bookkeeping services while on the Board by waiving her  
19 monthly assessments due to the Association by fifty percent.

20 21. RESPONDENTS violated NRS 116.3103 by failing to perform their  
21 fiduciary duties by improperly waiving DOMINGUEZ's monthly assessment by fifty  
22 percent to compensate her for providing bookkeeping services while on the Board.

23 22. RESPONDENT DOMINGUEZ violated NRS 116.3103 through NAC  
24 116.405(2) by acting for reasons of self-interest and gain by accepting compensation for  
25 performing bookkeeping services while on the Board by only paying fifty percent of her  
26 monthly assessments.

27 23. RESPONDENTS violated NRS 116.31083 (8), (9), and (11) by failing to  
28 properly take minutes and maintain audio recordings during meetings.



1 the order approving this stipulation and order for settlement.

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

6 5. RESPONDENTS agree that if the terms and conditions of this Stipulation  
7 and Order are not met, the Division may, at its option, rescind this Stipulation and Order  
8 as to the RESPONDENT in default and proceed with prosecuting the Complaint before  
9 the Commission.

10 6. RESPONDENTS agree and understand that by entering into this  
11 Stipulation and Order, RESPONDENTS are waiving their right to a hearing at which  
12 RESPONDENTS may present evidence in their defense, their right to a written decision  
13 on the merits of the Complaint, their right to reconsideration and/or rehearing, appeal  
14 and/or judicial review, and all other rights which may be accorded by the Nevada  
15 Administrative Procedure Act, the Nevada Uniform Common-Interest Ownership Act  
16 and accompanying statutes and regulations, and the federal and state constitutions.  
17 RESPONDENTS understand that this Stipulation and Order and other documentation  
18 may be subject to public records laws. The Commission members who review this matter  
19 for approval of this Stipulation and Order may be the same members who ultimately  
20 hear, consider and decide the Complaint if this Stipulation and Order is either not  
21 approved by the Commission or is not timely performed by RESPONDENTS.  
22 RESPONDENTS fully understand that they have the right to be represented by legal  
23 counsel in this matter at their own expense.

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

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

1           9.     Release. In consideration of execution of this Stipulation and Order,  
2 RESPONDENTS for themselves, their heirs, executors, administrators, successors, and  
3 assigns, hereby releases, remises, and forever discharges the State of Nevada, the  
4 Department of Business and Industry and the Division, and each of their respective  
5 members, agents, employees and counsel in their individual and representative  
6 capacities, from any and all manner of actions, causes of action, suits, debts, judgments,  
7 executions, claims, and demands whatsoever, known and unknown, in law or equity, that  
8 the RESPONDENTS ever had, now has, may have, or claim to have, against any or all of  
9 the persons or entities named in this section, arising out of or by reason of the Division's  
10 investigation, this disciplinary action, and all other matters relating thereto.

11           In consideration of execution of this Stipulation and Order, and subject to the  
12 RESPONDENTS' performance of the terms and conditions set forth in Paragraphs 1-3,  
13 inclusive, the State of Nevada, the Department of Business and Industry and the  
14 Division, and each of their respective members, agents, employees and counsel in their  
15 individual and representative capacities, hereby release, remise and forever discharge  
16 the RESPONDENTS, individually and collectively from any and all actions, causes of  
17 actions, suits, debts, judgments, executions, claims and demands whatsoever known or  
18 unknown, in law or in equity, that the State of Nevada, the Department of Business and  
19 Industry and the Division, and each of their respective members, agents, employees and  
20 counsel in their individual and representative capacities, ever had, now have, may have,  
21 or claim to have, against any or all of the RESPONDENTS arising out of or by reason of  
22 the Division's investigation, this disciplinary action and all other matters relating hereto.

23           10.   Indemnification. RESPONDENTS hereby indemnify and hold harmless the  
24 State of Nevada, the Department of Business and Industry, the Division, and each of their  
25 respective members, agents, employees and counsel in their individual and  
26 representative capacities against any and all claims, suits, and actions brought against  
27 said persons and/or entities by reason of the Division's investigation, this disciplinary  
28 action and all other matters relating thereto, and against any and all expenses, damages,



1 and costs, including court costs and attorney fees, which may be sustained by the persons  
2 and/or entities named in this section as a result of said claims, suits, and actions.

3 11. RESPONDENTS have signed and dated this Stipulation and Order only  
4 after reading and understanding all terms herein.

5 DATED: October 29, 2020.

6 REAL ESTATE DIVISION,  
7 DEPARTMENT OF BUSINESS &  
8 INDUSTRY, STATE OF NEVADA

9 By: [Signature]  
10 Sharath Chandra, Administrator

11 DATED: October 23, 2020.

12 ELDORA PLAZA, INC

13 By: [Signature]

14 Name: AMALIA DOMINGUEZ

15 Title: Vice President, Eldora Plaza  
16 HQA

17 DATED: October 23, 2020.

18 [Signature]  
19 Amalia Dominguez

20 DATED: October 26<sup>th</sup>, 2020.

21 [Signature]  
22 Barbara Jackson



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3 **ORDER**

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

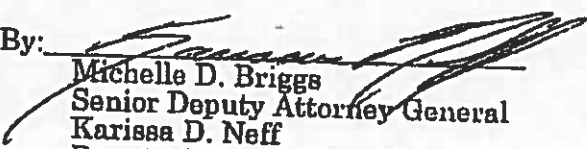
6 Dated: October 21, 2020.

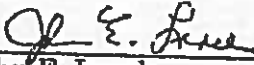
7 **COMMISSION FOR COMMON-INTEREST**  
8 **COMMUNITIES AND CONDOMINIUM**  
9 **HOTELS, DEPARTMENT OF BUSINESS**  
10 **& INDUSTRY, STATE OF NEVADA**

11 By:   
Michael Burke, Chairman

12 Submitted by:

13 **AARON D. FORD**  
14 **Attorney General**

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