

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

3 SHARATH CHANDRA, Administrator,  
4 REAL ESTATE DIVISION, DEPARTMENT  
5 OF BUSINESS AND INDUSTRY, STATE  
6 OF NEVADA,

  Petitioner,

7 vs.

8 CASA ROSA HOMEOWNERS ASSOCIATION,  
9 SHEILA MATHERLY,

  Respondents.

Case No. 2023-204

**FILED**

**OCT 18 2023**

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 (“Commission”) during a  
14 regular agenda, set for three (3) days, beginning on September 26, 2023. (the “Hearing”).  
15 RESPONDENTS CASA ROSA HOMEOWNERS ASSOCIATION and SHEILA MATHERLY  
16 (hereinafter, “RESPONDENTS”) did not appear in person, through counsel, or otherwise, nor did they  
17 answer the complaint. Samuel J. Taylor, Esq., Deputy Attorney General with the Nevada Attorney  
18 General’s Office, appeared on behalf of the Real Estate Division of the Department of Business and  
19 Industry, State of Nevada (the “Division”).  
20

21                                   Commission Coordinator, Maria Gallo, testified regarding notices sent to the RESPONDENTS  
22 and steps taken to effect proper service and Compliance Audit Investigator II, Vanessa Ward, testified as  
23 to other matters. The Commission found appropriate service of the notice of the hearing, the complaint  
24 and notice thereof, the notice of documents, and all other efforts taken to inform the RESPONDENTS of  
25 the matter before the Commission. The Commission thereafter took notice of the documents filed by the  
26 Division to substantiate the allegations within the Complaint. After hearing testimony and examining  
27 the evidence presented in this matter, and for good cause appearing, the Commission now enters its  
28 Findings of Fact, Conclusions of Law, and Order by default against RESPONDENTS as follows:

1 **JURISDICTION**

2 1. At all times relevant in the Complaint, RESPONDENT Matherly served as a board  
3 member and/or officer of the Association, a common-interest community located in Las Vegas, Nevada.

4 2. RESPONDENTS are subject to the provisions of NRS Chapter 116 and NAC Chapter 116  
5 and are subject to the jurisdiction of the Commission for Common-Interest Communities pursuant to the  
6 provisions of NRS 116.750 through 116.795.

7 **FINDINGS OF FACT**

8 Based on a preponderance of the evidence in the record, and based upon the evidence presented  
9 during the Hearing, the Commission unanimously voted to find that the following factual allegations  
10 were proven:

11 1. The Association is an 84-unit single family home community located in Las Vegas,  
12 Nevada (“The Community”).

13 2. According to Division records, at all times relevant to this Complaint, RESPONDENT  
14 Matherly was the Treasurer of the Association.

15 3. On March 30, 2023, the Division notified the Association and RESPONDENT Matherly  
16 that an investigation has begun to determine whether there have been violations of Chapters 116 of the  
17 NRS and NAC.

18 4. In that March 30, 2023, Notice of Investigation, the Division requested that the  
19 Association provide the following documents to the Division on or before April 20, 2023:

- 20 a) Governing Documents (CCRS, Amendments), Bylaws, Collection Policy,  
21 Violations Policy, Rules & Regulations, Resolutions.
- 22 b) Current Certificate of Insurance for all policies issued to the association.
- 23 c) Meeting Minutes and Agendas from 1/1/21 - 3/31/23 (i.e., Annual, Budget,  
24 Executive including Financial Review packages, Special Meetings, Executive  
25 Session, and Budget Ratification packages).
- 26 d) CPA Audits for years 2020, 2021, and 2022.
- 27 e) Budgets for years 2021, 2022, and 2023.
- 28 f) The most recent Reserve Study with Site Visit.

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- g) Interim Financial Statements (presented on an Accrual basis):
  - i. Balance Sheets dated 12/31/21, 12/31/22, and 3/31/2023.
  - ii. Comparative Budget to Actual Income Statement for fiscal years 2021, 2022, and 3/31/2023.
  - iii. Assessment Delinquent report dated 12/31/21, 12/31/22, and 3/31/2023.
- h) Statements of association accounts including, but not limited to, operating, reserve, contingency, investment, credit card, and loan accounts from 1/1/21 – 3/31/23:
  - i. Checks – Fronts and backs of checks from the Operating and Reserve funds from 1/1/21 – 3/31/23.
  - ii. If using electronic payment methods, then return a copy of the Invoice Approval and Payment register showing Board approvals.
  - iii. If using electronic payment methods, then return a copy of the Resolution approving said method of payment.
  - iv. Bank signature cards for all association accounts open in 2021, 2022, and 2023.
- i) Vendor agreements/contracts (i.e., management, landscaping, pool).
- j) Invoices, receipts for disbursements from the Operating and Reserve funds, excluding utilities, from 1/1/21 – 3/31/23.
- k) General Ledger Statements – 2021, 2022, and 3/31/2023.
- l) Return a completed Reserve Study Summary form (#609).
- m) Updated form 623 showing all current members on the Board of Directors.

5. The Association failed to submit any of the requested documents by the April 20, 2023, deadline.

6. On April 20, 2023, the Division sent a second Notice of Investigation and Request for the Association to provide the documents set out in Paragraph 3, above, by May 5, 2023.



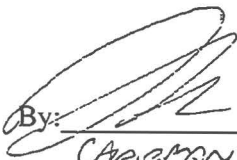


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5. This order shall become effective on the 18<sup>th</sup> day of OCTOBER, 2023.

DATED this 17<sup>th</sup> day of OCTOBER, 2023.

COMMISSION FOR COMMON-INTEREST  
COMMUNITIES AND CONDOMINIUM HOTELS

By:  \_\_\_\_\_  
Chairman of the Commission

Submitted by:  
AARON D. FORD  
Attorney General of Nevada

By: /s/ Samuel J. Taylor  
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