

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 Michael Steven Skahill,

10 Respondent.

Case No. 2021-596

FILED

OCT 26 2022

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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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 September 13-15, 2022.
15 (the "Hearing"). The Respondent, Michael Steven Skahill ("Skahill" and/or
16 "RESPONDENT"), did not appear at the Hearing. There was no counsel, who appeared
17 on behalf of the Respondent at the Hearing. Virginia T. Tomova, Esq., Deputy Attorney
18 General with the Nevada Attorney General's Office, appeared on behalf of the Division.
19 The Commission served the Respondent with the Complaint on August 10, 2022. The
20 Respondent's answer to the Complaint was due on or before September 10, 2022.
21 Respondent failed to submit an answer to the Complaint.

22 The Commission having determined that the RESPONDENT was properly served
23 with the complaint but that he failed to timely respond as required by NRS 116.770(5)
24 voted in favor of entering a default against the RESPONDENT and making a decision
25 based on the allegations in the complaint pursuant to NAC 116.580.

26 The Commission, having considered the evidence introduced by the Division and
27 being fully advised, enters the following Findings of Fact, Conclusions of Law, and Order.
28 Under Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapter

1 116, the Commission has legal jurisdiction and authority over this matter.

2 FINDINGS OF FACT

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

6 1. RESPONDENT holds a supervisory community manager certificate from the
7 Division (CAM.0007489-SUPR), which is in "active" status at the time of filing this
8 complaint.

9 2. The RESPONDENT was employed with AMS Management Group, Inc.

10 3. The Division's investigation was initiated based on the RESPONDENT's
11 failure to comply with an order issued by the Nevada Real Estate Commission ("the
12 Commission") on June 1, 2020, in case no. 2018-1026.

13 4. In the June order, the Commission ordered the RESPONDENT to pay to the
14 Division the amount of \$3,146.00 which consists of \$1,500.00 fine and \$1,646.00 in
15 Division's fees and costs (the "Fine" and/or "Order").

16 5. The RESPONDENT was to pay the Fine on or before August 1, 2020.

17 6. RESPONDENT failed to pay the Fine on or before August 1, 2020.

18 7. On or about June 10, 2021, the Division informed the RESPONDENT that it
19 had initiated an investigation regarding his failure to renew his community management
20 certificate, allowing such certificate to expire while continuing to provide property
21 management services for at least 12 community and homeowners' associations.

22 8. In that correspondence, the Division asked the RESPONDENT to provide
23 responses to the following allegations:

- 24 a. Failing to renew his community management certificate and allowing
such to expire on April 30, 2021;
- 25 b. Continuing to manage various associations while his community
management certificate was expired; and
- 26 c. Failing to comply with the Commission's Order.

27 9. The RESPONDENT was asked to provide a response to the Division's
28 allegations within 10 business days and to provide any supporting documentation.

10. On or about June 21, 2021, the RESPONDENT submitted an affidavit to the Division in which he stated that he thought his certificate was good for another year, that he had stopped providing community management services once his certificate had expired, and that he was completing his continuing education classes by June 30, 2021, to renew his certificate.

11. The RESPONDENT failed to renew his community management certificate.

12. The RESPONDENT failed to timely pay the Fine.

13. After the Division sent its initial letter informing the RESPONDENT that an investigation was open against him, on or about June 24, 2021, the RESPONDENT paid the Fine of \$3,146.00.

14. Prior to the filing of this Complaint, the RESPONDENT allowed his community manager certificate to expire.

15. After his certificate expired on April 30, 2021, the RESPONDENT continued to provide community management services for at least twelve communities and homeowners' associations, despite knowing that his certificate was expired.

16. After expiring, the RESPONDENT's community manager certificate was reinstated on January 25, 2022.

17. On or about February 11, 2022, the Division properly notified RESPONDENT it intended to file a complaint against him for disciplinary action before the Commission.

CONCLUSIONS OF LAW

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

19. RESPONDENT violated NAC 116A.355(1)(a)(1), (2) and (3) pursuant to NAC 116A.355(2)(a)(3) by engaging in unprofessional conduct, professional incompetence and negligence or gross negligence when he continued to provide community management services, even though he knew that his community management certificate had expired.

20. RESPONDENT violated NRS 116A.630 (2), by failing to exercise ordinary

1 and reasonable care in the performance of his duties as a community manager, by allowing
2 his management certificate to expire and by continuing to manage communities and
3 homeowners' associations, despite knowing that he did not have a valid community
4 manager certificate.

5 **ORDER**

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

8 1. RESPONDENT MICHAEL STEVEN SKAHILL shall pay the Division a total of
9 \$16,738.46 ("Amount Due") consisting of a fine in the amount of \$15,000.00 and the
10 Division's attorney's fees and costs in the amount of \$1,738.46 within ninety (90) days of
11 the date of this Order.

12 2. RESPONDENT MICHAEL STEVEN SKAHILL's supervisory community
13 manager certificate (CAM.0007489-SUPR) issued from the Division is hereby revoked for
14 ten (10) years.

15 3. The Division may institute debt collection proceedings if the RESPONDENT
16 fails to pay the total amount of \$16,738.46. Further, if collection goes through the State of
17 Nevada, then RESPONDENT shall pay the costs association with collection.

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

22 By: 

MICHAEL BURKE
CHAIRMAN

23 Submitted by:
24 AARON D. FORD
Attorney General

25 By: /s/ Virginia T. Tomova

26 VIRGINIA T. TOMOVA, ESQ.
27 Deputy Attorney General
28 555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
Attorneys for Real Estate Division