

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

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

5                   Petitioner,

6 vs.

7 J. SCOTT HEDLIND,

8                   Respondent.  
9

Case No. 2021-65

**FILED**

APR 25 2022

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

*Kelly Valadez*

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

12           The Real Estate Division of the Department of Business and Industry, State of  
13 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of  
14 the State of Nevada, and Virginia T. Tomova, Deputy Attorney General, hereby notifies J.  
15 Scott Hedlind ("Hedlind" and/or "RESPONDENT") of an administrative hearing before the  
16 Commission for Common-Interest Communities and Condominium Hotels, State of  
17 Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and 116A of the  
18 Nevada Revised Statutes ("NRS") and Chapter 116 and 116A of the Nevada  
19 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations  
20 stated below and to determine if an administrative penalty will be imposed on the  
21 RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to,  
22 NAC 116A.360.

23                                   **JURISDICTION AND NOTICE**

24           During all relevant times mentioned in this complaint, RESPONDENT held a  
25 community manager certificate from the Division (CAM.0000190.SUPR) and is, therefore,  
26 subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and  
27 116A and NAC Chapters 116 and 116A. RESPONDENT'S certificate is currently in  
28 "active" status.

1 **FACTUAL ALLEGATIONS**

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

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

7 3. The RESPONDENT failed to renew his community manager certificate in  
8 2014, 2016, 2019 and 2021.

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

12 5. The RESPONDENT was/is the community manager for Deerbroke Estates  
13 Homeowners Association, Champion Village Community Association, Cimmaron Gowan  
14 Community Association, Day Dawn Village Homeowners Association, The Enclave II  
15 Homeowners Association, Foothills Ranch East Homeowners Association, Heritage  
16 Estates Community Association, River Landing Homeowners Association, Spring Creek  
17 Estates Owners Association, and Val D'Isere Homeowners Association.

18 6. On or about January 21, 2021, the Division sent correspondence to the  
19 RESPONDENT informing him that an investigation was opened against him due  
20 to his failure to renew his community manager certificate and his continuing to serve as a  
21 community manager without a community manager certificate.

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

24 8. The RESPONDENT failed to provide these documents.

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

1 10. On or about March 8, 2021, the Division sent a notice of violation to the  
2 RESPONDENT imposing an administrative fine of \$1,000.00 pursuant to NAC  
3 116A.350(4)(b)(1) for failure to renew his community manager certificate.

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

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

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

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

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

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

17 17. The RESPONDENT failed to provide the requested documentation.

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

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

21 20. On or about July 9, 2021, the Division properly notified RESPONDENT it  
22 intended to file a complaint against him for disciplinary action before the Commission.

23 **VIOLATIONS OF LAW**

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

26 22. RESPONDENT violated NAC 116A.355(1)(a)(1) pursuant to NAC  
27 116A.355(2)(a)(3) by engaging in unprofessional conduct when he continued to provide  
28 ...

1 community management services, even though he knew that his community management  
2 certificate had expired.

3 23. RESPONDENT violated NAC 116A.355(1)(a) pursuant to NAC  
4 116A.355(2)(f) by engaging in unprofessional conduct, when he failed to provide the  
5 requested documentation for the renewal of his certificate to the Division by March 31,  
6 2021.

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

9 **DISCIPLINE AUTHORIZED**

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

- 13 1. Revoke or suspend the certificate;
- 14 2. Refuse to renew or reinstate the certificate;
- 15 3. Place the community manager on probation;
- 16 4. Issue a reprimand or censure to the community manager;
- 17 5. Impose a fine of not more than \$5,000 for each violation of a statute or  
18 regulation;
- 19 6. Require the community manager to pay restitution;
- 20 7. Require the community manager to pay the costs of the investigation and  
21 hearing;
- 22 8. Require the community manager to obtain additional education relating to  
23 the management of common-interest communities; and
- 24 9. Take such other disciplinary action as the Commission deems appropriate.

25 The Commission may order one or any combination of the discipline described  
26 above.

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1 **NOTICE OF HEARING**

2 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider this  
3 Administrative Complaint against the above-named **RESPONDENT** in accordance with  
4 Chapters 233B and 116 and 116A of the Nevada Revised Statutes and Chapter 116 and  
5 116A of the Nevada Administrative Code.

6 **THE HEARING WILL TAKE PLACE** at the Commission meeting(s) scheduled  
7 for May 31 – June 2, 2022, beginning at approximately 9:00 a.m. each day, or until such  
8 time as the Commission concludes its business. The Commission meeting will be held at  
9 the Nevada State Business Center, 3300 W. Sahara Avenue, 4th Floor, Tahoe Room, Las  
10 Vegas, Nevada 89102 with videoconferencing to Department of Business & Industry,  
11 Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706.

12 **STACKED CALENDAR:** Your hearing is one of several hearings that may  
13 be scheduled at the same time as part of a regular meeting of the Commission  
14 that is expected to take place on May 31– June 2, 2022. Thus, your hearing may  
15 be continued until later in the day or from day to day. It is your responsibility  
16 to be present when your case is called. If you are not present when your hearing  
17 is called, a default may be entered against you and the Commission may decide  
18 the case as if all allegations in the complaint were true. If you need to negotiate  
19 a more specific time for your hearing in advance, please call Kelly Valadez,  
20 Commission Coordinator, at (702) 486-4606.

21 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is  
22 an open meeting under Nevada’s open meeting law and may be attended by the public.  
23 After the evidence and arguments, the commission may conduct a closed meeting to  
24 discuss your alleged misconduct or professional competence. You are entitled to a copy of  
25 the transcript of the open and closed portions of the meeting, although you must pay for  
26 the transcription. As a **RESPONDENT**, you are specifically informed that you have the  
27 right to appear and be heard in your defense, either personally or through your counsel of  
28 choice. At the hearing, the Division has the burden of proving the allegations in the

1 complaint and will call witnesses and present evidence against you. You have the right to  
2 respond and to present relevant evidence and argument on all issues involved. You have  
3 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing  
4 witnesses on any matter relevant to the issues involved.

5 You have the right to request that the Commission issue subpoenas to compel  
6 witnesses to testify and/or evidence to be offered on your behalf. In making this request,  
7 you may be required to demonstrate the relevance of the witness's testimony and/or  
8 evidence. Other important rights and obligations, including your obligation to answer the  
9 complaint, you have are listed in NAC 116A.560 through NAC 116A.655, NRS Chapter  
10 233B, and NRS Chapters 116 and 116A and NAC 116 and 116A.

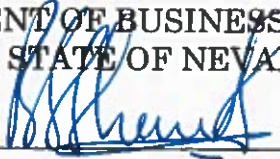
11 Note that under NAC 116A.585, not less than five (5) working days before a hearing,  
12 RESPONDENT must provide to the Division a copy of all reasonably available documents  
13 that are reasonably anticipated to be used to support his or her position, and a list of  
14 witnesses RESPONDENT intends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

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1 116A, and to determine what administrative penalty is to be assessed against  
2 RESPONDENT, if any, pursuant to NAC 116A.360.

3 DATED this 21 day of April, 2022.

4 REAL ESTATE DIVISION,  
5 DEPARTMENT OF BUSINESS &  
6 INDUSTRY, STATE OF NEVADA

7 By:   
8 SHARATH CHANDRA, Administrator  
9 3300 W. Sahara Ave. Ste 350  
10 Las Vegas, Nevada 89102  
11 (702) 486-4033

12 AARON D. FORD  
13 Attorney General

14 By: /s/ Virginia T. Tomova  
15 VIRGINIA T. TOMOVA (Bar No. 12504)  
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