

**COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM  
HOTELS MEETING MINUTES AUGUST 4-5, 2020**

**VIRTUAL MEETING  
AUGUST 4, 2020  
9:00 A.M.**

**1-A) Introduction of Commissioners in attendance**

Michael Burke, James Rizzi, Charles Niggemeyer, Richard Layton, Tonya Gale, Phyllis Tomasso and Deputy Attorney General Asheesh Bhalla sitting as Commission Counsel.

**1-B) Swearing in of newly appointed Commissioner**

Chairman Burke swore in Commissioner Tomasso.

**1-C) Introduction of Division staff in attendance**

Sharath Chandra, Administrator; Charvez Foger, Ombudsman; Terry Wheaton, Chief Compliance Audit Investigator; Teralyn Lewis, Administration Section Manager; Kelly Valadez, Commission Coordinator; Monique Williamson, Education and Information Officer; Antonio Brown, Training Program Officer; Christy Staffen, Compliance Audit Investigator.

Deputy Attorney Generals Michelle Briggs and Karissa Neff representing the Division.

**2) Public Comment**

Louise Pena, community manager and homeowner in the north, stated that she wanted to express her gratitude for the Real Estate Division having an investigator again in Carson City and for the training officer. Ms. Pena stated that she had attended several of the Zoom training classes and found the training officer to be very knowledgeable and helpful. Ms. Pena stated that she had been disappointed with the Ombudsman's office a year ago after filing several complaints and only one complaint being addressed.

**3-A) NRED v. Belcourt Owners Association, Angela Berliner, Marcia Creamer, Jesse Zambrano, and John Carter, for possible action**

**Case No. 2018-172**

**Type of Respondent: Board Members**

Michelle Briggs was present representing the Division.

Ms. Briggs stated that there was a stipulation and order to continue.

The Commission was provided with a copy of the stipulation and order to continue.

Chairman Burke asked if there were any objections to accepting the stipulation and order to continue. With no objections being noted, Chairman Burke stated he would sign the order and consider the matter continued.

**3-B) NRED v. The Colony, Luis Villareal, Alan Mehr, Allen Nichols, and Marc Morger, for possible action**

**Case No. 2018-1058**

**Type of Respondent: Board Members**

Michelle Briggs was present representing the Division.

Marc Morger and Alan and Suzanne Mehr were present.

Ms. Briggs stated that this case is a status update. Ms. Briggs stated that the Findings of Fact, Conclusions of Law and Order issued during the May 19, 2020 meeting, ordered the board to hire a community manager and for the community manager to appear at today's meeting to give a status update on the progress.

Mr. Morger stated that Mr. Villareal handled all operations. Mr. Morger stated that to his knowledge the board did not comply with the order. Mr. Morger stated that a community manager had not been hired.

Ms. Mehr spoke on behalf of Mr. Mehr and stated that as a board member Mr. Mehr would sign checks presented him, but Mr. Mehr was not privy to see any records.

Commissioner Burke asked Mr. and Mrs. Mehr if Mr. Morger's statement that the board is in violation of the order by not retaining a community manager was true.

Mr. and Mrs. Mehr answered yes.

Chairman Burke stated that there was no question the order was not complied with and asked Ms. Briggs what the State's recommendation is.

Ms. Briggs asked that the Commission remove Mr. Villareal as a board member and order the remaining board members to comply with the order by hiring a community manager before the next Commission meeting and report back.

Mr. Rizzi moved that Mr. Villareal be removed from the board and that the remaining board members hire a community manager before the October Commission meeting.

Chairman Burke asked if the Commission wanted to give a date in which the community manager should be hired.

Commissioner Gale stated that October 1, 2020 would allow the community manager to be prepared to understand and report the status of the community.

Chairman Burke stated that the motion was to remove Mr. Villareal from the board and ordered the remaining board members to employ a community manager on or before October 1, 2020 and have that community manager appear at the October 27-29, 2020 Commission meeting to report the progress accomplished.

Commissioner Layton seconded. Motion carried.

**3-C) NRED v. Gerald Marks, for possible action Case No. 2018-952**  
**Type of Respondent: CAM.0000086-SUPR**

**3-D) NRED v. Gerald Marks, for possible action Case No. 2018-978**  
**Type of Respondent: CAM.0000086-SUPR**

**3-E) NRED v. Gerald Marks, for possible action Case No. 2019-409**

**Type of Respondent: CAM.0000086-SUPR**

Karissa Neff was present representing the Division.

Gerald Marks was not present.

Chairman Burke asked if Mr. Marks responded to any of the three cases on the agenda.

Karissa Neff stated that Mr. Marks had not responded to the three cases on the agenda and defaults had been entered in all three cases.

Karissa Neff moved to combine all three cases. No objections were noted.

Chairman Burke stated that all three cases would be heard together.

State's Witness

Kelly Valadez, Commission Coordinator, testified regarding service for all three cases.

Karissa Neff requested to admit the certificates of mailing and green cards into the record.

Chairman Burke admitted the mailings into evidence.

Karissa Neff requested to admit the documents that were produced in all three cases.

The Commission was provided with copies of the documents.

Chairman Burke asked if the Commission had any objection to admitting the documents into evidence. No objections were noted.

Chairman Burke admitted State's Exhibit 1 for each case into evidence.

Karissa Neff requested to find Mr. Marks in default in all three cases.

Chairman Burke moved to find Mr. Marks in default in each of the three cases. Commissioner Layton seconded. Motion carried with one abstention from Commissioner Gale because Commissioner Gale currently manages one of the associations that was managed by Mr. Marks.

Chairman Burke moved in case number 2018-952 to find the factual allegations as pled in Exhibit 1, paragraph 2 through 20 as being admitted. Commissioner Rizzi seconded. Motion carried with one abstention from Commissioner Gale.

Chairman Burke moved in case number 2018-978 to find the factual allegations as pled in Exhibit 1, paragraph 2 through 46 as being admitted. Commissioner Rizzi seconded. Motion carried with one abstention from Commissioner Gale.

Chairman Burke moved in case number 2019-409 to find the factual allegations as pled in Exhibit 1, paragraph 2 through 13 as being admitted. Commissioner Layton seconded. Motion carried with one abstention from Commissioner Gale.

Chairman Burke moved in case number 2018-952, based on the factual allegations being deemed admitted, to find the violations of law as pled in the complaint paragraphs 1-11 to be violated. Seconded by Commissioner Layton. Motion carried with one abstention from Commissioner Gale.

Chairman Burke moved in case number 2018-978, based on the factual allegations being deemed admitted, to find the violations of law as pled in the complaint paragraphs 47-62 to be violated. Seconded by Commissioner Niggemeyer. Motion carried with one abstention from Commission Gale.

Chairman Burke moved in case number 2019-409, based on the factual allegations being deemed admitted, to find the violations of law as pled in the complaint paragraphs 14-21 to be violated. Seconded by Commissioner Layton. Motion carried with one abstention from Commissioner Gale.

#### Discipline Recommendation

Karissa Neff stated that the Division recommends a fine in the amount of \$70,000 plus the Division's fees and costs of \$3,536.39, revocation of Mr. Marks certificate and that Mr. Marks cannot reapply for a certificate for 10 years from the effective date of the order. Ms. Neff stated that she would request that the fine and costs to be payable within 90 days.

Chairman Burke recommended that the time for the revocation of his certificate be at least 10 years or until all fines and costs have been paid.

Commissioner Rizzi moved to fine Mr. Marks \$75,000 plus fees and costs of \$3,536.39 all due and payable within 90 days and revocation of Mr. Marks certificate for 10 years or until payment in full and no reinstatement application may be filed. Seconded by Commissioner Layton. Motion carried with one abstention from Commissioner Gale.

#### **3-G) NRED v. Lisa Tufano, for possible action Case No. 2018-977**

**Type of Respondent: CAM.0008712**

Karissa Neff was present representing the Division.

Lisa Tufano was present.

Ms. Neff stated that Ms. Tufano was issued a temporary community manager certificate from the Division in April of 2017 to work for the Vegas Star Homeowners Association, however Ms. Tufano only worked for Vegas Star for less than a year period at which time her association was terminated. Ms. Neff stated that Ms. Tufano never informed the Division that her employment with Vegas Star was terminated. Ms. Neff stated that in February of 2018, or sooner Ms. Tufano began as a community manager with MP Association Management managing different associations. Ms. Neff stated that when Ms. Tufano left Vegas Star, Ms. Tufano's temporary permit was no longer valid. Ms. Neff stated that from approximately February to April of 2018, Ms. Tufano was performing as a community manager without a valid certificate. Ms. Neff stated that since the Division was unaware of her termination with Vegas Star, the Division issued Ms. Tufano a full community management certificate in April of 2018. Ms. Neff stated that if the Division had been informed or was aware that Ms. Tufano had left Vegas Star prior to one year, the Division would not have issued Ms. Tufano her full community manager certificate.

Chairman Burke asked for verification that Ms. Tufano had a default entered against her for not supplying an answer to the complaint.

Ms. Neff answered yes that was correct.

Lisa Tufano stated that she didn't understand why the Division says they never received anything from her because Ms. Tufano had a letter stating the Division received an answer from her.

Chairman Burke asked if the Division would have an opposition to hearing an answer to the complaint since Ms. Tufano is present and ready to respond to the allegations against her.

Ms. Neff stated that since a default was entered against Ms. Tufano on May 1, 2020, the Division would request that the Commission move forward with the default.

Chairman Burke moved to set aside the default and proceed forward with hearing this case. Commissioner Niggemeyer seconded. Motion carried.

Chairman Burke asked Ms. Tufano to respond to the complaint which alleges that Ms. Tufano did not respond or inform the Division that she was terminated from her employment during her temporary community manager status which would have nullified the temporary status not allowing Ms. Tufano to apply for the full community manager certificate.

Ms. Tufano stated that she holds a real estate license and property manager permit, as well as the community manager certificate. Ms. Tufano stated that at the time she parted ways with PMI, she was managing two associations, Vegas Star and Tropical Villas and needed to go to the Division to move her real estate license and property manager permit with another brokerage. Ms. Tufano stated that she went to the Division with all her paperwork including a letter from Tropical Villas stating their request that Ms. Tufano be their community manager. Ms. Tufano stated that while at the Division she talked with a couple of people because no one was certain what to do about a temporary community manager certificate. Ms. Tufano stated that she received clarity when speaking with Gina D'Alessandro because Ms. D'Alessandro stated that Ms. Tufano's temporary community manager certificate does not need to be hung with a specific brokerage, the certificate follows Ms. Tufano around individually, and as long as Ms. Tufano managed a community for a year, Ms. Tufano's temporary community manager certificate would roll over into a full community manager certificate. Ms. Tufano stated that in her effort of seeking guidance from the Division and turning in her documentation that day, Ms. Tufano thought that she had done what was necessary for her temporary community manager certificate.

Ms. Neff requested to admit the documents served with the Notice of Document into the record.

The Commission was provided with copies of the documents.

Chairman Burke asked if the Commission had any objection to admitting the documents into evidence. No objections were noted.

Chairman Burke admitted State's exhibit 1.

State's Witness

Christina Pitch testified.

Lisa Tufano cross-examined Ms. Pitch.

The Commission had no questions of Ms. Pitch.

Karissa Neff re-examined Ms. Pitch.

The witness was dismissed.

Chairman Burke asked if the Commission had any questions for the Division or Lisa Tufano. No questions were asked by the Commission.

#### Closing Statements

Karissa Neff gave her closing statement.

Lisa Tufano gave her closing statement.

Commissioner Gale stated that as a community manager you need to understand what a temporary community manager certificate means and the processes that go along with it. Commissioner Gale stated that if it is clear in statute that a temporary community manager certificate needs to remain with the same management company or association for one year that should ring true and that is not what was done in this case.

Commissioner Rizzi stated that he agreed with Commissioner Gale that it was the obligation of the certificate holder to know their responsibilities.

Chairman Burke stated that there is a responsibility of the certificate holder, however if Ms. Tufano went to the Division and spoke with the licensing section to seek guidance regarding switching and moving on, the responsibility would fall on the Division to not send Ms. Tufano a notification that it was time to renew. Chairman Burke stated that there was no objection to Ms. Tufano's testimony. Chairman Burke stated that he takes Ms. Tufano at her word. Chairman Burke stated that the statute must be adhered to but cannot punish someone that adhered to what the Division told them to do in person.

Commissioner Gale stated that she didn't feel that Ms. Tufano should necessarily be punished but as a certificate holder should be aware of what your certificate or filings are. Commissioner Gale stated that punishment should not happen if Ms. Tufano went to the Division and was provided information on how to proceed and then later the Division told Ms. Tufano she did it wrong.

Commissioner Rizzi stated that he agreed with Commissioner Gale's statement.

Commissioner Layton stated that statutes aren't always clear and if he had a question he would go to the source and ask questions of what was happening and rely on that information.

Chairman Burke stated that it worried him that Ms. Tufano might be collateral damage from her association with Mr. Marks. Chairman Burke stated that the Commission just had three cases for Mr. Marks in which the Commission fined him \$75,000 and this case comes on the heels of that decision. Chairman Burke stated that there is no allegation of Ms. Tufano doing anything wrong. Chairman Burke stated that he was inclined to not punish Ms. Tufano and not find her in violation but with the warning that Ms. Tufano adhere to the statutes going forward and let this be the warning.

Commissioner Gale stated that she agreed with Chairman Burke.

Commissioner Tomasso stated that Ms. Tufano appeared to be sincere, assessing to be a mix-up and possibly aggravated by the technicalities. Commissioner Tomasso agreed that Ms. Tufano should

have known but feels Ms. Tufano had the right intentions. Commissioner Tomasso stated that she would hate to deny Ms. Tufano a career based on the circumstances.

Commissioner Niggemeyer stated that he thinks that this might be a one-time occurrence and a glitch in the system.

Commissioner Rizzi asked if legally, is Ms. Tufano's certificate valid given that she didn't stay for one year.

Chairman Burke stated that the question before the Commission is did this violation nullify Ms. Tufano's community manager certificate. Chairman Burke stated that in his opinion he is inclined to say no that it does not and did not. Chairman Burke stated that it was a technical violation and someone's livelihood should not be stripped away.

Commissioner Gale stated that she agreed with Chairman Burke.

Chairman Burke moved that the factual allegations and the violations of law as pled in the complaint have not been proven and therefore no punishment or discipline should ensue against Ms. Tufano. Commissioner Layton seconded. Motion carried.

#### **4-A) Administrator's Report**

Sharath Chandra presented this report. Mr. Chandra stated that the Division is trying to make the necessary adjustments during the pandemic by continuing to provide services while being closed to the public. Mr. Chandra stated that for licensing, the resources are available for on-line renewals. Mr. Chandra stated that there is a skeleton crew working in the office and most employees are telecommuting.

Mr. Chandra stated the Division has seven vacancies and because of the hiring freeze haven't been able to fill those vacancies. Mr. Chandra stated that even though the Ombudsman's Office is self-funded, the larger changes going on with the State would affect the Division regardless of their funding source. Mr. Chandra stated that the Division had to cut approximately twenty percent of its budget which would be significantly impactful to the Division but will take some time before the actual repercussion are realized.

Mr. Chandra stated that the prospect for the Division to open to the public are pending and contingent upon the Governor's modified plan. Mr. Chandra stated that he encouraged licensees, Commissioners and anyone else wanting to speak with the Division to communicate through email or by phone and that someone from the Division would respond.

Mr. Chandra stated that there are proposed changes to regulation happening and in order to solicit and encourage input from the public regarding the proposed changes, a thirty day notice of changes, small business impact statement and small business survey have been posted on the Division's website.

Mr. Chandra stated that the Division was required to have an advisory committee for the upcoming legislative session to discuss items that the committee feels are important to propose to the legislature. Mr. Chandra stated that he will provide updates to the Commission as the committee progresses.

#### **4-B-1) Ombudsman's Report on Intervention Affidavits**

**4-B-2) Ombudsman's Report on Informal Conferences**

**4-B-3) Ombudsman's Report on number and types of associations registered within the State**

**4-B-4) Ombudsman's Report on Auditor's report**

**4-B-5) Ombudsman's Report on Alternative Dispute Resolution Program**

**4-B-6) Ombudsman's Report on Education and Training Officers' report**

**4-B-7) Ombudsman's Report on Compliance section report**

Charvez Foger provided the Commission with these reports in the meeting packet.

Commissioner Layton stated that to be able to assess the impact of the flow of information that the Coronavirus is having, it would be beneficial and helpful to conduct a comparative analysis with the current time period and the previous time period to determine the flow of transactions, resolutions and audits in these reports.

Sharath Chandra stated that the Division will contact Commissioner Layton to discuss a few key metrics that Commissioner Layton would like to see, and the Division can use those factors to pull some reports and the Commission can view those comparisons.

**4-C) Licensee and board member discipline report**

Teralyn Lewis provided the Commission with this report in the meeting packet.

**4-D) Administrative sanction report**

Teralyn Lewis provided the Commission with this report in the meeting packet.

**3-F) NRED v. Sherryl Baca, for possible action**

**Case Nos. 2018-660 & 2018-812**

**Type of Respondent: CAM.0001439-SUPR**

Michelle Briggs was present representing the Division.

Sue Cavaco was present representing Ms. Baca.

Sherryl Baca was present.

**Motion for Summary Judgement**

Chairman Burke asked Ms. Cavaco to give a statement as to why and how the motion for summary judgement that was partially filed on July 27 and 28 of 2020 is timely and why it should be heard by the Commission.

Ms. Cavaco stated that the motion for summary judgement is timely according to the 10-day rule. Ms. Cavaco stated that this is an administrative hearing with relaxed rules. Ms. Cavaco stated that she agreed cases should be heard on their merits, however conversely, if there are no merits to hear or it can be summarily decided, as in this case, it is important, if not economical for this Commission to consider this summary judgement. Ms. Cavaco stated that her client set forth evidence showing that many of the statement of facts are false and do not support the legal allegation made in the complaint. Ms. Cavaco stated that instead of going through hours and hours of testimony as to all the factual allegations and the corresponding alleged legal violations in the complaint, the motion and the opposition, as well as the reply address these issues summarily and fully.



Ms. Briggs stated that the motion is untimely because it was not filed according to NAC 116A.570, that requires all motions to be filed 10 business days prior to the hearing which did not happen. Ms. Briggs stated that a summary judgement is not possible in a disciplinary case. Ms. Briggs stated that the Division regulates the industry, the Commission determines violations of law and does not order judgements. Ms. Briggs stated that this motion is essentially a motion to dismiss and that the Commission had already denied a motion to dismiss by Ms. Baca in December 2019. Ms. Briggs stated that at this point the hearing needs to proceed after a year's worth of delays.

Chairman Burke stated that he thinks the filing date for the motion was calculated wrong and not filed within the necessary 10 business days and places an undue burden on the Division and the Commission.

Commissioners Layton, Gale and Niggemeyer agreed with Chairman Burke.

Chairman Burke moved that the pending motion for summary judgement be deemed untimely and not properly filed before the Commission. Seconded by Commissioner Layton. Motion carried.

Ms. Cavaco stated that she would like to invoke NAC 116A.595(1)(d), the exclusionary rule for witnesses before the hearing begins. Ms. Cavaco asked that the following witnesses be excluded from the hearing until their time to testify: Gina D'Alessandro, Lisa Carrion, Gudjon Johnson, Dave Penn, Laura Pendleton and Joe Tommila.

Chairman Burke asked that those witnesses be removed from the meeting and placed in the virtual lobby.

#### Preliminary Matters

Ms. Briggs stated that the Commission issued an order from the May Commission meeting that stated Ms. Cavaco must provide documents and a list of witnesses to Ms. Briggs no later than June 30, 2020 or Ms. Cavaco would not be able to use any additional documents or call any witnesses. Ms. Briggs stated that on June 30, 2020, Ms. Cavaco provided a list of documents but no witnesses. Ms. Briggs stated that to the extent of Ms. Cavaco calling any witnesses, Ms. Cavaco should be precluded by the Commission's order that prohibits Ms. Cavaco of using any witnesses or documents that were not noticed by June 30, 2020.

Ms. Cavaco stated that it was a discussion during the May 19, 2020 Commission meeting that Ms. Briggs wanted Ms. Cavaco to provide documents within days of the May hearing instead of traditionally providing documents five days prior to today's hearing. Ms. Cavaco stated that after discussion about only the documents, the Commission came to their decision that Ms. Baca would have to produce all documents by June 30, 2020. Ms. Cavaco stated that there was no discussion of witnesses being attached to that. Ms. Cavaco stated that Ms. Baca complied and produced documents by June 30, 2020. Ms. Cavaco stated that she supplied a list of witnesses five days prior to today's meeting. Ms. Cavaco stated that subpoenas were approved and issued by the Division. Ms. Cavaco stated that she had a declaration of Isabella Ruff that was included with the documents produced by June 30, 2020. Ms. Cavaco stated that in the interest of fairness, she did not learn of the Division's witnesses until 8:30 a.m. this morning and received the Division's documents last night at 8:00 p.m. Ms. Cavaco stated that this discussion was pertaining to only one witness, Laura Pendleton, being able to testify. Ms. Cavaco stated that this should be about the facts and not gamesmanship.

Chairman Burke asked Ms. Briggs if Ms. Cavaco statement was true that Ms. Pendleton would be the only witnesses excluded under Ms. Briggs proposal.

Ms. Briggs stated that this complaint was filed a year ago which would have made the first hearing in September 2019. Ms. Briggs stated that nothing was provided and the case was continued.

Ms. Briggs stated that the second hearing was December 2019 and Ms. Cavaco was permitted to do discovery. Ms. Briggs stated that the case was continued again. Ms. Briggs stated that Ms. Cavaco said she had her discovery in February 2020 but never provided anything to Ms. Briggs, and according to the Commission's order, this case was scheduled for May 2020.

Ms. Briggs stated that at the May hearing, Ms. Cavaco was required pursuant to Commission regulations to produce documents and a list of witnesses five days prior to that hearing and Ms. Cavaco did not do that and requested a continuance again.

Ms. Briggs stated that for Ms. Cavaco to say that Ms. Briggs was requesting the documents too far in advance of the hearing is not accurate. Ms. Briggs stated that she was requesting for documents be provided pursuant to the Commission's regulations. Ms. Briggs stated that she did not have a problem with the documents that Ms. Cavaco produced but stated she did have a problem with Isabella Ruff's declaration because Ms. Briggs cannot question Ms. Ruff.

Ms. Briggs stated the order was very clear and stated regarding documents and witnesses in the title and the body of the document and Ms. Cavaco did not contest the order after it was given to her. Ms. Briggs stated that Isabella Ruff should not be able to testify and since Ms. Ruff is not available to testify, her declaration should be excluded. Ms. Briggs stated that she would allow the representative from Nicklin to testify if Ms. Cavaco thinks it is necessary.

Commissioner Layton stated that witnesses and documents is what he recalled to be included in the order and stated that in the May Commission meeting minutes, it reads, the motion made and carried stated that all documents and witnesses were required to be produced by June 30, 2020.

Chairman Burke stated that, at this time, the minutes could not be relied upon because they had not been approved but that his recollection was clear. Chairman Burke stated that it was unequivocal that the order that he dated and signed included witnesses and documents and was well traversed at the hearing. Chairman Burke stated that he was inclined to agree that Ms. Pendleton falls outside the purview of the disclosure of witnesses with the exception of the declaration which needs to be addressed under a different set of standards and whether her declaration is admissible.

Commissioner Gale stated that she agreed that the witness should not be allowed to testify.

Commissioner Rizzi stated that his recollection was consistent with Chairman Burke and Commissioner Layton.

Commissioner Niggemeyer stated that he agreed with Chairman Burke.

Chairman Burke moved that Ms. Pendleton be excluded from the hearing because her name was not disclosed timely in conformance with the Commission's order dated May 27, 2020. Seconded by Commissioner Niggemeyer. Motion carried with one abstention from Commissioner Tomasso because Commissioner Tomasso was not part of the Commission when the Commission's order was made.

Chairman Burke asked if Ms. Ruff's declaration turned over with the documents by the deadline.

Ms. Briggs stated that Mr. Ruff's declaration was received by the deadline but Ms. Ruff's statement

without documents should not be allowed.

Chairman Burke stated that the Commission could look at the declaration paragraph by paragraph and admit or exclude certain statements for consideration by the Commission.

Ms. Cavaco stated that Ms. Ruff's declaration should be allowed because the Division had over thirty days to object and did not. Ms. Cavaco stated that the declaration was produced and should be admissible and the declaration should be considered as it is and not line by line.

Chairman Burke stated that at this point, nothing has been presented to lay a foundation for the admissibility of the declaration and now is not the time to decide. Chairman Burke stated that he thought the hearing of the case should begin and when the time comes to admit the declaration, the Commission can decide at that time based on the evidence.

#### Opening Statement

Ms. Briggs gave her opening statement.

Ms. Cavaco gave her opening statement.

#### State's Witness

Gina D'Alessandro testified.

Chairman Burke allowed the State's Exhibit 3 admissible.

Ms. Cavaco cross examined Ms. D'Alessandro.

#### **7) Public Comment**

Jennifer Agnew stated that she had been in attendance all day and holds a DECAL for Community Associations Institute purposes.

Michael Parson stated that he had been in attendance all day.

#### **8) Adjournment**

Meeting recessed at 4:59 p.m. on August 4, 2020.

To Be Approved By Commission

**VIA VIRTUAL MEETING  
AUGUST 5, 2020  
2:00 P.M.**

**1-A) Introduction of Commissioners in attendance**

Michael Burke, James Rizzi, Charles Niggemeyer, Richard Layton, Tonya Gale, Phyllis Tomasso and Deputy Attorney General Asheesh Bhalla sitting as Commission Counsel.

**1-C) Introduction of Division staff in attendance**

Sharath Chandra, Administrator; Charvez Foger, Ombudsman; Terry Wheaton, Chief Compliance Audit Investigator; Teralyn Lewis, Administration Section Manager; Kelly Valadez, Commission Coordinator; Monique Williamson, Education and Information Officer; Antonio Brown, Training Program Officer; Christy Staffen, Compliance Audit Investigator, Chris Reed, Compliance Audit Investigator, and Gary Little, Training Program Officer.

Deputy Attorney Generals Michelle Briggs and Karissa Neff representing the Division.

**2) Public Comment**

No public comment.

**5-A) Discussion regarding the State of Nevada Controller's Office debt collection process for fines issued by the Commission.**

Commissioner Niggemeyer reported on this item. Commissioner Niggemeyer stated that the plan was to find a senator or an assembly person to sponsor a bill to get changes to NRS 116. Commissioner Niggemeyer stated that it was a longshot that this could happen by the next legislative session. Commissioner Niggemeyer stated that it would be a minimum of \$10,000 initially for a judgement to get started and that amount could be adjusted. Commissioner Niggemeyer stated that if the initial plan does not happen, he could possibly consult counsel with the District Attorney's Office regarding changes that could be made to NAC.

Commissioner Layton stated that he appreciated Commissioner Niggemeyer's efforts.

**5-B) Discussion regarding Commissioner's speaking engagement requests.**

The Commission stated that there was nothing to report.

**5-C) Discussion and decision to approve minutes of May 19, 2020 Commission meeting.**

Commissioner Rizzi moved to approve the May 19, 2020 meeting minutes. Seconded by Commissioner Niggemeyer. Motion carried with one abstention from Commissioner Tomasso.

**5-D) Discussion and decision on election of officers for FY 2021**

Commissioner Rizzi moved that Chairman Burke remain as chair. Seconded by Tonya Gale. Motion carried.

Commissioner Layton moved that Commissioner Niggemeyer serve as vice-chair. Seconded by Chairman Burke. Motion carried.

Chairman Burke moved that Commissioner Layton remain as secretary. Seconded by Commissioner Niggemeyer. Motion carried.

**6) Discussion and decision on date, time, place and agenda items for upcoming meeting(s).**

Next Commission meeting is scheduled for October 27-29, 2020.

**3-F) NRED v. Sherryl Baca, for possible action**  
**Case Nos. 2018-660 & 2018-812**  
**Type of Respondent: CAM.0001439-SUPR**  
Michelle Briggs was present representing the Division.

Ms. Cavaco was present representing Ms. Baca.

Sherryl Baca was not present.

Ms. Cavaco stated that Ms. Baca was involved in a serious car accident on the way to Ms. Cavaco's office today. Ms. Cavaco stated that she was unaware of Ms. Baca's condition, but Ms. Baca was currently at the emergency room. Ms. Cavaco stated that Ms. Baca is obviously not available today for the hearing and was uncertain of her ability to attend Thursday, August 6, 2020. Ms. Cavaco stated that Ms. Baca's presence was necessary to continue.

Chairman Burke stated that Ms. Baca should be present to participate in her own case.

Ms. Briggs stated that she agreed that the hearing could not proceed without Ms. Baca. Ms. Briggs stated that she was fine continuing the hearing until the end of October if that is the Commission's decision.

The Commission agreed that the hearing should continue to the October meeting.

Chairman Burke moved that the hearing for Sherryl Baca Case Nos. 2018-660 and 2018-812 be continued to the next Commission meeting scheduled for October 27-29, 2020. Seconded by Commissioner Gale. Motion carried.

**7) Public Comment**

No public comment.

**8) Adjournment**

Meeting adjourned at 2:25 p.m. on August 5, 2020.