

1 BEFORE THE COMMISSION FOR COMMON-INTEREST
2 COMMUNITIES AND CONDOMINIUM HOTELS
3 STATE OF NEVADA

3 Sharath Chandra, Administrator,
4 Real Estate Division, Department of
5 Business & Industry, State of Nevada,

Case No. 2018-1026

5 Petitioner,

6 vs.

7 Michael Skahill,

8 Respondent.

9
10 **FINDINGS OF FACT.**

11 **CONCLUSIONS OF LAW AND ORDER**

12 This matter came on for hearing before the Commission for Common-Interest
13 Communities and Condominium Hotels, State of Nevada (the "Commission"), during a
14 regular agenda on May 19, 2020, via telephone and video with no physical public location
15 (as permitted by the Governor's Declaration of Emergency, Directive 006, as amended by
16 Directives 016 and 018). Respondent Michael Skahill ("RESPONDENT") appeared by
17 phone and Karissa D. Neff, Esq., Deputy Attorney General with the Nevada Attorney
18 General's Office, appeared by video on behalf of the Real Estate Division of the Department
19 of Business and Industry, State of Nevada (the "Division"). The hearing on this matter had
20 been originally set to begin on March 17, 2020, but the Commission's meeting was cancelled
21 and all matters were continued to May 19, 2020, due to COVID-19.

22 Ms. Neff presented testimony from Kelly Valadez, the Commission coordinator,
23 regarding service of the notices of the Complaint, hearing and documents on
24 RESPONDENT. A Notice of Default was filed with the Division on May 1, 2020 and
25 properly served on RESPONDENT in accordance with NRS 116.770(6). The Commission,
26 having determined that RESPONDENT was properly served with the Complaint in this
27 matter but that he failed to timely respond as required by NRS 116.770(5), even after the
28 notice of default was sent to him, voted in favor of entering RESPONDENT's default and

1 making a decision based on the allegations in the complaint pursuant to NAC 116A.595(13).

2 The Commission, having considered the evidence introduced by the Division and
3 being fully advised, enters the following Findings of Fact, Conclusions of Law, and Order.
4 Under Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapter
5 116A, the Commission has legal jurisdiction and authority over this matter.

6 **FINDINGS OF FACT**

7 The Commission, based upon the filed complaint, finds that the following Findings
8 of Fact have been proven by a preponderance of the evidence in accordance with NAC
9 116A.595(13).

10 1. On or around August 2, 2018, RESPONDENT, on behalf of the Association,
11 submitted the Association's Annual Association Registration to the Division along with a
12 check in the amount of \$191.25 for Unit Fees (the "Check").

13 2. The Check was improperly signed because it only had RESPONDENT's
14 signature and not a second signature from the appropriate person on behalf of the
15 Association, and was also short of the amount due.

16 3. On August 10, 2017, the Division notified RESPONDENT that the check was
17 short and that a balance was still owed.

18 4. The Division received an unsigned check from the Association dated August
19 16, 2017, in the amount of \$12.75- the balance due.

20 5. On July 30, 2018 and on August 13, 2018, the Division properly notified
21 RESPONDENT that it was opening up an investigation to determine if statutory and/or
22 administrative codes had been violated with respect to improperly signed checks and
23 requested that RESPONDENT provide the following documents to the Division: (1) the
24 management agreement with the Association, (2) operating and reserve bank statements
25 along with the cancelled checks from the Association from January 1, 2017 to present, and
26 (3) the governing documents for the Association (collectively the "Division Requested
27 Documents").

28 6. On August 12, 2018, RESPONDENT provided a response to the Division and

1 stated that if the Division had an issue with the Association's check, the Division should
2 have returned it and that the Division's investigation, "sounds to me like a compliance issue
3 in your office."

4 7. RESPONDENT claimed that he normally signs checks and then sends them
5 to a board member to sign, and that if the board members don't sign them, that there is
6 nothing he can do.

7 8. In his August 12, 2018 response to the Division, RESPONDENT failed to
8 provide the Division Requested Documents.

9 9. Thereafter, on August 27, 2018, October 18, 2018, and again on November 26,
10 2018, the Division properly notified RESPONDENT of its investigation and again
11 requested that RESPONDENT provide the Division Requested Documents.

12 10. RESPONDENT never provided the Division Requested Documents or
13 provided a subsequent response to the Division.

14 11. On July 12, 2019, the Division properly notified RESPONDENT of its intent
15 to commence disciplinary action against him.

16 CONCLUSIONS OF LAW

17 Based on the foregoing findings of fact, the Commission concluded by unanimous
18 vote that RESPONDENT committed the following violations of law:

19 12. RESPONDENT violated NRS 116.31153 by sole signing a check to the
20 Division.

21 13. RESPONDENT violated NRS 116A.630(6)(a) by failing to ensure the financial
22 transactions of a client are current, accurate and properly documented by improperly
23 signing checks to the Division.

24 14. RESPONDENT violated NRS 116A.630(9) by failing to make the financial
25 records of an association available for inspection by the Division when he failed to provide
26 the Division Requested Documents.

27 15. RESPONDENT violated NRS 116A.630(10) by failing to cooperate with the
28 Division involving complaints filed with the Division when he failed to provide the Division

1 Requested Documents.

2 16. RESPONDENT violated NAC 116A.345(2)(a) by failing to comply with the
3 Division's request to provide the Division Requested Documents.

4 17. RESPONDENT violated NAC 116A.355(2)(c) by engaging in deceitful,
5 fraudulent or dishonest conduct by blaming the Division for the deficiencies related to the
6 checks he wrote to the Division and then by failing to provide the Division Requested
7 Documents.

8 18. RESPONDENT violated NAC 116A.355(2)(f) by failing to cooperate with the
9 Division in the investigation of a complaint, including, without limitation, failure to
10 produce any document, book or record in the possession or control of the community
11 manager after requested by the Division by failing to provide the Division Requested
12 Documents.

13 19. RESPONDENT violated NRS 116A.630(2)(a) by failing to comply with state
14 laws when he improperly sole signed and/or failed to sign checks and failed to provide the
15 Division Requested Documents.

16 **ORDER**

17 The Commission, being fully apprised in the premises and good cause appearing to
18 the Commission, ORDERS as follows:

19 1. Within 45 days of the effective date of this Order, RESPONDENT shall produce
20 the following documents to the Division:

21 (a) His management agreement with the Association,

22 (b) Proof of his correspondence with the Association's financial institution(s),
23 requesting its operating and reserve bank statements along with the cancelled
24 checks from the Association from January 1, 2017 to present. (Once
25 RESPONDENT receives the requested information from the financial
26 institution(s), he shall promptly provide it to the Division); and

27 (c) The governing documents for the Association.
28

1 2. In addition, within 60 days of the effective date of this Order, Defendant shall
2 pay a total amount of \$3,146.00 to the Division, consisting of a fine in the amount
3 of \$1,500.00, and the Division's fees and costs in bringing this action in the
4 amount of \$1,646.00.

5 3. In the event that Defendant does not provide the documents set forth in Section
6 1 of this Order to the Division within 45 days of the effective date of this Order,
7 RESPONDENT shall pay a fine to the Division in the amount of \$10,000 dollars
8 and RESPONDENT'S supervisor community manager certificate shall be
9 revoked until RESPONDENT provides the documents set forth in Section 1 of
10 this Order to the Division.

11 4. The Division may institute debt collection proceedings for failure to timely pay
12 the total fine, or any installment thereof. Further, if collection goes through the State of
13 Nevada, then RESPONDENT shall also pay the costs associated with collection.

14 DATED this 1 day of JUNE, 2020.

15
16 COMMISSION FOR COMMON-INTEREST
17 COMMUNITIES AND CONDOMINIUM HOTELS
18 DEPARTMENT OF BUSINESS & INDUSTRY
19 STATE OF NEVADA

20 By: 
MICHAEL BURKE
CHAIRMAN

21 Submitted by:

22 AARON D. FORD
23 Attorney General

24
25 By: */s/ Karissa Neff*

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