

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,

6 Petitioner,

7 vs.

8 Michael Steven Skahill,

9 Respondent.

Case No. 2021-596

FILED

AUG 10 2022

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Kelley 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
15 Michael Steven Skahill ("Skahill" and/or "RESPONDENT") of an administrative hearing
16 before the Commission for Common-Interest Communities and Condominium Hotels,
17 State of Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and
18 116A of the 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 an
25 active supervising community manager certificate from the Division (CAM.0007489-
26 SUPR) and is, therefore, subject to the jurisdiction of the Division and the provisions of
27 NRS Chapters 116 and 116A and NAC Chapters 116 and 116A.

28 . . .

1 **FACTUAL ALLEGATIONS**

2 1. RESPONDENT holds a supervisory community manager certificate from the
3 Division (CAM.0007489-SUPR), which is in “active” status at the time of filing this
4 complaint.

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

6 3. The Division’s investigation was initiated based on the RESPONDENT’s
7 failure to comply with an order issued by the Nevada Real Estate Commission (“the
8 Commission”) on June 1, 2020, in case no. 2018-1026.

9 4. In the June order, the Commission ordered the RESPONDENT to pay to the
10 Division the amount of \$3,146.00 which consists of \$1,500.00 fine and \$1,646.00 in
11 Division’s fees and costs (the “Fine” and/or “Order”).

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

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

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

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

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

23 9. The RESPONDENT was asked to provide a response to the Division’s
24 allegations within 10 business days and to provide any supporting documentation.

25 10. On or about June 21, 2021, the RESPONDENT submitted an affidavit to the
26 Division in which he stated that he thought his certificate was good for another year, that
27 he had stopped providing community management services once his certificate had
28 ...

1 expired, and that he was completing his continuing education classes by June 30, 2021, to
2 renew his certificate.

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

4 12. The RESPONDENT failed to timely pay the Fine.

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

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

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

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

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

18 VIOLATIONS OF LAW

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

21 19. RESPONDENT violated NAC 116A.355(1)(a)(1), (2) and (3) pursuant to NAC
22 116A.355(2)(a)(3) by engaging in unprofessional conduct, professional incompetence and
23 negligence or gross negligence when he continued to provide community management
24 services, even though he knew that his community management certificate had expired.

25 20. RESPONDENT violated NRS 116A.630 (2), by failing to exercise ordinary
26 and reasonable care in the performance of his duties as a community manager, by allowing
27 his management certificate to expire and by continuing to manage communities and
28 ...

1 homeowners' associations, despite knowing that he did not have a valid community
2 manager certificate.

3 **DISCIPLINE AUTHORIZED**

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

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

19 The Commission may order one or any combination of the discipline described
20 above.

21 **NOTICE OF HEARING**

22 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider this
23 Administrative Complaint against the above-named RESPONDENT in accordance with
24 Chapters 233B and 116 and 116A of the Nevada Revised Statutes and Chapter 116 and
25 116A of the Nevada Administrative Code.

26 **THE HEARING WILL TAKE PLACE** at the Commission meeting(s) scheduled
27 for September 13 – September 15, 2022, beginning at approximately 9:00 a.m. each day,
28 or until such time as the Commission concludes its business. The Commission meeting

1 will be held at the Nevada State Business Center, 3300 W. Sahara Avenue, 4th Floor,
2 Nevada Room, Las Vegas, Nevada 89102 with videoconferencing to Department of
3 Business & Industry, Division of Insurance, 1818 E. College Parkway, Suite 103, Carson
4 City, Nevada 89706.

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

14 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is
15 an open meeting under Nevada's open meeting law and may be attended by the public.
16 After the evidence and arguments, the commission may conduct a closed meeting to
17 discuss your alleged misconduct or professional competence. You are entitled to a copy of
18 the transcript of the open and closed portions of the meeting, although you must pay for
19 the transcription. As a RESPONDENT, you are specifically informed that you have the
20 right to appear and be heard in your defense, either personally or through your counsel of
21 choice. At the hearing, the Division has the burden of proving the allegations in the
22 complaint and will call witnesses and present evidence against you. You have the right to
23 respond and to present relevant evidence and argument on all issues involved. You have
24 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
25 witnesses on any matter relevant to the issues involved.

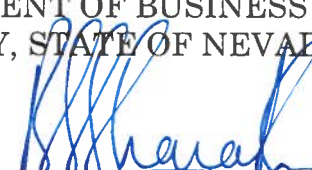
26 You have the right to request that the Commission issue subpoenas to compel
27 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
28 you may be required to demonstrate the relevance of the witness's testimony and/or

1 evidence. Other important rights and obligations, including your obligation to answer the
2 complaint, are listed in NAC 116A.560 through NAC 116A.655, NRS Chapter 233B, and
3 NRS Chapters 116 and 116A and NAC 116 and 116A.

4 Note that under NAC 116A.585, not less than five (5) working days before a hearing,
5 RESPONDENT must provide to the Division a copy of all reasonably available documents
6 that are reasonably anticipated to be used to support his or her position, and a list of
7 witnesses RESPONDENT intends to call at the time of the hearing. Failure to provide any
8 document or to list a witness may result in the document or witness being excluded from
9 RESPONDENT'S defense. The purpose of the hearing is to determine if the
10 RESPONDENT has violated any of the provisions of NRS and NAC Chapters 116 and
11 116A, and to determine what administrative penalty is to be assessed against
12 RESPONDENT, if any, pursuant to NAC 116A.360.

13 DATED this 9 day of August, 2022.

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

17 By: 
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23 By: /s/ Virginia T. Tomova
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