

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 Srdjan Pantic,

10 Respondent.

Case No. 2019-836

FILED

APR 06 2022

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Kelly Valadey

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

12 This matter came on for hearing before the Commission for Common-Interest
13 Communities and Condominium Hotels, State of Nevada (the "Commission"), during a
14 regular agenda set on a three-day stack beginning at 9 am on March 1-3, 2022. (the
15 "Hearing"). The Respondent, Srdjan Pantic ("PANTIC" and/or "RESPONDENT"),
16 appeared personally and answered the complaint. Virginia T. Tomova, Esq., Deputy
17 Attorney General with the Nevada Attorney General's Office, appeared on behalf of the
18 Real Estate Division of the Department of Business and Industry, State of Nevada (the
19 "Division").

20 Ms. Tomova presented testimony from former board members David Bashaw and
21 Jaime Steinberg and Division's investigator Christy Staffen and cross-examined the
22 RESPONDENT. Ms. Tomova also admitted documents into evidence. The Commission,
23 having considered the evidence introduced by the Division and being fully advised, enters
24 the following Findings of Fact, Conclusions of Law, and Order. Under Nevada Revised
25 Statutes (NRS) and Nevada Administrative Code (NAC) Chapter 116, the Commission
26 has legal jurisdiction and authority over this matter.

27 **FINDINGS OF FACT**

28 The Commission, based upon the filed complaint, and the evidence filed by the
Division in support of the complaint, finds that the following Findings of Fact are accepted

1 as true in accordance with NAC 116.580.

2 1. At all relevant times alleged herein through approximately August of 2018,
3 the Association was managed by Pinnacle Community Association Management at which
4 time Denise Vargas ("Vargas") was its community manager.

5 2. In September of 2018, Epic Association Management ("Epic") took over
6 management of the Association.

7 3. On July 18, 2019, board member David Bashaw ("Bashaw"), filed a
8 complaint with the Division against RESPONDENT.

9 4. The complaint alleged that RESPONDENT, while on the Association's
10 board, owned a company that was not licensed or insured, and performed work for the
11 community and received compensation for doing so, totaling more than \$420,000.00.

12 5. On July 16, 2019, Epic's community manager also filed a complaint with the
13 Division alleging that RESPONDENT, who was a board member, owned a company that
14 was not licensed or insured, but performed work in the community and received
15 compensation for doing so in the amount of \$420,671.04

16 6. The types of services RESPONDENT and/or his companies provided to the
17 Association included general construction, dry wall repair of the clubhouse, plumbing,
18 electrical, pony wall repair/replacement; balcony/porch repair, window removal from the
19 clubhouse, and painting.

20 7. The Association's October 30, 2018, executive meeting minutes reflect that
21 RESPONDENT had a hearing before the Association's executive board regarding his
22 being compensated for performing work for the Association while serving as the
23 Association's president.

24 8. At his hearing before the executive board, RESPONDENT stated that he
25 was guilty of performing Association work while not holding a contractor's license, that
26 he understood he violated Nevada law by profiting from the Association while on the
27 board, and that he would like to reimburse the Association for monies collected for work
28 not completed by his company.

1 9. Following RESPONDENT'S hearing before the executive board, he was
2 removed from the Association's board.

3 10. An action was also brought against RESPONDENT in Clark County Justice
4 Court as Case No. 19M08678X on May 15, 2019 by the State against RESPONDENT for
5 engaging in the contractor business/submitting bids without being licensed ("Action").

6 11. On August 15, 2019, RESPONDENT pled guilty to misdemeanor charges in
7 the Action and provided that the following conditions are met, the Action was to be
8 dismissed: (1) stays out of trouble, (2) pays restitution to the Association in the amount
9 of \$77,646.62, and (3) pays \$419.69 to the Nevada State Contractor's Board.

10 12. On August 23, 2019, the Division properly notified RESPONDENT it had
11 opened an investigation and requested that RESPONDENT provide documents that
12 included the following: (1) scope of work for each job performed for the Association, (2)
13 invoices for all jobs from 2017 through 2018, and (3) work orders from the Association for
14 all jobs ("Requested Documents").

15 13. The Division again requested a response from RESPONDENT on September
16 10, 2019 and the Requested Documents.

17 14. The Division received RESPONDENT'S response to its investigation on
18 September 20, 2019 but not the Requested Documents.

19 15. In his response, RESPONDENT stated that he only owned Nevada Property
20 Concepts and that the board members approved all jobs his company performed and used
21 his company to save money.

22 16. RESPONDENT also stated that his signature was legal and on deposit with
23 the bank at all times, has always been on record for signing checks, and that Epic had
24 the Requested Documents.

25 17. Bashaw also responded to the Division's investigation on January 27, 2020.

26 18. Bashaw stated that Bashaw was on the Association's board since 2015, that
27 Denise Johnson (also known as Denise Vargas) was their community manager for years
28 through Pinnacle Community Association Management ("Pinnacle"), that Vargas told

1 them that RESPONDENT was licensed to do work for the Association, and that the board
2 relied on Vargas' representations.

3 19. Bashaw further stated that as a board member, he never saw an invoice
4 from RESPONDENT because Vargas just paid them.

5 20. D. Wayne Mauldin ("Mauldin") also responded to the Division's
6 investigation.

7 21. Mauldin stated that he was on the Association's board for approximately 18
8 years, that RESPONDENT stated that he was licensed as a property inspector and that
9 Pinnacle stated the licensure was sufficient for RESPONDENT to perform work for the
10 Association.

11 22. Mauldin was unaware that Pinnacle was signing checks from the
12 Association's operating account.

13 23. Association meeting minutes do not reflect that the board approved most of
14 the work RESPONDENT performed for the Association, nor were there contracts for the
15 work performed.

16 24. Association meeting minutes do not reflect that the board approved payment
17 to Pantic or his companies for the work performed.

18 25. RESPONDENT was not a licensed contractor.

19 26. While on the Association's board, RESPONDENT performed work within
20 the Association through the companies he owned and was compensated by the Association
21 in the amount of \$421,671.04 for said work in approximately a one-year period.

22 27. While on the Association's board, RESPONDENT signed checks to his
23 companies in the amount of \$52,515.29 from the operating account and \$269,155.75 from
24 the reserve account.

25 28. RESPONDENT was not a signatory to the Associations' accounts.

26 29. The Division properly notified RESPONDENT on September 23, 2020 that
27 it intended to bring a disciplinary action against him for hearing before the Commission.

28 ...

1 **CONCLUSIONS OF LAW**

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

4 30. RESPONDENT knowingly and willfully violated NRS 116.31187(1)(b) by
5 receiving personal profit or compensation by performing services to the Association while
6 being on the board.

7 31. RESPONDENT knowingly and willfully violated NRS 116.3103 through
8 NAC 116.405(3) by committing an act or omission which amounts to incompetence,
9 negligence or gross negligence.

10 32. RESPONDENT knowingly and willfully violated NRS 116.3103 through
11 NAC 116.405(2) by failing to act in good faith and in the honest belief that his actions are
12 in the best interest of the Association by acting for reasons of self-interest and gain.

13 33. RESPONDENT knowingly and willfully violated NRS 116.3103 through
14 NAC 116.405(5)(a) by impeding or otherwise interfering with the Division's investigation
15 by failing to provide the Division with the Requested Documents during its investigation.

16 **ORDER**

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

19 1. RESPONDENT SRDJAN PANTIC shall pay the Division a total of
20 \$11,135.90 ("Amount Due") consisting of a fine in the amount of \$4,000.00 and the
21 Division's attorney's fees and costs in the amount of \$7,135.90 within one hundred and
22 eighty (180) days of the date of this Order.

23 2. RESPONDENT SRDJAN PANTIC shall not serve as a board member or
24 officer of any homeowner's association for a period of no less than 10 years from the date of
25 this Order or until such time that the RESPONDENT pays all fines, fees, and costs to the
26 Division, whichever occurs later.

27 ...

1 3. The Division may institute debt collection proceedings if the RESPONDENT
2 fails to pay the total amount of \$11,135.90 or any installments thereof. Further, if collection
3 goes through the State of Nevada, then RESPONDENT shall pay the costs association with
4 collection.

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

9 By: 

MICHAEL BURKE
CHAIRMAN

10 Submitted by:

11 AARON D. FORD
12 Attorney General

13 By: /s/ Virginia T. Tomova

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