

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.

J. SCOTT HEDLIND,

Respondent.

Case No. 2021-65

FILED

SEP 29 2022

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mgallo

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 set on a three-day stack beginning at 9 am on September 13-15, 2022. (the "Hearing"). The Respondent, J. Scott Hedlind ("Hedlind" and/or "RESPONDENT"), appeared personally at the Hearing. This case was initially set for a hearing on the three-day stack from May 31, 2022, to June 2, 2022. On May 31, 2022, the RESPONDENT appeared before the Commission and requested a continuance of the hearing, which was granted. The Commission also ordered the RESPONDENT to provide an answer to the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division") Complaint within twenty (20) days from the date granting the continuance on May 31, 2022. The RESPONDENT's answer to the Division's Complaint was due on June 20, 2022. The RESPONDENT failed to submit the answer as ordered by the Commission. A notice of default was filed on July 12, 2022.

The RESPONDENT appeared at the continued hearing before the Commission on September 14, 2022. Virginia T. Tomova, Esq., Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Division. During the hearing, the RESPONDENT admitted that he did not provide the answer to the Division's Complaint as ordered by the Commission.

Ms. Tomova represented to the Commission that the RESPONDENT had failed to

1 follow the Commission's order. The Commission, having considered the evidence
2 introduced by the Division and being fully advised, enters the following Findings of Fact,
3 Conclusions of Law, and Order. Under Nevada Revised Statutes (NRS) and Nevada
4 Administrative Code (NAC) Chapter 116, the Commission has legal jurisdiction and
5 authority over this matter.

6 FINDINGS OF FACT

7 The Commission, based upon the filed complaint, and the evidence filed by the
8 Division in support of the complaint, finds that the following Findings of Fact are accepted
9 as true.

10 1. RESPONDENT holds a community manager certificate from the Division
11 (CAM.0000190.SUPR), said license being in "active" status at the time of filing this
12 complaint.

13 2. Prior to the filing of this Complaint, the RESPONDENT allowed, on
14 numerous occasions, his community manager certificate to expire.

15 3. The RESPONDENT failed to renew his community manager certificate in 2014,
16 2016, 2019 and 2021.

17 4. Even though his community manager certificate was expired, at all relevant
18 times alleged herein, RESPONDENT was the community manager of at least ten (10)
19 community and homeowners associations and was employed by Desert HOA Management.

20 5. The RESPONDENT was/is the community manager for Deerbrooke Estates
21 Homeowners Association, Champion Village Community Association, Cimmaron Gowan
22 Community Association, Day Dawn Village Homeowners Association, The Enclave II
23 Homeowners Association, Foothills Ranch East Homeowners Association, Heritage Estates
24 Community Association, River Landing Homeowners Association, Spring Creek Estates
25 Owners Association, and Val D'Isere Homeowners Association.

26 6. On or about January 21, 2021, the Division sent correspondence to the
27 RESPONDENT informing him that an investigation was opened against him due to his
28 failure to renew his community manager certificate and his continuing to serve as a

community manager without a community manager certificate.

7. In that correspondence the Division requested that the RESPONDENT provide the necessary documentation for the renewal of his certificate.

8. The RESPONDENT failed to provide these documents.

9. On or about January 28, 2021, the RESPONDENT requested a 60-day extension until March 31, 2021, from the Division to complete all the CLE requirements and to submit the documents necessary for the renewal of his community manager certificate.

10. On or about March 8, 2021, the Division sent a notice of violation to the RESPONDENT imposing an administrative fine of \$1,000.00 pursuant to NAC 116A.350(4)(b)(1) for failure to renew his community manager certificate.

11. On or about March 18, 2021, the RESPONDENT submitted an affidavit in which he admitted full responsibility for failing to renew his community manager certificate and informed the Division that he would have all documents necessary to renew his certificate by March 31, 2021.

12. The RESPONDENT failed to comply with the March 31, 2021, deadline.

13. The Division gave the RESPONDENT until April 26, 2021, to pay the administrative fine.

14. The RESPONDENT failed to pay the fine by April 26, 2021.

15. The Division initiated this action against the RESPONDENT after he failed to renew his community manager certificate and failed to pay the \$1,000.00 administrative fine by April 26, 2021.

16. On or about April 30, 2021, the Division sent follow -up correspondence to the RESPONDENT again requesting the documentation.

17. The RESPONDENT failed to provide the requested documentation.

18. On or about May 3, 2021, the RESPONDENT renewed his community manager certificate.

19. On or about June 3, 2021, the RESPONDENT paid the administrative fine.

20. On or about July 9, 2021, the Division properly notified RESPONDENT it

1 intended to file a complaint against him for disciplinary action before the Commission.

2 **CONCLUSIONS OF LAW**

3 21. RESPONDENT violated NAC 116A.140(1) when he failed to timely renew his
4 community manager certificate biennially.

5 22. RESPONDENT violated NAC 116A.355(1)(a)(1) pursuant to NAC
6 116A.355(2)(a)(3) by engaging in unprofessional conduct when he continued to provide
7 community management services, even though he knew that his community management
8 certificate had expired.

9 23. RESPONDENT violated NAC 116A.355(1)(a) pursuant to NAC
10 116A.355(2)(f) by engaging in unprofessional conduct, when he failed to provide the
11 requested documentation for the renewal of his certificate to the Division by March 31,
12 2021.

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

15 **ORDER**

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

18 1. RESPONDENT J. SCOTT HEDLIND shall pay the Division a total of
19 \$11,900.96 ("Amount Due") consisting of a fine in the amount of \$10,000.00 and the
20 Division's attorney's fees and costs in the amount of \$1,900.96 within ninety (90) days of
21 the date of this Order.

22 2. RESPONDENT J. SCOTT HEDLIND's community manager certificate issued
23 from the Division (CAM.0000190.SUPR) is hereby revoked for ten (10) years.

24 ///

25
26 ///

27
28 ///

3. The Division may institute debt collection proceedings if the RESPONDENT fails to pay the total amount of \$11,900.96. Further, if collection goes through the State of Nevada, then RESPONDENT shall pay the costs association with collection.

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

By:

MICHAEL BURKE
CHAIRMAN

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Virginia T. Tomova

VIRGINIA T. TOMOVA, ESQ.
Deputy Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
Attorneys for Real Estate Division