

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.

Kristin Putinta,

Respondent.

Case No. 2019-1061

FILED

DEC 30 2020

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Kerry Valadez

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

The Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Karissa D. Neff, Senior Deputy Attorney General, hereby notifies RESPONDENT Kristin Putinta ("PUTINTA") ("RESPONDENT") of an administrative hearing before the Commission for Common-Interest Communities and Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and 116A of the Nevada Revised Statutes ("NRS") and Chapter 116 and 116A of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if an administrative penalty will be imposed on the RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to, NAC 116A.360.

JURISDICTION AND NOTICE

During all relevant times mentioned in this complaint, RESPONDENT held a supervising community manager certificate from the Division (CAM.0006957-SUPR) and is, therefore, subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and 116A and NAC Chapters 116 and 116A. RESPONDENT'S certificate is currently

1 in "active" status.

2 FACTUAL ALLEGATIONS

3 1. RESPONDENT obtained her supervising community manager certificate
4 from the Division in March of 2019, license CAM.0006957-SUPR, said license being
5 active.

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

9 3. Several homeowners complained to the Division alleging that
10 RESPONDENT was misusing the Association's funds, leading to the Division initiating
11 an investigation.

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

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

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

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

23 8. The audit found that personal transactions were made with the
24 Association's card for energy drinks, soda, birthday cards, dog supplies, sushi lunches,
25 and magazines.

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

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

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

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

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

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

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

20 16. On November 5, 2019, December 12, 2019, February 11, 2020, February 28,
21 2020, and April 10, 2020, the Division again requested a response to the allegations set
22 forth in its September 20th letter to RESPONDENT and that she provide the Requested
23 Documents.

24 17. RESPONDENT did not respond to the Division's letters or provide the
25 Requested Documents.

26 18. On April 10, 2020, the Division properly notified RESPONDENT of its
27 intent to commence a disciplinary action against her before the Commission.
28

VIOLATIONS OF LAW

19. RESPONDENT violated NRS 116A.630(1)(a) by failing to act as a fiduciary to the Association in the performance of her duties as a supervisory community association manager.

20. RESPONDENT violated NRS 116A.630(1)(b) by failing to exercise ordinary and reasonable care in the performance of her duties as a supervisory community association manager.

21. RESPONDENT violated NRS 116A.630(2)(a) and NAC 116A.320 by failing to comply with state laws.

22. RESPONDENT violated NRS 116A.640(4) by misappropriating money from the Association.

23. RESPONDENT violated NRS 116A.640(2)(a) and NAC 116A.345(2)(a) by impeding or otherwise interfering with an investigation of the Division by failing to provide the Requested Documents to the Division during its investigation.

24. RESPONDENT violated NAC 116A.355(1)(a)(4) by misappropriating money from the Association.

25. RESPONDENT violated NAC 116A.355(1)(a)(1) and (2) (through NAC 116A.355(4)(g)) by committing unprofessional conduct or professional incompetence by failing to act in the best interests of the Association.

26. Respondent violated NAC 116A.355(2)(c) by committing acts of unprofessional conduct by engaging in deceitful, fraudulent, or dishonest conduct.

DISCIPLINE AUTHORIZED

Pursuant to the provisions of NAC 116A.360 the Commission has discretion to impose discipline as it deems appropriate, including, but not limited to one or more of the following actions:

1. Revoke or suspend the certificate;
2. Refuse to renew or reinstate the certificate;
3. Place the community manager on probation;

4. Issue a reprimand or censure to the community manager;
 5. Impose a fine of not more than \$5,000 for each violation of a statute or regulation;
 6. Require the community manager to pay restitution;
 7. Require the community manager to pay the costs of the investigation and hearing;
 8. Require the community manager to obtain additional education relating to the management of common-interest communities; and
 9. Take such other disciplinary action as the Commission deems appropriate.
- The Commission may order one or any combination of the discipline described above.

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE at the Commission meeting scheduled for February 2-4, 2021, beginning at approximately 9:00 a.m. each day, or until such time as the Commission concludes its business. The Commission uses WebEx for its meetings. To join the hearing go to the website Webex.com and put in the Meeting ID and Password:

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

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

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

If you do not have internet access, you may attend by phone at (844) 621-3956. Some mobile devices may ask attendees to enter a numeric meeting password provided

1 above. If you would like an email containing this information, before the hearing, please
2 contact Kelly Valadez, Commission Coordinator, at (702) 486-4606 or
3 KValadez@red.nv.gov.

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

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

19 As a **RESPONDENT**, you are specifically informed that you have the right to
20 appear and be heard in your defense, either personally or through your counsel of choice.
21 At the hearing, the Division has the burden of proving the allegations in the complaint
22 and will call witnesses and present evidence against you. You have the right to respond
23 and to present relevant evidence and argument on all issues involved. You have the right
24 to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses
25 on any matter relevant to the issues involved.

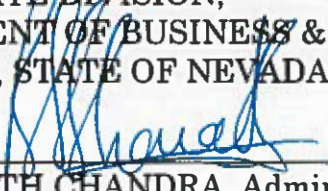
26 You have the right to request that the Commission issue subpoenas to compel
27 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
28 you may be required to demonstrate the relevance of the witness's testimony and/or

1 evidence. Other important rights and obligations, including your obligation to answer the
2 complaint, you have are listed in NRS Chapters 116 and 116A and NAC 116 and 116A,
3 including without limitation, NAC 116A.560 through NAC 116A.655, and NRS Chapter
4 233B.

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

13 DATED this 29th day of December, 2020.

14
15 REAL ESTATE DIVISION,
16 DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA

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