

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

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

7 Petitioner,

8 vs.

9 Ruby Chang,

10 Respondent.

Case No. 2019-1100

FILED

DEC 29 2020

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Kelley Valadez

11 **COMPLAINT FOR DISCIPLINARY**
12 **ACTION AND NOTICE OF HEARING**

13 The Real Estate Division of the Department of Business and Industry, State of
14 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of
15 the State of Nevada, and Karissa D. Neff, Senior Deputy Attorney General, hereby
16 notifies RESPONDENT Ruby Chang ("CHANG" and/or "RESPONDENT") of an
17 administrative hearing before the Commission for Common-Interest Communities and
18 Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters 233B
19 and Chapters 116 and 116A of the Nevada Revised Statutes ("NRS") and Chapter 116
20 and 116A of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to
21 consider the allegations stated below and to determine if an administrative penalty will
22 be imposed on the RESPONDENT pursuant to the provisions of NRS and NAC
23 including, but not limited to, NRS 116A.900.

24 **JURISDICTION AND NOTICE**

25 During all relevant times mentioned in this complaint RESPONDENT was
26 performing unlicensed activity for which she was required to hold a community
27 manager certificate from the Division, and is, therefore, subject to the jurisdiction of the
28 Division and the provisions of NRS Chapters 116 and 116A and NAC Chapters 116 and

1 116A.

2 **FACTUAL ALLEGATIONS**

3 1. RESPONDENT does not hold a community manager certificate from
4 the Division.

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

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

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

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

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

17 7. On October 8, 2019, the Division properly notified RESPONDENT that it had
18 opened an investigation against her regarding her performing community management
19 services while being unlicensed and requested a written response ("Response") along with
20 copies of all Association checks from all accounts from January 2017 through September
21 2019 ("Associations Checks").

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

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

27 10. In her November 10th response to the Division, RESPONDENT admitted to
28 receiving compensation for managing the Association and stated that the 1099 tax form

1 she provided to the Division was proof.

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

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

8 VIOLATIONS OF LAW

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

11 DISCIPLINE AUTHORIZED

12 Pursuant to the provisions of NRS 116A.900 the Commission has discretion to
13 impose discipline as it deems appropriate, including, but not limited to one or more of the
14 following actions:

15 1. Impose a fine not to exceed the amount of any gain or economic benefit
16 RESPONDENT derived from the violation or \$10,000, whichever is greater.

17 2. Require the RESPONDENT to pay the costs of the investigation and
18 hearing; and

19 3. Take such other disciplinary action as the Commission deems appropriate.

20 The Commission may order one or any combination of the discipline described
21 above.

22 NOTICE OF HEARING

23 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider
24 this Administrative Complaint against the above-named RESPONDENT in accordance
25 with Chapters 233B and 116 AND 116A of the Nevada Revised Statutes and Chapter
26 116 and 116A of the Nevada Administrative Code.

27 THE HEARING WILL TAKE PLACE at the Commission meeting
28 scheduled for February 2-4, 2021, beginning at approximately 9:00 a.m. each

1 day, or until such time as the Commission concludes its business. The
2 Commission uses WebEx for its meetings. To join the hearing go to the website
3 Webex.com and put in the Meeting ID and Password:

4 **TUESDAY, FEBRUARY 2, 2021** MEETING NUMBER ACCESS CODE: 146 403 3741
5 MEETING PASSWORD: 6XJp9XvJRK2 (69579985752 from phones and video systems)

6 **WEDNESDAY, FEBRUARY 3, 2021** MEETING NUMBER ACCESS CODE: 146 504 1488
7 MEETING PASSWORD: KScgwVx3Y83 (57249893983 from phones and video systems)

8 **THURSDAY, FEBRUARY 4, 2021** MEETING NUMBER ACCESS CODE: 146 079 8134
9 MEETING PASSWORD: acVDMZs4e33 (22836974333 from phones and video systems)

10 If you do not have internet access, you may attend by phone at (844) 621-3956.
11 Some mobile devices may ask attendees to enter a numeric meeting password provided
12 above. If you would like an email containing this information, before the hearing, please
13 contact Kelly Valadez, Commission Coordinator, at (702) 486-4606 or
14 KValadez@red.nv.gov.

15 **STACKED CALENDAR:** Your hearing is one of several hearings that
16 may be scheduled at the same time as part of a regular meeting of the
17 Commission that is expected to take place on February 2-4, 2021. Thus, your
18 hearing may be continued until later in the day or from day to day. It is your
19 responsibility to be present when your case is called. If you are not present
20 when your hearing is called, a default may be entered against you and the
21 Commission may decide the case as if all allegations in the complaint were
22 true. If you need to negotiate a more specific time for your hearing in
23 advance, please call Kelly Valadez, Commission Coordinator, at (702) 486-4606.

24 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing
25 is an open meeting under Nevada's open meeting law and may be attended by the
26 public. After the evidence and arguments, the commission may conduct a closed meeting
27 to discuss your alleged misconduct or professional competence. You are entitled to a
28 copy of the transcript of the open and closed portions of the meeting, although you must
pay for the transcription.

1 As a RESPONDENT, you are specifically informed that you have the right to
2 appear and be heard in your defense, either personally or through your counsel of
3 choice. At the hearing, the Division has the burden of proving the allegations in the
4 complaint and will call witnesses and present evidence against you. You have the right
5 to respond and to present relevant evidence and argument on all issues involved. You
6 have the right to call and examine witnesses, introduce exhibits, and cross-examine
7 opposing witnesses on any matter relevant to the issues involved.

8 You have the right to request that the Commission issue subpoenas to compel
9 witnesses to testify and/or evidence to be offered on your behalf. In making this
10 request, you may be required to demonstrate the relevance of the witness's testimony
11 and/or evidence. Other important rights and obligations, including your obligation to
12 answer the complaint, you have are listed in NRS Chapters 116 and 116A and NAC 116
13 and 116A, including without limitation, NAC 116A.560 through NAC 116A.655, and
14 NRS Chapter 233B.

15 Note that under NAC 116A.585, not less than five (5) working days before a
16 hearing, RESPONDENT must provide to the Division a copy of all reasonably available
17 documents that are reasonably anticipated to be used to support his or her position, and
18 a list of witnesses RESPONDENT intends to call at the time of the hearing. Failure to
19 provide any document or to list a witness may result in the document or witness being
20 excluded from RESPONDENT'S defense. The purpose of the hearing is to determine if
21 the RESPONDENT has violated any of the provisions of NRS Chapter 116A, and to
22 determine what administrative penalty is to be assessed against RESPONDENT.

23 DATED this 29th day of December, 2020.

24
25 REAL ESTATE DIVISION,
26 DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA

27 By: 
28 SHARATH CHANDRA, Administrator
3300 W. Sahara Ave. Ste 350

Las Vegas, Nevada 89102
(702) 486-4033

AARON D. FORD
Attorney General

By: *Isl Karissa Neff*

KARISSA D. NEFF (Bar No. 9133)
Senior Deputy Attorney General
555 E. Washington Ave. Ste 3900
Las Vegas, Nevada 89101
(702) 486-3894
Attorneys for Real Estate Division

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