

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 obtained her supervising community manager certificate
9 from the Division in March of 2019, license CAM.0006957-SUPR, said license being
10 active.

11 2. RESPONDENT was employed by Associa Nevada South ("Associa") and
12 was the on-site community manager for the Club at Madeira Canyon Unit Owners
13 Association ("Association") from approximately June of 2018 through October of 2019.

14 3. Several homeowners complained to the Division alleging that
15 RESPONDENT was misusing the Association's funds, leading to the Division initiating
16 an investigation.

17 4. An audit was conducted concerning the misuse of the Association's petty
18 cash, credit cards, and onsite cash from June through December 2018 and from August
19 through September of 2019.

20 5. The audit concluded that there were numerous control deficiencies and
21 break downs within the petty cash account at the Association and that there had been
22 misuse of the Association's card by Associa's on-site staff.

23 6. The audit found a general misuse of the Association's card in the amount
24 of \$612.02.

25 7. In addition, the audit found that the Association's credit card was used for
26 personal transactions (defined as those directly benefiting an Associa employee and not
27 in the best interest of the Association) in the amount of \$326.66.

28 8. The audit found that personal transactions were made with the

1 Association's card for energy drinks, soda, birthday cards, dog supplies, sushi lunches,
2 and magazines.

3 9. The audit found that \$6,988.90 in charges were made on the Association's
4 card but the auditor was unable to determine if they were proper due to a lack of proper
5 documentation.

6 10. A board member of the Association also filed a police report against
7 RESPONDENT with the Henderson Police Department stating that RESPONDENT
8 was fraudulently using the Association's debit card for personal use.

9 11. Ultimately the District Attorney's office brought criminal charges against
10 RESPONDENT in February of 2020 for felony embezzlement in Henderson Justice Court
11 ("Criminal Action").

12 12. Per a negotiation in the Criminal Action, RESPONDENT agreed to stay
13 out of trouble, pay \$2,000 in restitution, complete 50 hours of community service, and
14 complete a petit larceny class, in exchange for the felony charge being amended to a
15 misdemeanor.

16 13. On October 24, 2019, Associa paid the Association \$5,078.07 to compensate
17 it for the unknown charges detailed in the audit.

18 14. On January 14, 2020, Associa paid the Association \$938.67 to compensate
19 it for charges the audit found improper.

20 15. On September 20, 2019, the Division properly notified RESPONDENT that
21 it had opened a case against her and requested that RESPONDENT provide a response
22 to allegations that she had improperly used the Association's card for personal gain and
23 also requested that RESPONDENT provide the Division with certain documents
24 ("Requested Documents").

25 16. On November 5, 2019, December 12, 2019, February 11, 2020, February
26 28, 2020, and April 10, 2020, the Division again requested a response to the allegations
27 set forth in its September 20th letter to RESPONDENT and that she provide the
28 Requested Documents.

1 **ORDER**

2 The Commission, being fully apprised in the premises and good cause appearing,
3 **ORDERS** as follows:

4 1. **RESPONDENT's** supervisory community manager certificate is hereby
5 revoked for a period of no less than ten years. **RESPONDENT** shall not be permitted to
6 reapply for a certificate from the Division following the ten-year revocation period until
7 all fines and restitution imposed by the Commission are paid in full.

8 2. Following the revocation period, should **RESPONDENT** apply for a
9 certificate from the Division, **RESPONDENT** shall be required to submit a new
10 application and comply with all Division requirements in place at the time she applies.
11 The Division shall deny **RESPONDENT's** application and refer the application denial to
12 the Commission pursuant to NAC 116A.135.

13 3. **RESPONDENT** shall pay to the Division a total fine of \$41,980.33,
14 consisting of a fine of \$40,000.00, plus \$1,980.33 for the Division's attorney's fees and
15 costs. The total fine shall be paid in full within one year of the date of this Order.

16 4. **RESPONDENT** shall also pay \$5,286.99 in restitution to the Association
17 within one year of the date of this Order.

18 5. The Division may institute debt collection proceedings for failure to timely
19 pay the total fine, including action to reduce this Order to a judgment. Further, if
20 collection goes through the State of Nevada, then **RESPONDENT** shall also pay the
21 costs associated with collection.

22 DATED this 23RD day of February, 2021.

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

26
27 By: 
MICHAEL BURKE
CHAIRMAN

28 Submitted by:

1 AARON D. FORD
Attorney General

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ *Karissa Neff*

KARISSA D. NEFF, ESQ.
Deputy Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
Attorneys for Real Estate Division