

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,

5                   Petitioner,

6   vs.

7   Cindy A. Manning,

8                   Respondent.

Case No. 2020-350

**FILED**

DEC 23 2021

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

*Kelly Valadez*

11                   **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

12                   This matter came on for hearing ("Hearing") before the Commission for Common-  
13 Interest Communities and Condominium Hotels, State of Nevada (the "Commission"),  
14 during a regular agenda beginning on December 7, 2021, held by telephonic and virtual  
15 means and at the Nevada State Business Center, 3300 W. Sahara Avenue, 4<sup>th</sup> Floor,  
16 Nevada Room, Las Vegas, Nevada 89102. Cindy A. Manning ("RESPONDENT") appeared  
17 on her own behalf and Karissa D. Neff, Senior Deputy Attorney General with the Nevada  
18 Attorney General's Office, appeared on behalf of the Real Estate Division of the  
19 Department of Business and Industry, State of Nevada (the "Division").

20                   After hearing testimony presented in this matter and for good cause appearing, the  
21 Commission now enters its Findings of Fact, Conclusions of Law, and Order against  
22 RESPONDENT as follows:

23                   **JURISDICTION AND NOTICE**

24                   During all relevant times mentioned in this complaint, RESPONDENT held a  
25 community manager certificate from the Division (CAM.0006917) and is, therefore,  
26 subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and  
27 116A and NAC Chapters 116 and 116A. RESPONDENT'S certificate is currently in  
28 "active" status.

1 **FINDINGS OF FACT**

2 The Commission, based on the evidence presented during the Hearing, and by  
3 unanimous vote, enters the finding of the following facts:

4 1. RESPONDENT holds a community manager certificate from the Division  
5 (CAM. 00069 17), said license being in "active" status at the time of filing this complaint.

6 2. At all relevant times alleged herein, RESPONDENT was the community  
7 manager of Aventine-Tramonti Homeowners Association ("Association") and was employed  
8 by First Service Residential.

9 3. The Division initiated Case No. 2019-1215 ("Prior Case") against the Association  
10 when the Division received the Association's annual registration form in October of 2019  
11 indicating that the Association's executive board had only two members (instead of the  
12 required three members) for approximately eight years.

13 4. In connection with its investigation of the Prior Case, the Division sent  
14 three letters to the Association's board members in November of 2019, December of 2019,  
15 and February of 2020, requesting a response to its investigation and requesting that certain  
16 Association documents be provided to the Division.

17 5. A Division investigator also left a voicemail message with RESPONDENT on  
18 January 21, 2020, advising her that the Division had not yet received a formal response  
19 in the Prior Case.

20 6. With the exception of board member John Rithaler, neither RESPONDENT nor  
21 any other board member responded to the Division's investigation in the Prior Case.

22 7. A Division investigator spoke with one of the Association's board members, Teri  
23 Decastro, on May 1, 2020, who stated that she, along with another board member, Ken  
24 Botts, provided RESPONDENT with their responses in the Prior Case in January of 2020.

25 8. The Division's investigator received a phone call from RESPONDENT on May 8,  
26 2020, requesting an extension through May 20, 2020, to provide the Association documents  
27 requested by the Division in the Prior Case.

28 9. RESPONDENT provided the Association documents requested by the Division

1 on May 21, 2020, and attached a note stating that the documents were copies of originals  
2 that had been mailed to the Division in December of 2019.

3 10. The Division did not receive the requested documents in December of 2019,  
4 contrary to the note attached by RESPONDENT.

5 11. The documents received by the Division did however, reflect the Association had  
6 three board members, but as of August of 2020, RESPONDENT failed to file an  
7 addendum reflecting the same.

8 12. On April 24, 2020, the Division notified RESPONDENT that it had opened a  
9 case against her for failing to cooperate with the Division and for impeding the Division's  
10 investigation in the Prior Action, for failing to respond to the Division and for failing to  
11 provide the Association's records requested by the Division.

12 13. The Division's April 24<sup>th</sup> letter also requested RESPONDENT respond to the  
13 allegations set forth in the April 24<sup>th</sup> letter and also that she provide certain Association  
14 documents.

15 14. The Division's April 24<sup>th</sup> letter also stated that if the Division did not receive a  
16 response from RESPONDENT or the requested documents, the Division could fine  
17 RESPONDENT up to \$1,000.00.

18 15. On June 3, 2020, the Division sent RESPONDENT a letter notifying her that  
19 although it received a response in the Prior Action against the Association, RESPONDENT  
20 had failed to respond to the Division in this action against her.

21 16. After not receiving a response, on July 6, 2020, the Division again sent  
22 RESPONDENT a letter requesting a response to the Division's investigation and certain  
23 documents.

24 17. After still receiving no response from RESPONDENT, on August 25, 2020, the  
25 Division sent RESPONDENT a notice of violation and imposition of an administrative fine,  
26 fining RESPONDENT \$500.00 ("Fine") for violating NRS 116A.630 (failing to cooperate  
27 with the Division) and NRS 116A.640 (impeding or interfering with the Division's  
28 investigation).

1 18. On October 8, 2020, the Division sent RESPONDENT a letter stating that it  
2 had not yet received payment of the Fine and that if payment was not received, it would  
3 file a complaint against her for disciplinary action before the Commission.

4 19. To date, RESPONDENT has failed to pay the Fine or communicate with the  
5 Division whatsoever regarding it.

6 20. Further, all certified mailings to RESPONDENT'S home address were returned,  
7 stating that she was not at this address, indicating that she had failed to inform the  
8 Division of her address change.

9 21. On February 18, 2021, the Division properly notified RESPONDENT it  
10 intended to file a complaint against her for disciplinary action before the Commission.

#### 11 VIOLATIONS OF LAW

12 Based on the foregoing findings of fact, the Commission concludes, by unanimous  
13 vote, that RESPONDENT committed the following violations of law:

14 22. RESPONDENT violated NAC 116A.345(2)(b) and NRS 116A.640(2)(b) by  
15 impeding or otherwise interfering with an investigation of the Division by supplying false  
16 information to an investigator by representing she had mailed the requested documents  
17 in the Prior Case in December of 2019 when she had not.

18 23. RESPONDENT violated NAC 116A.355(1)(a)(1) pursuant to NAC  
19 116A.355(2)(c) by engaging in unprofessional conduct by being dishonest, by knowingly  
20 communicating to the Division that the requested documents in the Prior Case had been  
21 mailed to the Division in December of 2019 when she knew they had not been.

22 24. RESPONDENT violated NRS 116A.640(2)(a) and NAC 116A.345(2)(a) on two  
23 occasions by impeding or otherwise interfering with an investigation of the Division by  
24 failing to timely comply with a request of the Division to provide documents in the Prior  
25 Case and in the present action.

26 25. RESPONDENT violated NRS 116A.630(1)(b) by failing to exercise ordinary and  
27 reasonable care in the performance of her duties by failing to timely file an addendum  
28 reflecting that the Association had three board members.

1 26. RESPONDENT violated the Administrator's order to pay the Fine issued  
2 pursuant to NAC 116A.350(4)(b)(1).

3 27. RESPONDENT violated NAC 116A.340 by failing to give written notice to the  
4 Division of an address change within 10 business days.

5 **ORDER**


6 1. RESPONDENT shall pay an administrative fine to the Division in the  
7 amount of \$1,000.00, plus the Division's costs in the amount of \$2,162.49, for a total  
8 amount of \$3,162.49 ("Amount Due"). The Amount Due shall be payable to the Division  
9 within 60 days of date of this Order.

10 2. If the Amount Due is not actually received by the Division on or before its  
11 due date, RESPONDENT shall be deemed to be in default. In the event of default, any  
12 licenses held by RESPONDENT from the Division shall be immediately suspended, and  
13 the unpaid balance of the administrative fine and costs, together with any attorney's fees  
14 and costs that may have been assessed, shall be due in full to the Division within ten  
15 calendar days of the date of default, and the Division may obtain a judgment for the  
16 amount owed, including collection fees and costs.

17 3. The Commission retains jurisdiction for correcting any errors that may have  
18 occurred in the drafting and issuance of this document.

19 DATED this 22<sup>nd</sup> day of December, 2021.

20  
21 COMMISSION FOR COMMON-INTEREST  
22 COMMUNITIES AND CONDOMINIUM HOTELS  
23 DEPARTMENT OF BUSINESS & INDUSTRY STATE  
24 OF NEVADA

25 By:   
26 MICHAEL BURKE  
27 CHAIRMAN

28 Submitted by:  
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Attorney General

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