

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,

Petitioner,

vs.

Ruby Chang,

Respondent.

Case No. 2019-1100

FILED

FEB 10 2021

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Kelly Valadez

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Commission for Common-Interest Communities and Condominium Hotels, State of Nevada (the "Commission"), during a regular agenda on February 2, 2021, via telephone and video, with no physical public location (as permitted by the Governor's Declaration of Emergency, Directive 006, as thereafter extended). The Respondent, RUBY CHANG ("CHANG" and/or "RESPONDENT"), did not appear personally or through counsel and did not answer the complaint. Karissa D. Neff, Esq., Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

Ms. Neff presented testimony from Kelly Valadez, the Commission coordinator, regarding service of the notice of the Complaint, hearing and documents on RESPONDENT. The Commission, having determined that RESPONDENT was properly served with the complaint but that she failed to timely respond as required by NRS 116.770(5), voted in favor of entering RESPONDENT's default and making a decision based on the allegations in the complaints pursuant to NAC 116A.595(13).

The Commission, having considered the evidence introduced by the Division and

1 being fully advised, enters the following Findings of Fact, Conclusions of Law, and
2 Order. Under Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC)
3 Chapter 116A, the Commission has legal jurisdiction and authority over this matter.

4 **FACTUAL ALLEGATIONS**

5 Based on a preponderance of the evidence in the record and the documents admitted
6 at the Hearing, the Commission unanimously voted to find the following factual
7 allegations were proven:

8 1. RESPONDENT does not hold a community manager certificate from the
9 Division.

10 2. The Division opened case number 2019-768 against Edmond Gardens Owners
11 Association ("Association") and obtained certain documents.

12 3. Those documents showed that since at least 2015, RESPONDENT was
13 performing the duties of a community manager for the Association and was being
14 compensated by the Association for doing so.

15 4. Meeting minutes from 2015 and 2016 show that RESPONDENT was retiring
16 and that the Association was looking for a new management company to take over.

17 5. Meeting minutes also showed that some of the community manager activities
18 RESPONDENT was engaging in while being unlicensed included procuring legal services
19 for the Association and obtaining quotes from service providers and from insurance
20 companies for the Association.

21 6. RESPONDENT was also improperly signing checks on behalf of the Association.

22 7. On October 8, 2019, the Division properly notified RESPONDENT that it had
23 opened an investigation against her regarding her performing community management
24 services while being unlicensed and requested a written response ("Response") along with
25 copies of all Association checks from all accounts from January 2017 through September
26 2019 ("Associations Checks").

27 8. The Division sent letters to RESPONDENT again on October 31, 2019 and on
28 November 15, 2019 requesting her Response and the Association Checks.

1 9. On November 10, 2019, RESPONDENT emailed the Division and stated that
2 she submitted bank statements in a prior package but was unable to download all copies
3 of the checks requested.

4 10. In her November 10th response to the Division, RESPONDENT admitted to
5 receiving compensation for managing the Association and stated that the 1099 tax form
6 she provided to the Division was proof.

7 11. On February 20, 2020, the Division properly notified RESPONDENT it intended
8 to bring a disciplinary complaint against her before the Commission for engaging in
9 community management without holding the proper certificate from the Division.

10 12. The Nevada Real Estate Commission previously fined RESPONDENT \$10,000
11 in Case No. 2011-3012 in February of 2013 for engaging in unlicensed activity, which fine
12 has not yet been paid.

13 VIOLATIONS OF LAW

14 Based on the foregoing factual findings and the preponderance of the evidence,
15 the Commission unanimously voted that the following violations of law occurred:

16 13. RESPONDENT violated NRS 116A.400(1) by engaging in community
17 management without holding a certificate do to so from the Division.

18 ORDER

19 The Commission, being fully apprised in the premises and good cause appearing,
20 ORDERS as follows:

21 1. RESPONDENT shall pay to the Division a total fine of \$15,241.67,
22 consisting of a fine of \$14,300.00, plus \$941.67 for the Division's attorney's fees and
23 costs. The total fine shall be paid in full no later than 180 days from the date of this
24 Order.

25 2. The Division may institute debt collection proceedings for failure to timely
26 pay the total fine, including action to reduce this Order to a judgment. Further, if
27 collection goes through the State of Nevada, then RESPONDENT shall also pay the
28 costs associated with collection. Further,

1 DATED this 9th day of February, 2021.

2 COMMISSION FOR COMMON-INTEREST
3 COMMUNITIES AND CONDOMINIUM HOTELS
4 DEPARTMENT OF BUSINESS & INDUSTRY
5 STATE OF NEVADA

6 By: 

MICHAEL BURKE
CHAIRMAN

7 Submitted by:

8 AARON D. FORD
9 Attorney General

10 By: */s/ Karissa Neff*

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