| BEFORE THE COMMISSION FOR COMMON-INTEREST |
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| COMMUNITIES AND CONDOMINIUM HOTELS |
| STATE OF NEVADA |
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Sharath Chandra, Administrator, Real Estate Division, Department of Business & Industry, State of Nevada,

Petitioner,

Case No. 2022-507

Michael Steven Skahill,

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VS.

Respondent.



JUL 0 3 2023 NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came on for hearing before the THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS STATE OF NEVADA ("Commission") during a regular agenda, set for three days, beginning on June 13, 2023. (the "Hearing"). RESPONDENT MICHAEL STEVEN SKAHILL (hereinafter, "RESPONDENT") did not appear in person, through counsel, or otherwise, nor did he answer the complaint. Phil W. Su, Esq., Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

Commission Coordinator Maria Gallo testified regarding notices sent to the RESPONDENT and steps taken to effect proper service. The Commission found appropriate service of the notice of the hearing, the complaint and notice thereof, the notice of documents, and all other efforts taken to inform the RESPONDENT of the matter before the Commission. The Commission thereafter took notice of the documents filed by the Division to substantiate the allegations within the Complaint.

After hearing testimony and examining the evidence presented in this matter, and for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law, and Order by default against RESPONDENT as follows:

JURISDICTION

During all relevant times mentioned in this complaint, RESPONDENT held an active supervising community manager certificate from the Division (CAM.0007489-SUPR) and is, therefore, subject to

the jurisdiction of the Division and the provisions of NRS Chapters 116 and 116A and NAC Chapters 116 and 116A.

FINDINGS OF FACT

The Commission, by unanimous vote, based upon evidence presented during the Hearing, enters a finding of the following facts by default:

1. At all times relevant herein, RESPONDENT held a supervisory community manager certificate from the Division (CAM.0007489-SUPR).

8 2. At all times relevant herein, the RESPONDENT was employed with AMS Management
9 Group, Inc.

3. At all times relevant herein, the RESPONDENT was the community manager for El
Parque Homeowners Association ("the Association").

4. This complaint was initiated based on the RESPONDENT's failure to provide the
financial records of the Association upon request by the Division in a July 26, 2022, notice of
investigation letter.

15 5. The request for these documents was made by the Division in connection with an
allegation that RESPONDENT allowed the signature of a former board member, Louis James Gex, to be
applied to an association check months after Gex sold his unit in the Association.

18 6. The Division also requested Association records from January 2019 through the date of
19 the July 26, 2022, letter.

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RESPONDENT did not provide a response to the July 2022 letter.

8. The Division sent a follow-up letter to RESPONDENT dated August 29, 2022, reiterating its requests pursuant to its investigation.

RESPONDENT did not provide a response to the August 2022 letter.

10. In reviewing the Annual Association Registration #562 form documents filed by
RESPONDENT on behalf of the Association, it came to the attention of the Division that a signature
purporting to be that of former board member Louis James Gex was affixed to Association check #4586
dated 4/28/21.

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11. A grant, bargain and sale deed recorded with the Clark County recorder's office indicates that board member Gex sold his unit in the Association on or about 10/15/20.

12. In addition, Mr. Gex's signature for check #4586 dated 4/28/21, reflected a visibly different style of handwriting compared to Gex's signature on checks submitted to the Division for check #4205 dated 4/11/2018; check #4331 dated 4/15/2019, and check #4457 dated 4/15/2020.

The signature for the counter-signing board member for the 2021 check #4586, Sandie Medina, also reflected a visibly different style of handwriting compared to Medina's signature on the 2020 check #4457.

14. A review of the 4/15/19 Annual Association Registration #562 form reflects that Nancy Owens was no longer a board member on 4/15/19, yet her signature appears on the 2019 check #4331 paid for that year.

15. Moreover, the signatures for counter-signing board member Nancy Owens in 2019 check
#4331 also reflected a visibly different style of handwriting compared to Owens' signature on Association
checks that she signed in 2017 (check #4038) and 2016 (check #3857).

16. Also, Owens' signatures on other checks to the Division from the Association (#4038 and #3857) and from Clark County Recorder's Office records do not appear to reflect the same signature as on check #4331.

17. On or about November 2, 2022, the Division properly notified RESPONDENT it intended to file a complaint against him for disciplinary action before the Commission.

CONCLUSIONS OF LAW

Based on the foregoing findings of facts by default, the Commission concludes by unanimous vote that RESPONDENT has committed the following violations of law by default:

1. RESPONDENT violated NRS 116A.630(1)(b) pursuant to NRS 116.31153 by failing to exercise ordinary and reasonable care in the performance of his duties when RESPONDENT allowed the signature of a non-unit owner to be used on an Association check to withdraw funds from the operating account.

1 2. RESPONDENT violated NRS 116A.630(6)(a) pursuant to NAC 116A.355 (3)(b) by 2 failing to ensure that the financial transactions of the Association are current, accurate, and properly 3 documented when he allowed visibly inconsistent signatures to be used: 4 for both board member signers in check #4586 for the Association's 2021 a. 5 Annual Association Registration payment, and 6 b. for both board member signers in check #4331 for the Association's 2019 7 Annual Association Registration payment. 8 3. RESPONDENT violated NRS 116A.630(9) pursuant to NAC 116A.355 (2)(a)(3) and 9 2(f) when he failed to make the financial records for the Association available for inspection by the 10 Division in accordance with applicable laws and regulations. 11 4. RESPONDENT violated NRS 116A.640(2)(a) by impeding and interfering with an 12 investigation by the Division by failing to comply with the Division's requests to provide the 13 Association's records and by failing to respond to the Division regarding its request for the records. 14 ORDER 15 Based on the foregoing findings of facts and violations of law, the Commission hereby Orders: 16 RESPONDENT shall pay the Division a total of \$23,347.61 ("Amount Due"), 1. 17 consisting of \$20,000.00 in administrative fines, plus the Division's fees and costs in the amount of 18 \$3,347.61. The Amount Due shall be paid to the Division within 60 days of the effective date of this 19 Order. 20 2. All real estate licenses and permits issued by the Division to the Respondent are hereby 21 **REVOKED.** 22 3. If the Amount Due is not actually received by the Division on or before its due date, it 23 shall be a default by RESPONDENT. In the event of default, the unpaid balance of the administrative 24 fine and costs, together with any attorney's fees and costs that may have been assessed, shall be due in 25 full to the Division within ten calendar days of the date of default, and the Division may obtain a judgment 26 for the amount owed, including collection fees and costs. 27 4. The Commission retains jurisdiction for correcting any errors that may have occurred 28 in the drafting and issuance of this document.

| 1 | 5. This order shall become effective on the 3° day of $July$, 2023. |
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| 2 | DATED this $3^{\prime}d$ day of J_{μ} , 2023. |
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| 4 | COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS |
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| 7 | By: Charles Maignession |
| 8 | Submitted by: |
| 9 | Submitted by: AARON D. FORD |
| 10 | Attorney General of Nevada |
| 11 | By: <u>/s/ Phil W. Su</u> |
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