

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
7 NEVADA,

8 Petitioner,

9 vs.

10 YVONNE A. CULLIVER,
11 (CAM.0007452),

12 Respondent.

Case No. 2023-190

**STIPULATION AND ORDER
FOR SETTLEMENT OF
DISCIPLINARY ACTION**

FILED

JUN 16 2023

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NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

13 This Stipulation for Settlement of Disciplinary Action (“Stipulation”) is entered into by and
14 between the State of Nevada, Department of Business and Industry, Real Estate Division (“Division”),
15 through its Administrator Sharath Chandra (“Petitioner”), by and through their attorney of record,
16 Christal Park Keegan, and Yvonne A. Culliver (“RESPONDENT”).

17 **JURISDICTION AND NOTICE**

18 RESPONDENT held a community manager certificate from the Division (CAM.0007452) and
19 is, therefore, subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and 116A
20 and NAC Chapters 116 and 116A. RESPONDENT’S certificate is currently in “inactive” status.

21 **SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT**

22 1. At all times relevant to this Complaint, RESPONDENT was the Community Association
23 Manager for Bonanza Park Homeowners Association (“Association”). *CICC 008*.

24 2. At all times relevant to this Complaint, RESPONDENT’S management company
25 5STRMGT, LLC was the Association’s custodian of records. *CICC 008*.

26 3. At times relevant to this Complaint, RESPONDENT’S community manager certificate
27 was inactive due to deficient education. *CICC 052*.

28 4. At all times relevant to this Complaint, the RESPONDENT did not respond to the Division
or the Association’s numerous requests for responses and/or information. *CICC 001 – CICC 003, CICC
004 – CICC 006, CICC 011 – CICC 015, CICC 0016 – CICC 0020, CICC 031, CICC 032 – CICC 034,
CICC 035 – CICC 037, and CICC 041 – CICC 047, and CICC 054*.

1 5. On March 3, 2023, the Association requested RESPONDENT'S resignation and noticed
2 her termination date as March 31, 2023. *CICC 039*.

3 6. As relevant to this Complaint, the Association terminated RESPONDENT because she
4 failed to prepare and/or produce financial audits after multiple requests from the Association's
5 homeowners and Board. *CICC 039*.

6 7. As relevant to this Complaint, the Association terminated RESPONDENT because she
7 failed to respond to the Division. *CICC 039*.

8 8. As of April 20, 2023, the RESPONDENT failed to produce the following outstanding
9 documents requested by the Division and the Association's Board:

- 10 a. Minutes of all Board meetings conducted since January 2019, to include the
11 agenda;
- 12 b. All month to month and year to date financial statements beginning January 2019
13 to August 2022;
- 14 c. Budgets, projected and actual, for years 2019, 2020, 2021, and 2022;
- 15 d. Reserve studies, current and previous, five-year study;
- 16 e. Yearly audits for 2019, 2020, and 2021 that were completed by an independent
17 Certified Public Accountant;
- 18 f. Records of property insurance showing coverage amounts and cost for all years
19 2012 through the current policy in effect as of March 23, 2023;
- 20 g. Election records to include the dates that current Directors, and Executive Board
21 members, were voted into office, or date when they were assigned to fill a vacancy
22 and length of time serving before next election via copies of the annual and regular
23 board meetings; and,
- 24 h. If available, a copy of the Division's Annual registration Form 562 that has been
25 recorded with the State for years 2019, 2020, 2021, and 2022.

26 **VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT**

27 1. RESPONDENT violated NRS 116A.630(9) for failing to make the financial records of an
28 Association available to the Division.

1 2. RESPONDENT violated NRS 116A.630(10) for failing to cooperate with the Division
2 to resolve complaints filed against her for not producing documents.

3 3. RESPONDENT violated NRS 116A.630(11) for failing, as the custodian of records,
4 to make financial records available to homeowners upon repeated written requests for such.

5 4. RESPONDENT violated NAC 116A.355(2)(f) when she failed to cooperate with
6 the Division’s requests for a response and/or production of documents.

7 5. RESPONDENT violated NRS 116A.640(2)(a) for impeding the Division’s
8 investigation by failing to comply with requests to provide documents.

9 **PROPOSED SETTLEMENT AGREEMENT**

10 In an effort to avoid the time and expense of litigating these issues before the Commission, the
11 parties desire to compromise and settle the Division’s findings of violations of law in Case No.
12 2023-190 upon the following terms and conditions:

13 1. Since the Division’s filing of its Complaint, the RESPONDENT has provided
14 the outstanding Request Documents except for the audits. Therefore, RESPONDENT shall, no later
15 than the June 13, 2023 Commission Hearings, provide to the Division and the Succeeding Management
16 Company: Item #e. Yearly audits for 2019, 2020, and 2021 that were completed by an independent
17 Certified Public Accountant.

18 2. RESPONDENT shall satisfy her license deficiency and ensure her license is in “active”
19 status prior to the June 13, 2023 Commission Hearings, otherwise, RESPONDENT shall not reapply
20 until all terms of this Stipulation are satisfied, with such reapplication subject to appearance before
21 the Commission for approval prior to obtaining active licensure.

22 3. RESPONDENT shall pay the Division a total of \$3,148.75 (“Amount Due”),
23 consisting of a Division imposed fine in the amount of \$1,000, and the Division’s incurred costs in
24 the amount of \$518.75, and the Attorney’s pre-hearing fees in the amount of \$1,630, within 60 days of
25 the date of the Order approving this Stipulation and Order.

26 i. The Amount Due shall be payable to the Division, with \$1,000 paid upfront,
27 and the remainder paid over 12 months at a monthly payment amount of \$180:

28 **Month 1: \$180**

1	Month 2:	\$180
2	Month 3:	\$180
3	Month 4:	\$180
4	Month 5:	\$180
5	Month 6:	\$180
6	Month 7:	\$180
7	Month 8:	\$180
8	Month 9:	\$180
9	Month 10:	\$180
10	Month 11:	\$180
11	Month 12:	\$168.75

12 At any time, RESPONDENT may elect to pay the amount due in full and/or may make monthly
13 payments towards any monthly payment due, so long as the monthly amount due is satisfied in full on
14 the quarterly due date, with no prepayment penalty, no interest.

15 4. RESPONDENT shall also complete the M-100, The Essentials of Community Association
16 Management course, a multi-day course that covers numerous elements of Community Association
17 Management, to be completed within one (1) year from the date of the Order approving this Stipulation,
18 with proof of completion supplied. Said education shall not count towards those necessary for
19 RESPONDENT’S license renewal.

20 5. RESPONDENT and the Division agree that by entering into this Stipulation, the Division
21 does not concede any defense or mitigation, the RESPONDENT may assert and that once this Stipulation
22 is approved and fully performed, the Division will close its file in this matter.

23 6. RESPONDENT agree and understand that by entering into this Stipulation, she is waiving
24 her right to a hearing at which she may present evidence in her defense, her right to a written decision on
25 the merits of the complaint, her rights to reconsideration and/or rehearing, appeal and/or judicial review,
26 and all other rights which may be accorded by the Nevada Administrative Procedure Act, the Nevada
27 Common-Interest Communities and Condominium Hotels statutes and accompanying regulations, and
28 the federal and state Constitutions. The RESPONDENT understands that this Agreement and other

1 documentation may be subject to public records laws. The Commission members who review this matter
2 for approval of this Stipulation may be the same members who ultimately hear, consider, and decide the
3 Complaint if this Stipulation is either not approved by the Commission or is not timely performed by the
4 RESPONDENT. The RESPONDENT fully understands that she has the right to be represented by legal
5 counsel in this matter at her own expense.

6 7. FEES and COSTS: Each party shall bear their own attorney's fees and costs.

7 8. APPROVAL OF STIPULATION. Once executed, this Stipulation will be filed with the
8 Commission and will be placed on the agenda for approval at its next public meeting. The Division will
9 recommend to the Commission approval of the Stipulation. RESPONDENT agrees that the Commission
10 may approve, reject, or suggest amendments to this Stipulation that must be accepted or rejected by
11 RESPONDENT before any amendment is effective.

12 9. WITHDRAWAL OF STIPULATION. If the Commission rejects this Stipulation or
13 suggests amendments unacceptable to the RESPONDENT, she may withdraw from this Stipulation, and
14 the Division may pursue its Complaint before the Commission. This Stipulation then shall become null
15 and void and unenforceable in any manner against either party.

16 10. RELEASE. In consideration of the execution of this Stipulation, RESPONDENT for
17 herself, her heirs, executors, administrators, successors, and assigns, hereby releases, remises, and forever
18 discharges the State of Nevada, the Department of Business and Industry, and the Division, and each of
19 their respective members, agents, employees, and counsel in their individual and representative
20 capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions,
21 claims, and demands whatsoever, known and unknown, in law or equity, that RESPONDENT ever had,
22 now has, may have, or claim to have against any or all of the persons or entities named in this section,
23 arising out of or by reason of the Division's investigation of this action, this disciplinary action, and all
24 matters related thereto.

25 11. INDEMNIFICATION. RESPONDENT hereby agrees to indemnify and hold harmless
26 the State of Nevada, the Department of Business and Industry, Petitioner, the Division, and each of their
27 respective members, agents, employees, and counsel, in their individual and representative capacities,
28 against any and all claims, suits, and actions brought against said persons and/or entities by reason of the

1 Division's investigation, this disciplinary action, and all other matters relating thereto, and against any
2 and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained by
3 the persons and/or entities named in this section as a result of said claims, suits, and actions.

4 12. DEFAULT. In the event of default under any terms of this Stipulation, RESPONDENT
5 agrees that her license shall be immediately suspended, and the unpaid balance of the administrative fine
6 and costs, together with any attorneys' fees and costs that may have been assessed, shall be due in full to
7 the Division within ten (10) calendar days of the date of default. Debt collection actions for unpaid
8 monetary assessments in this case may be instituted by the Division or its assignee.

9 13. RESPONDENT has signed and dated this Stipulation only after reading and
10 understanding all terms herein.

11 DATED: June 6, 2023.

NEVADA DEPARTMENT OF BUSINESS AND
INDUSTRY, REAL ESTATE DIVISION

12
13 By: 
14 SHARATH CHANDRA
Administrator

15 DATED: ~~May _____~~, 2023.

RESPONDENT

16 June 5, 2023

17 By: 
YVONNE A. CULLIVER

18 Approved as to form dated May _____, 2023.

19 AARON D. FORD
20 Attorney General

21 By: 
22 CHRISTAL P. KEEGAN (Bar No. 12725)
23 Deputy Attorney General
24 5420 Kietzke Lane, Suite 202
25 Reno, Nevada 89511
(775) 687-2141 (phone)
ckeegan@ag.nv.gov

26 *Attorney for Real Estate Division*

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

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT OF
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6 Petitioner,

7 vs.

8 YVONNE A. CULLIVER,
(CAM.0007452),

9 Respondent.

10
11
12 **IT IS ORDERED** that the foregoing Stipulation and Order for Settlement of Disciplinary Action
13 is approved in full.

14 DATED: June 15, 2023.

15 COMMISSION FOR COMMON-INTEREST
16 COMMUNITIES AND CONDOMINIUM HOTELS,
17 DEPARTMENT OF BUSINESS AND INDUSTRY,
18 STATE OF NEVADA

19 By: 
Michael Burke, Chairman

20
21 Submitted on June _____, 2023 by:

22 AARON D. FORD
23 Attorney General

24 By: 
CHRISTAL P. KEEGAN (Bar No. 12725)
25 Deputy Attorney General
26 5420 Kietzke Lane, Suite 202
27 Reno, Nevada 89511
(775) 687-2141 (phone)
ckeegan@ag.nv.gov

28 *Attorney for Real Estate Division*