

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 Silverstone Ranch Community Association,  
10 Thomas Masson, Chrisa Chen, Colleen  
11 Malany, Katrina Yoa-Townsend, Frank  
12 Anderson, and William Walter,  
13                                    Respondents.

Case No. 2018-1322

**FILED**

**MAY 22 2020**

**NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS**

*Kelley Valadez*

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

16                                    Petitioner, Real Estate Division, Department of Business & Industry, State of  
17 Nevada (the "Division") through its Administrator, Sharath Chandra, and Silverstone  
18 Ranch Community Association (hereinafter, "ASSOCIATION" or "RESPONDENT")  
19 enter into this PARTIAL STIPULATION AND ORDER FOR SETTLEMENT OF  
20 DISCIPLINARY ACTION ("Stipulation and Order") as follows.

21                                    **JURISDICTION AND NOTICE**

22                                    During the relevant times mentioned in this complaint, Thomas Masson, Chrisa  
23 Chen, Colleen Malany, Katrina Yoa-Townsend, Frank Anderson, and William Walter  
24 served as members and/or officers of Silverstone Ranch Community Association (the  
25 "Association"), a common-interest community located in Las Vegas, Nevada.

26                                    RESPONDENTS are subject to the provisions of Chapter 116 of each the Nevada  
27 Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter  
28 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.



1 provision.

2 9. In his December 7<sup>th</sup> letter to the Division, Mr. Leach stated:

3 Based on the language of the aforementioned statutes, production of  
4 settlement agreement is not necessary and appropriate. Therefore, the  
5 Association does not intend to do so as it is not going to breach the  
6 terms of the settlement agreement.

7 10. After this case was referred to the Attorney General's Office to pursue  
8 disciplinary action, the Division obtained a copy of the Settlement Agreement that had  
9 been filed with the court on August 28, 2017, as part of the parties' Joint Motion for  
10 Preliminary Approval of Class Settlement as Set Forth in the Settlement Agreement,  
11 Approval of Class Notification and Entry of Scheduling Order.

12 11. NRS 116.31088(4) requires:

13 If any civil action in which the association is a party is settled, the  
14 executive board shall disclose the terms and conditions of the  
15 settlement at the next regularly scheduled meeting of the executive  
16 board after the settlement has been reached. The executive board may  
17 not approve a settlement which contains any terms and conditions that  
18 would prevent the executive board from complying with the provisions  
19 of this subsection.

20 12. Despite the Settlement Agreement being filed with the court on August 28,  
21 2017, for court approval, the Settlement Agreement was not on the agenda of  
22 Association's Board meeting set for October 10, 2017.

23 13. Minutes obtained from the October 10, 2017 meeting failed to expressly  
24 reference the Settlement Agreement.

25 14. Despite the agenda and the minutes not mentioning the Settlement  
26 Agreement, the Association claimed it satisfied the requirements of disclosure when the  
27 president responded to an owner during the homeowner's forum at the beginning of the  
28 meeting which is part of the audio from the October 10, 2017 meeting.

15. Based on the audio from the October 20, 2017, the president's comments on  
the Settlement Agreement did not fully disclose the terms and conditions of the  
Settlement Agreement as required by statute.



1 be extended by the Division should circumstances require.

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

6 5. The Association agrees 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  
8 Order and proceed with prosecuting the Complaint before the Commission.

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

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

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

28 9. Release. In consideration of execution of this Stipulation and Order, the

members, agents, employees and counsel in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that the other party ever had; now has, may have, or claim to have, against any or all of the persons or entities named in this section, arising out of or by reason of the Division's investigation, this disciplinary action, and all other matters relating thereto.

10. Indemnification. The parties hereby indemnify and hold each other harmless, and each of their respective members, agents, employees and counsel in their individual and representative capacities, against any and all claims, suits, and actions brought against said persons and/or entities by reason of the Division's investigation, this disciplinary action and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this section as a result of said claims, suits, and actions.

11. The Association has signed and dated this Stipulation and Order only after reading and understanding all terms herein.

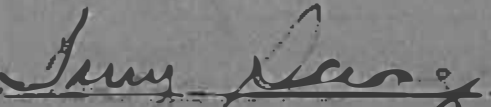
DATED: May 20, 2020.

REAL ESTATE DIVISION,  
DEPARTMENT OF BUSINESS &  
INDUSTRY, STATE OF NEVADA

By:   
Sharath Chandra, Administrator

DATED: May 18, 2020.

SILVERSTONE RANCH COMMUNITY  
ASSOCIATION

By:   
Name: TERRY STRONE  
Title: PRESIDENT

ORDER

1 IT IS ORDERED that the foregoing Partial Stipulation and Order for Settlement  
2 of Disciplinary Action is approved in full.  
3


4 Dated: May \_\_\_\_, 2020.

5 COMMISSION FOR COMMON-INTEREST  
6 COMMUNITIES AND CONDOMINIUM  
7 HOTELS, DEPARTMENT OF BUSINESS  
& INDUSTRY, STATE OF NEVADA

8 By: \_\_\_\_\_  
9 Michael Burke, Chairman

10 Submitted by:

11 AARON D. FORD  
12 Attorney General

13 By:   
14 Michelle D. Briggs  
15 Senior Deputy Attorney General  
16 555 E. Washington Ave. Ste 3900  
Las Vegas, Nevada 89101  
(702) 486-3420  
Attorneys for Real Estate Division

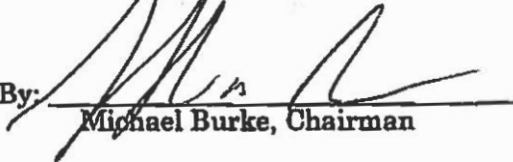
By: \_\_\_\_\_  
William Wright  
Marquis Aurbach Coffing  
10001 Park Run Dr.  
Las Vegas, Nevada 89145  
(702) 207-6085  
Attorneys for the Association

**ORDER**

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

Dated: May 20, 2020.

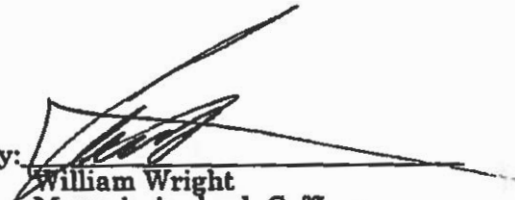
**COMMISSION FOR COMMON-INTEREST  
COMMUNITIES AND CONDOMINIUM  
HOTELS, DEPARTMENT OF BUSINESS  
& INDUSTRY, STATE OF NEVADA**

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  
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