1

2

3

4 5

5

6

7

8

VS.

9

10

11 12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

COMMUNITIES AND CONDOMINIUM HOTELS

STATE OF NEVADA

BEFORE THE COMMISSION FOR COMMON-INTEREST

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA,

Petitioner,

retitioner

SAPPHIRE SPRINGS HOMEOWNERS ASSOCIATION, (Entity Number E0006382006-0),

Respondent.

Case No. 2023-404

FILED

OCT 0 2 2023

NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

mgallo

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Commission for Common-Interest Communities and Condominium Hotels, State of Nevada (the "Commission") during a regular agenda set on a three-day stack beginning at 9:00 am on September 26, 2023 (the "Hearing."). No board members or unit owners of Sapphire Springs Homeowners Association ("RESPONDENT") appeared. RESPONDENT'S current supervisory community association manager ("CAM") Traci Wozniak (CAM.0000226-SUPR) of The Management Trust appeared. Christal P. Keegan, 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").

Mrs. Keegan presented testimony from Vanessa Ward, an investigator with the Division, regarding her investigation of the factual and legal allegations in the Division's Complaint against the RESPONDENT. Additional testimony was presented by the RESPONDENT'S CAM Ms. Wozniak who identified one volunteer board member, Don Ackerman, had since been obtained, and reported the Association was financially solvent.

2728

Therefore, the Commission, having considered the evidence introduced by the Division and being fully advised, enters the following Findings of Fact, Conclusions of Law, and Order. Under Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapter 116, the Commission has legal jurisdiction and authority over this matter.

FINDINGS OF FACT

Based on a preponderance of the evidence in the record and the documents admitted at the Hearing, the Commission unanimously voted to find the following factual allegations were proven:

- 1. At all times relevant to the Complaint, the Respondent's management company was The Management Trust. CICC005.
- 2. On or about January 3, 2023, the Division received the Respondent's Form 562 Annual Association Registration. *CICC001-CICC002*.
- 3. The Annual Association Registration form only showed one person on the Executive Board and no board directors. CICCO02.
- 4. On or about May 19, 2023, the Division was informed that the new CAM was Traci Wozniak (CAM.0000226-SUPR).
- 5. Therefore, the Division sent Respondent's management company's Supervising CAM Wozniak, and the sole board member Kevin Nguyen, a letter requesting information regarding its statutory deficiency requiring at least three board members. CICC027-CICC028.
- 6. The Supervising CAM Wozniak responded that there were no board members at all. CICC0024.
- 7. Further, the Supervising CAM Wozniak alleged that The Management Trust had attempted to fill the Respondent's board vacancies since 2021. CICC008-CICC019.
- 8. Despite recent efforts, it has not been successful in obtaining volunteers for the board. CICC008-CICC009, and CICC020-CICC026.