

**COMMISSION FOR COMMON-INTEREST COMMUNITIES AND
CONDOMINIUM HOTELS MEETING MINUTES SEPTEMBER 26, 2023**

**VIA IN PERSON AND WEBEX VIRTUAL MEETING
SEPTEMBER 26, 2023**

Nevada State Business Center
3300 W. Sahara Avenue
4th Floor, Nevada Room
Las Vegas, Nevada 89102

The meeting was called to order at 9:01 A.M.

1-A) Introduction of Commissioners in attendance

Michael Burke, Phyllis Tomasso, Charles Niggemeyer, June Heydarian, James Bruner, Kim Lighthart, and Patricia Morse Jarman.

Commission Counsel: Deputy Attorney General Ziwei Zheng

1-B) Introduction of Division staff in attendance

Sharath Chandra, Administrator; Charvez Foger, Deputy Administrator; Sonya Meriweather, Ombudsman; Shareece Bates, Administration Section Manager; Terry Wheaton, Chief Compliance Audit Investigator; Shalayna Thayer, Compliance Audit Investigator; Kelly Valadez, Commission Coordinator; Maria Gallo, Commission Coordinator; Phil Su, Senior Deputy Attorney General; Christal Keegan, Deputy Attorney General and Samuel Taylor, Deputy Attorney General.

2) Public Comment

William Roth stated the CICCH training classes were very good, and he is hoping the classes will resume soon. Mr. Roth stated at the June meeting it was mentioned that the classes were not currently available. Mr. Roth stated the training classes are the best hope for correcting problems that most associations have. Mr. Roth stated the Commission does not have any knowledge or expertise in civil or structural engineering and he thinks that is a problem. Mr. Roth stated he recently discovered services that will provide computer aided transcription of audio recordings, which may be helpful. Mr. Roth stated the services were good, because he submitted a couple of hour-long meetings that took days to transcribe himself. Mr. Roth stated they were able to transcribe the meeting in a matter of minutes for about \$4.00, however corrections would still have to be made. Mr. Roth stated a nice transcription can be completed by an expert in 48 hours for a few dollars more. Mr. Roth stated additional services can be provided for an additional fee. Mr. Roth stated that for an accurate set of minutes for meetings this is a wonderful service.

3-A) Administrator's Report

Sharath Chandra stated there are two quick matters to give updates on. Mr. Chandra stated the Division is still working on a software vendor. Mr. Chandra stated after several months the original vendor was not able to produce results, so the Division had to unwind the contract, but is

now in talks with a new vendor. Mr. Chandra stated the next big update is that the Division has a new Ombudsman, Sonya Meriweather. Mr. Chandra stated Ms. Meriweather has been with the Division for many years, mostly behind the scenes; she has a wealth of knowledge, and he is happy she stepped up to this leadership role. Mr. Chandra stated Ms. Meriweather has made some good hires recently and is rebuilding the positions within the Education Section. Mr. Chandra stated the Division will be working on NAC 116 regulations soon. Mr. Chandra stated the Division is waiting to see the statutory changes that happened last session take effect, receive feedback, and then present proposed language to the Commission.

3-B) Ombudsman's Summary Report

Sonya Meriweather presented this report that was provided to the Commission in the meeting packet.

3-C) CIC Compliance Caseload Report and Summary

Terry Wheaton presented this report that was provided to the Commission in the meeting packet.

3-D) Licensee and Board Member Discipline Report

Shareece Bates presented this report that was provided to the Commission in the meeting packet.

3-E) Discussion regarding Commissioner's speaking engagement request

None

3-F) Discussion regarding the State of Nevada Controller's Office debt collection process for fines issued by the Commission

Commissioner Niggemeyer stated there was no update from the Controller's Office.

Commissioner Niggemeyer stated a Commissioner will have to take over getting the report from the Controller's Office after this meeting. Commissioner Niggemeyer stated there is a paragraph in NAC 116 that may help the Division and the Controller's office collect some fines. Chairman Burke stated this item should still be an agenda item and hoped that another Commissioner will accept the responsibility for obtaining the report.

3-G) Discussion and decision to approve minutes of the June 13, 2023, Commission meeting

Commissioner Niggemeyer moved to approve the June 12, 2023, meeting minutes. Seconded by Chairman Burke. Motion passed. Commissioner Lighthart abstained.

3-H) Discussion, nomination, and election of officers for FY 24 pursuant to NRS 116.610

Mr. Chandra thanked Chairman Burke and Commissioner Niggemeyer for the years they have served on the Commission. Mr. Chandra stated the Commission can cycle through officers offering all members of the Commission a chance to be an officer.

Commissioner Tomasso moved to nominate herself as Chairman. Seconded by Commissioner Morse Jarman. Motion carried.

Commissioner Morse Jarman moved to nominate herself as Vice Chairman. Seconded by Commissioner Tomasso. Motion carried.

Commissioner Heydarian moved to nominate herself as Secretary. Seconded by Commissioner Bruner. Motion carried.

4-A) NRED v. Monterey Grand Manor Owners Association, Dale Milligan, Susan Moore, Richard Jagodzinski, and Saturday Aisuan, for possible action.

Case No. 2021-1049

Type of Respondent: Board Members

Parties Present

Phil Su, Senior Deputy Attorney General was present representing the Division.

I-Che Lai, Esq. was present representing Monterey Grand Manor OA.

Preliminary Matters

Mr. Su stated a settlement was reached two meetings ago; however, the Board has not signed the settlement agreement.

Mr. Lai stated they are still working on getting signatures from the board members. Mr. Lai stated the matter is on the agenda for the next board meeting which is October 24, 2023. Mr. Lai stated he is hoping at that meeting everything can be wrapped up and to put this issue behind them.

Chairman Burke stated the case should be continued until the next meeting.

Mr. Su stated hopefully the Board can sign the settlement before the next Commission meeting.

Chairman Burke stated the case will be continued until the next Commission meeting unless the settlement is signed before the December 12-14, 2023 meeting so the parties do not need to come back before the Commission.

4-B) NRED v. Sierra Ranchos Property Owners Association, for possible action

Case No. 2018-1663

Type of Respondents: Board Members

Parties Present

Phil Su, Senior Deputy Attorney General, was present representing the Division.

Loren Pierce, Sierra Ranchos POA President, was present virtually.

Betty (BJ) Brown, Equus Management, Sierra Ranchos POA Supervising Community Association Manager (CAM), was present virtually.

Donna Zanetti, Attorney for the Association, was present virtually.

Preliminary Matters

Mr. Su stated this matter was supposed to be heard in December for a status update, however the Association's board members have made progress on obtaining a report that was actionable for repairing the roads. Mr. Su stated that the Association asked to come before the Commission to provide a status check so the Commission can provide concrete steps because there is a board member election in November and there is a chance the new board will undo the progress that has been made regarding the repairing of the roads.

Ms. Zanetti stated in the meeting packet was an email she sent regarding the particulars of the Order that the Board would like the Commission to issue. Ms. Zanetti stated it has been four (4)

years since the Commission first issued an Order for the Association to repair and maintain its dirt roads and drainage system and resolve the two Washoe County citations associated with road maintenance. Ms. Zanetti stated it is no secret that there is a deep and serious divide on how the Association's dirt roads should be maintained. Ms. Zanetti stated due to this division, the Association spent \$7,000 on a soils report that was represented to the Commission as the document that allowed the Association to obtain bids for the roads and resolve both the Commission's orders and the Washoe County citations. Ms. Zanetti stated the report was not suitable for its represented purpose and the Board was forced to spend another \$20,000 for an engineer and a surveyor that would complete a grading plan which would allow the Association to obtain the necessary permits from Washoe County to resolve the open citations. The Association could then prepare a request for proposal on which contractors could bid for that road work. Ms. Zanetti stated the survey was completed and the grading plans were in process and would be able to submit the necessary permits to Washoe County in October and solicit bids from licensed and insured contractors. Ms. Zanetti stated with the timing of everything, the Board will not be able to open and approve bids, retain a contractor, obtain the permit, and have the work done before the annual meeting in November where there is a distinct possibility that the board may turn over again because board members only serve one-year terms. Ms. Zanetti stated the current Board has made significant progress in resolving the violations and closing the County citations. Ms. Zanetti stated the Board is asking the Commission to issue a specific Order which would require whatever Board to carry thru the work and plan of the engineer and surveyor, sign a contract with a contractor to bid on the work prepared by the engineer and surveyor, get the Washoe County building permit and finally finish the repairs to Panhandle and Wrangler Road after four (4) years. Ms. Zanetti stated she is ready to answer any questions at this time.

Commissioner Niggemeyer asked Mr. Su what he thought of Ms. Zanetti's statement.

Mr. Su stated the Commissioners prior Orders have been specific about the details of the plans the Association was to provide. Mr. Su stated there was some concern that was expressed by the board members, CAM, and the Association's attorney that the soils report that was done in the summer was not necessary. Mr. Su stated there are efforts towards obtaining a special assessment to finance the work that was being done. Mr. Su stated a detailed order would stop the new board from getting an alternative study done.

Commissioner Niggemeyer stated that it was reasonable to amend the order to reflect what Ms. Zanetti outlined in her email because it has been 4 years, and it is time to have some sort of resolution.

Commissioner Bruner stated they are on the right track finally. Commissioner Bruner stated the drainage and grading plan should be completed in phases for financial reasons and a special assessment will have to fund this because the reserve is not built up enough to cover all the work that is required to be done to the roads. Commissioner Bruner stated something set in stone for the new Board to follow would be the best course of action.

Chairman Burke stated it is within the Commission's right to amend any Order that has been issued and updated for special needs that arise like a new Board that may not do what is in the

best interest of the Community.

Commissioner Niggemeyer motioned to amend the original order to follow the guidelines of Ms. Zanetti's email. Seconded by Commissioner Tomasso. Motion carried.

**4-C) NRED v Sapphire Springs Homeowners Association, for possible action
Case No.2023-404**

Type of Respondent: Homeowners Association

Parties Present:

Christal Keegan, Deputy Attorney General, was present representing the Division. Traci Wozniak, Community Association Manager (CAM), was present representing the Association.

Preliminary Matters

Ms. Keegan stated Sapphire Springs HOA failed to have a minimum of 3 board members, at the time of the filing of the complaint they had zero board members, and the current CAM Traci Wozniak has been unsuccessful in obtaining volunteers for the open board positions. Ms. Keegan stated a complaint was filed with the Division to get the Association to be compliant with the statute that states an Association must have a minimum of 3 board members.

Chairman Burke stated he wanted to stipulate that the complaint was properly served on the Association.

Ms. Wozniak stated she received the complaint and responded to the complaint. Ms. Wozniak stated the Association did not respond to the complaint because there were no board members at that time.

Chairman Burke stated the Association was properly noticed and skip to the fact that no answer was received, and Ms. Keegan could call her witness.

Ms. Keegan stated she did not want to proceed as a default case because the CAM was in attendance.

Chairman Burke stated he misunderstood Ms. Keegan when she mentioned that an answer had not been provided thinking Ms. Keegan wanted to proceed as a default case.

State's Witness

Vanessa Ward testified.

Ms. Keegan moved to admit the State's exhibits numbered CICC 001- CICC 030.

Chairman Burke admitted the State's exhibits.

The Commission questioned Ms. Ward.

Ms. Wozniak testified.

The Commission questioned Ms. Wozniak.

Mr. Foger stated the Ombudsman has ideas that may work.

Ms. Meriweather stated this is not the first association that her office has dealt with that cannot obtain board members. Ms. Meriweather stated one thing that brings people to the table is food and suggested having a block party or a get together for the neighborhood. Ms. Meriweather stated one of the roadblocks to getting people to serve on a Board is fear, they do not understand what is required. Ms. Meriweather stated her staff will be available for a meet and greet of the unit owners, so the process can be explained and what resources are available when people become board members. Ms. Meriweather stated removing the fear of "I do not have time to devote to being a board member", there are 4 board meetings a year there is a little more to serving on the board than showing up to a meeting and vote. Ms. Meriweather stated the Ombudsman's Office is willing to assist Ms. Wozniak get a Board in place, so the Association is not looking at receivership.

Ms. Wozniak asked who will pay for the neighborhood get together?

Ms. Meriweather stated the Association will have to pay for the neighborhood get together.

Mr. Foger stated receivership is very expensive and not an option the Division wants to pursue. The Ombudsman's Office and Compliance would like to see what can be done to assist the Association because a receivership is hard to approve.

Ms. Meriweather stated the Association would have to pay for the receivership.

Commissioner Morse Jarman stated the unit owners may not open the letters informing them of the neighborhood get together. Commissioner Morse Jarman asked how do you get the message out to the unit owners?

Ms. Meriweather stated putting the neighborhood get together notice on a bulletin board or at the cluster mailbox would get the message out to the unit owners. Ms. Meriweather stated you cannot force people to serve on the board, the time commitment, and the hearsay of serving on a board, keep people away from serving on the board. Ms. Meriweather stated she is hoping with outreach from the Ombudsman's office they can have an impact on the unit owners. Ms. Meriweather stated she was hoping the lone board member could get another unit owner to serve on the board or as a last resort per statute, you can have officers that can serve that are not within the community and serve the function of just officers, they do the duties of the officers; however, they do not have voting power.

Mr. Foger stated the final option would be to terminate the HOA, it is something that has happened in the past. Mr. Foger stated the community would cease being an HOA and become a regular community.

Ms. Meriweather stated that option is complicated because the common elements would be

required to be divided, and the unit owners would own a percentage of them. Ms. Meriweather stated it would involve an attorney and it is a long and costly process.

Chairman Burke asked should the Commission order the community to have a party and go from there? Chairman Burke stated the party should be at a date and time when people are not typically working.

Mr. Foger stated there are many HOA attorneys that may help the community for free to navigate the options if the community cannot get unit owners to serve on the board.

The Commission discussed options to help the community obtain board members.

Chairman Burke moved that factual allegation 1-9 have been proven. Seconded by Commissioner Niggemeyer. Motion passed.

Chairman Burke moved that violation of law in paragraph 10 have been proven. Seconded by Commissioner Niggemeyer. Motion passed.

Chairman Burke moved that the HOA within 30 days, send out notices to every homeowner and post flyers of a community “know your neighbor party”. The HOA is authorized to spend (not to exceed \$500) in food and beverages for a “know your neighbor party”, the \$500 would include the cost of advertising the party, set the party at least 2 weeks ahead of time, on a Sunday afternoon and notify the Division so they can have a staff member there to assist. Seconded by Commissioner Niggemeyer. Motion carried.

Chairman Burke moved to make an amendment to the previous order that the Association should come back before the Commission at the December meeting and give an update about the outcome of the “know your neighbor party”. Seconded by Commissioner Niggemeyer. Motion carried.

4-D) NRED v. Casa Rosa Homeowners Association, Sheila Matherly, for possible action

Case No. 2023-204

Type of Respondent: Board Member

Parties Present

Samuel Taylor, Deputy Attorney General, was present representing the Division.

Preliminary Matters

Mr. Taylor moved to admit the certificate of mailing and proof of mailing into the record.

Chairman Burke admitted certificate of mailing and proof of mailing into the record.

Mr. Taylor moved to admit the exhibits into the record.

Chairman Burke admitted the exhibits into the record.

Mr. Taylor moved to find the Respondents in default.

Chairman Burke moved to find the Respondents in default. Seconded by Commissioner Niggemeyer. Motion carried.

Chairman Burke moved that factual allegations 1-13 be deemed admitted. Seconded by Commissioner Niggemeyer. Motion carried.

Chairman Burke moved that violations of law 14-18 be deemed proven. Seconded by Commissioner Niggemeyer. Motion carried.

Mr. Taylor stated the recommended discipline should be \$2,500 per the five (5) violations, cost and fees of the Division and employ a new Community Association Manager (CAM).

Chairman Burke asked what other recommended discipline should be ordered by the Commission to the Association and to Ms. Matherly other than the monetary discipline?

Mr. Taylor stated there is a deficiency in the number of board members and they need to hire a new CAM.

State's Witness

Vanessa Ward testified.

Chairman Burke stated there are a plethora of items the Association has not done, the question is, what does the Division want the Commission to order.

Mr. Taylor stated he was not informed of any affirmative action from the Division other than the monetary fine, fees and costs.

Chairman Burke stated under the discipline authorized the administrative fine is up to \$1,000 for each violation not \$2,500 as previously stated.

Mr. Taylor stated that is correct and was an error on his part.

Terry Wheaton stated the Division is requesting a \$1,000 fine for each of the five (5) violations of law, to order an audit of the Association at the expense of the Association as well as a reserve study over the next 6 months as well as fees and costs of \$7,719.32 for the Divisions investigation.

Chairman Burke moved that the Respondents be jointly and severally responsible for the administrative fine of \$5,000 and be responsible for the fees and costs of \$7,719.32 both shall be paid within 90 days and the Association at its own costs perform an audit and reserve study over the course of the next 6 months.

Commissioner Morse Jarman asked if a process server can be used for cases where they refuse to accept Division mailings.

Chairman Burke stated it may not be good use of Division funds to utilize a process server for people who do not want to follow Division requests.

Chairman Burke stated there is a motion on the floor. Commissioner Niggemeyer seconded. Motion carried.

4-E) NRED v. Jose Estrada, for possible action

Case no. 2022-651

Type of Respondent: Board Member

Parties Present

Phil Su, Senior Deputy Attorney General, was present representing the Division.

Preliminary Matters

Mr. Su stated this would be a default action.

Mr. Su moved to admit the certificate of mailing and proof of mailing into the record.

Chairman Burke admitted certificate of mailing and proof of mailing into the record.

Mr. Su requested the Commission find Mr. Estrada in default.

Chairman Burke moved to find Mr. Estrada in default. Seconded by Commissioner Niggemeyer. Motion carried.

Mr. Su moved to admit the exhibits into the record.

Chairman Burke admitted the exhibits into the record.

Mr. Su read a summary of the facts and allegations into the record.

Chairman Burke moved that factual allegations 3-18 be deemed admitted. Seconded by Commissioner Lighthart. Motion carried.

Chairman Burke moved that violations of law 19-20 be deemed proven. Seconded by Commissioner Niggemeyer. Motion carried.

Mr. Su stated the recommended discipline is a \$1,000 fine per violation of law, there are two (2) violations of law, the Respondent be prohibited from running for any board position for ten (10) years and after that period he may only run upon condition he seeks approval from the Commission, he completes 12-hours of board member education first, and pay \$4,275.18 in fees and costs to the Division.

Chairman Burke moved that Mr. Estrada be fined \$2,000, pay fees and costs of \$4,275.18 due within 90 days, be prohibited from applying for or running for any board position for no less than ten (10) years and has paid the fees, costs and the administrative fine, seek permission from the

Commission to reapply to be a board member prior to doing so and take 12 hours of continuing education before serving on any HOA board. Seconded by Commissioner Bruner. Motion passed.

4-F thru 4-J) NRED v Diana D. Stegeman, for possible action
Case Nos. 2022-756, 2023-57, 2023-180, 2023-192 and 2023-450
Type of Respondent: Community Association Manager
License No. CAM 0009065 (Suspended)

Chairman Burke stated he is recusing himself from cases 4-F thru 4-J pursuant to NRS 233B.127.

4-I) NRED v Diana D. Stegeman, for possible action
Case No. 2023-192
Type of Respondent: Community Association Manager
License No. CAM 0009065 (Suspended)

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Preliminary Matters

Ms. Keegan read a summary of the case into the record.

Ms. Keegan moved for a default and permanent revocation of certificate.

Ms. Keegan moved to admit the certificate of mailing and proof of service into the record.

Commissioner Niggemeyer admitted certificate of service and proof of mailing into the record.

Commissioner Niggemeyer moved to find the Respondent in default.

Commissioner Niggemeyer moved that factual allegations 1-20 be deemed admitted. Seconded by Commissioner Bruner. Motion carried.

Commissioner Niggemeyer moved that violations of law 21-27 deemed admitted. Seconded by Commissioner Bruner. Motion carried.

Ms. Keegan stated the recommended discipline is revocation of Respondent's certificate, \$5,000 per violation of law there are seven (7) violations, pay restitution in the amount of \$18,214.28 to the Association, as well as Division costs and fees of \$8,764.47.

Commissioner Niggemeyer moved that the Respondent certificate be permanently revoked, fined \$35,000, pay restitution of \$18,214.28, and pay Division costs and fees of \$8,764.47 payable within 90 days. Seconded by Commissioner Heydarian. Motion carried.

4-G) NRED v Diana D. Stegeman, for possible action
Case No. 2023-57
Type of Respondent: Community Association Manager
License No. CAM 0009065 (Suspended)

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Preliminary Matters

Ms. Keegan read a summary of the case into the record.

Ms. Keegan moved for a default case.

Ms. Keegan moved to admit the certificate of mailing and proof of service into the record.

Commissioner Niggemeyer admitted certificate of mailing and proof of service into the record.

Ms. Keegan moved to find the Respondent in default and that factual allegations and violations of law have been proven.

Commissioner Niggemeyer moved to find the Respondent in default, factual allegations and violations of law have been proven. Seconded by Commissioner Morse Jarman. Motion carried.

Ms. Keegan stated the recommended discipline is revocation of Respondent's certificate, pay a \$250 administrative fine, \$2,500 fine per violation there are five (5) violations, as well as Division costs and fees of \$7,323.23.

Commissioner Niggemeyer moved that the Respondent certificate be permanently revoked, fined \$12,500, \$250 administrative fine and pay Division costs and fees of \$7,323.23 payable within 90 days. Seconded by Commissioner Bruner. Motion carried.

4-F) NRED v Diana D. Stegeman, for possible action
Case No. 2022-756
Type of Respondent: Community Association Manager
License No. CAM 0009065 (Suspended)

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Preliminary Matters

Ms. Keegan read a summary of the case into the record.

Ms. Keegan moved for a default case.

Ms. Keegan moved to admit the certificate of mailing and proof of service into the record.

Commissioner Niggemeyer moved to admit the certificate of mailing and proof of service into the record.

Ms. Keegan moved to find the Respondent in default and that the factual allegations and violation of law have been proven.

Commissioner Niggemeyer moved to find the Respondent in default, factual allegations 1-18 and violations of law 19-26 have been proven. Seconded by Commissioner Bruner. Motion carried.

Ms. Keegan stated the recommended discipline is revocation of Respondent's certificate, \$2,500 fine per violation there are eight (8) violations, as well as Division costs and fees of \$5,317.42.

Commissioner Niggemeyer moved that the Respondent certificate be permanently revoked, fined \$20,000, and pay Division costs and fees of \$5,317.42 payable within 90 days. Seconded by Commissioner Morse Jarman. Motion carried.

4-H) NRED v Diana D. Stegeman, for possible action

Case No. 2023-180

Type of Respondent: Community Association Manager

License No. CAM 0009065 (Suspended)

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Preliminary Matters

Ms. Keegan read a summary of the case into the record.

Ms. Keegan moved for a default case.

Ms. Keegan moved to admit the certificate of mailing and proof of service into the record.

Commissioner Niggemeyer moved that the respondent was properly served. Seconded by Commissioner Tomasso. Motion carried.

Ms. Keegan moved to find the Respondent in default and that the factual allegations and violations of law have been proven.

Commissioner Niggemeyer moved to find the Respondent in default, factual allegations 1-27 and violations of law 28-32 have been proven. Seconded by Commissioner Morse Jarman. Motion carried.

Ms. Keegan stated the recommended discipline is revocation of Respondent's certificate, \$2,500 fine per violation there are five (5) violations, as well as Division costs and fees of \$6,775.32.

Commissioner Niggemeyer moved that the Respondent certificate be permanently revoked, fined \$12,500, and pay Division costs and fees of \$6,775.32 payable within 90 days. Seconded by

Commissioner Heydarian. Motion carried.

4-J) NRED v Diana D. Stegeman, for possible action

Case No. 2023-450

Type of Respondent: Community Association Manager

License No. CAM 0009065 (Suspended)

Parties Present

Christal Keegan, Deputy Attorney General, was present representing the Division.

Preliminary Matters

Ms. Keegan read a summary of the case into the record.

Ms. Keegan moved for a default case.

Ms. Keegan moved to admit the certificate of mailing and proof of service into the record.

Commissioner Niggemeyer moved that the respondent was properly served. Seconded by Commissioner Heydarian. Motion carried.

Ms. Keegan moved to find the Respondent in default and that the factual allegations and violations of law have been proven.

Commissioner Niggemeyer moved to find the Respondent in default, factual allegations 1-8 and violations of law 9-17 have been proven. Seconded by Commissioner Morse Jarman. Motion carried.

Ms. Keegan stated the recommended discipline is revocation of Respondent's certificate, \$2,500 fine per violation there are nine (9) violations, as well as Division costs and fees of \$2,039.12.

Commissioner Niggemeyer moved that the Respondent certificate be permanently revoked, fined \$22,500, and pay Division costs and fees of \$2,039.12 payable within 90 days. Seconded by Commissioner Tomasso. Motion carried.

4-K) NRED v Keith Dempsey, for possible action

Case No. 2023-552

Type of Respondent: Board Member

Parties Present

Phil Su, Senior Deputy Attorney General, was present representing the Division.

Preliminary Matters

Mr. Su moved for a default case.

Mr. Su moved to admit the certificate of mailing and proof of service into the record.

Chairman Burke moved to admit the certificate of mailing and proof of service into the record.

Mr. Su stated in the complaint there is an error that is not material in nature that must be noted for the record, on paragraph 5 line 14, strike “against Respondent”. NAC 116.565.

Chairman Burke moved that the Respondent be found in default. Seconded by Commissioner Niggemeyer. Motion carried.

Chairman Burke moved that factual allegations 3-17 be deemed admitted. Seconded by Commissioner Niggemeyer. Motion carried.

Chairman Burke moved that violations of law 15-17 be deemed proven. Seconded by Commissioner Niggemeyer. Motion carried.

Mr. Su stated the recommended discipline a \$3,000 fine, division fees and costs of \$3,382.31, be paid within 90 days and removal of the Respondent from the board and respondent cannot run for a HOA board for a period of 10 years, after such time, must complete 12 hours of board member education first and must seek permission from the Commission to run for a HOA board position.

Commissioner Niggemeyer moved that Responded be removed from the board, cannot run for a HOA board position for a period of 10 years, after such time must complete 12 hours of board member education first and seek permission from the Commission to run for a HOA board position, pay \$3,000 fine and Division’s fees and costs of \$3,382.31. Seconded by Commissioner Morse Jarman. Motion carried.

6) FOR POSSIBLE ACTION: FOR DISCUSSION AND DECISION ON DATE, TIME, PLACE, AND AGENDA ITEMS FOR UPCOMING MEETING(S) INCLUDING SETTING THE MEETING CALENDAR FOR 2024.

December 12-14, 2023, next Commission meeting date.

5) FOR POSSIBLE ACTION: DISCUSSION AND DECISION REGARDING LICENSE DENIAL APPEAL PURSUANT TO NAC 116.140

Ann Neavill II, for possible action

File No. S-LDA-23-001

Parties Present

Susan Clark, was present representing the Division.

Ann Neavill, was present.

Edward Boyak, Esq., Attorney for Ms. Neavill.

Ms. Clark stated the reason for the license denial per NAC 116A.130.

Mr. Boyak made an opening statement.

Ms. Neavill made an opening statement.

The Commission questioned Ms. Neavill.

Tiara Lisk, a character witness, was questioned by the Commission.

Commission deliberated the license denial.

Mr. Boyak made a closing statement.

Trish Hall, a character witness, made a statement.

Chairman Burked moved to approve the Provisional Community Association Manager License for Ms. Neavill, extend the time under supervision to a minimum of 3 years and 4680 hours before applying for a regular Community Association Manager license. Seconded by Commissioner Bruner. Motion carried 6:1 with Commissioner Tomasso opposed.

7) Public Comment

Jan Porter stated she wanted to thank Commissioner Niggemeyer and Chairman Burke for their service on the Commission. Ms. Porter stated being a Commissioner is a thankless volunteer job that handles a lot of different things. Ms. Porter stated the last decision the board made was not the first time the Commission has heard this and acted honorably and made reasonable inquiries. Ms. Porter stated they do not come up very often and kudos to the Commission for taking it into consideration.

Commissioner Niggemeyer stated 6 years has gone by quickly and it has been an honor to have the greatest Chairman in the world. Commissioner Niggemeyer stated he wanted to echo what was said by the Administrator about having another Commissioner involved in the meeting process. Commissioner Niggemeyer stated you should be prepared to take over a meeting at any time if the need arises. Commissioner Niggemeyer stated he is thankful for the opportunity he has had for the last 6 years serving on the Commission, and anyone who has the opportunity to serve on a Commission should be honored.

Chairman Burke stated he echoed Commissioner Niggemeyer sentiment and is thankful to each one of us and stated, "it has been a pleasure". Chairman Burke stated if the Commission meeting is ever held in the North he may be in the audience. Chairman Burke stated it has been a pleasure and he has learned a lot.

Phil Michaelson stated he comes to these Commission meetings every time and what saddens him is that there are not many CAM's present to see what the Commission does. Mr. Michaelson stated every Commission meeting they are sanctioning CAM's and that is the sad part, and he does not know how to fix that problem. Mr. Michaelson stated he manages a small management company with 20 properties, and he does it the right way, and does not understand why CAM's think they can get away with breaking the law because they will eventually be caught. Mr. Michaelson stated that \$163,000 in fines and fees for one CAM is sadly pathetic. Mr. Michaelson stated he took over one of those properties and that particular board is doing it in the right way.

8) Adjournment

Meeting adjourned at 1:08 PM

Minutes prepared by:

Maria Gallo
Commission Coordinator

To Be Approved By Commission