

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 & INDUSTRY, STATE OF  
6 NEVADA,

7                                   Petitioner,

8 vs.

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

11                                  Respondent.

Case No. 2023-190

**FILED**

**MAY 10 2023**

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

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12                                   **COMPLAINT FOR DISCIPLINARY**  
13                                   **ACTION AND NOTICE OF HEARING**

14           The Real Estate Division of the Department of Business and Industry, State of  
15 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of  
16 the State of Nevada, and Christal P. Keegan, Deputy Attorney General, hereby notifies  
17 YVONNE A. CULLIVER ("RESPONDENT") of an administrative hearing before the  
18 Commission for Common-Interest Communities and Condominium Hotels, State of  
19 Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and 116A of  
20 the Nevada Revised Statutes ("NRS") and Chapter 116 and 116A of the Nevada  
21 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations  
22 stated below and to determine if an administrative penalty will be imposed on the  
23 RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to  
24 NAC 116A.360.

25                                   **JURISDICTION AND NOTICE**

26           During all relevant times mentioned in this complaint, RESPONDENT held a  
27 community manager certificate from the Division (CAM.0007452) and is, therefore,  
28 subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and  
116A and NAC Chapters 116 and 116A. RESPONDENT'S certificate is currently in

1 “inactive” status.

2 **FACTUAL ALLEGATIONS**

3 1. At all times relevant to this Complaint, RESPONDENT was the Community  
4 Association Manager for Bonanza Park Homeowners Association (“Association”). *CICC*  
5 *008*.

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

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

10 4. On December 1, 2022, the Division sent the RESPONDENT a Request for  
11 response and/or information letter with a deadline of December 15, 2022. *CICC 001 –*  
12 *CICC 003, CICC 041 – CICC 045, and CICC 047*.

13 5. On December 5, 2022, the RESPONDENT confirmed receipt of the Division’s  
14 Request. *CICC 046*.

15 6. On December 15, 2022, the RESPONDENT did not respond.

16 7. Therefore, on or about December 23, 2022, the Division sent the  
17 RESPONDENT its Second Request for response and/or information letter with a deadline  
18 of January 10, 2023. *CICC 004 – CICC 006*.

19 8. On January 10, 2023, the RESPONDENT did not respond.

20 9. In its continued efforts, the Division reached out to the Association’s Board.  
21 *CICC 0016 – CICC 0020*.

22 10. The Association’s Executive Board made numerous requests for information  
23 upon the RESPONDENT but never received the documents. *CICC 0016 – CICC 0020,*  
24 *CICC 031, and CICC 011 – CICC 015*.

25 11. On March 3, 2023, the Association requested RESPONDENT’S resignation  
26 and noticed her termination date as March 31, 2023. *CICC 039*.

27 12. As relevant to this Complaint, the Association terminated RESPONDENT  
28 because she failed to prepare and/or produce financial audits after multiple requests from

1 the Association's homeowners and Board. *CICC 039.*

2 13. As relevant to this Complaint, the Association terminated RESPONDENT  
3 because she failed to respond to the Division. *CICC 039.*

4 14. On or about March 28, 2023, the Division sent a Request for Information to  
5 the RESPONDENT and the Association's Board with a deadline of April 12, 2023. *CICC*  
6 *032 – CICC 034, and CICC 041 – CICC 045.*

7 15. On April 12, 2023, the RESPONDENT did not respond to the Division's  
8 Request.

9 16. Therefore, on or about April 13, 2023, the Division sent another Request for  
10 Information to the RESPONDENT and the Association's Board with a deadline of April  
11 20, 2023. *CICC 035 – CICC 037, and CICC 054.*

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

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

### VIOLATIONS OF LAW

24 18. RESPONDENT violated NRS 116A.630(9) for failing to make the financial  
25 records of an Association available to the Division.

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

28 20. RESPONDENT violated NRS 116A.630(11) for failing, as the custodian of

1 records, to make financial records available to homeowners upon repeated written  
2 requests for such.

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

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

### 7 DISCIPLINE AUTHORIZED

8 Pursuant to the provisions of NAC 116A.360 the Commission has discretion to  
9 impose discipline as it deems appropriate, including, but not limited to one or more of the  
10 following actions:

- 11 (a) Revoke or suspend the certificate;
- 12 (b) Refuse to renew or reinstate the certificate;
- 13 (c) Place the community manager on probation;
- 14 (d) Issue a reprimand or censure to the community manager;
- 15 (e) Impose a fine of not more than \$5,000 for each violation of a statute or  
16 regulation;
- 17 (f) Require the community manager to pay restitution;
- 18 (g) Require the community manager to pay the costs of the investigation and  
19 hearing;
- 20 (h) Require the community manager to obtain additional education relating to  
21 the management of common-interest communities; and
- 22 (i) Take such other disciplinary action as the Commission deems appropriate.

23 The Commission may order one or any combination of the discipline described  
24 above.

### 25 NOTICE OF HEARING

26 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this  
27 Administrative Complaint against the above-named RESPONDENT in accordance with  
28 Chapters 233B and 116 and 116A of the Nevada Revised Statutes and Chapter 116 and  
116A of the Nevada Administrative Code.

1           **THE HEARING WILL TAKE PLACE** at the Commission meeting(s) scheduled  
2 for June 13 – June 15, 2023, beginning at approximately 9:00 a.m. each day, or until such  
3 time as the Commission concludes its business. The Commission meeting will be held at  
4 the Nevada State Business Center, 3300 W. Sahara Avenue, 4th Floor, Nevada Room,  
5 Las Vegas, Nevada 89102 with videoconferencing to Department of Business & Industry,  
6 Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706.

7           **STACKED CALENDAR: Your hearing is one of several hearings that may**  
8 **be scheduled at the same time as part of a regular meeting of the Commission**  
9 **that is expected to take place on June 13 – June 15, 2023. Thus, your hearing**  
10 **may be continued until later in the day or from day to day. It is your**  
11 **responsibility to be present when your case is called. If you are not present**  
12 **when your hearing is called, a default may be entered against you and the**  
13 **Commission may decide the case as if all allegations in the complaint were true.**  
14 **If you need to negotiate a more specific time for your hearing in advance**  
15 **because of coordination with an out of state witness or the like, please call**  
16 **Maria Gallo, Commission Coordinator, at (702) 486-4074.**

17           **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is  
18 an open meeting under Nevada’s open meeting law and may be attended by the public.  
19 After the evidence and arguments, the commission may conduct a closed meeting to  
20 discuss your alleged misconduct or professional competence. You are entitled to a copy of  
21 the transcript of the open and closed portions of the meeting, although you must pay for  
22 the transcription. As a RESPONDENT, you are specifically informed that you have the  
23 right to appear and be heard in your defense, either personally or through your counsel  
24 of choice. At the hearing, the Division has the burden of proving the allegations in the  
25 complaint and will call witnesses and present evidence against you. You have the right  
26 to respond and to present relevant evidence and argument on all issues involved. You  
27 have the right to call and examine witnesses, introduce exhibits, and cross-examine  
28 opposing witnesses on any matter relevant to the issues involved.

1 You have the right to request that the Commission issue subpoenas to compel  
2 witnesses to testify and/or evidence to be offered on your behalf. In making this request,  
3 you may be required to demonstrate the relevance of the witness's testimony and/or  
4 evidence. Other important rights and obligations, including your obligation to answer  
5 the complaint, you have are listed in NAC 116A.560 through NAC 116A.655, NRS  
6 Chapter 233B, and NRS Chapters 116 and 116A and NAC 116 and 116A.

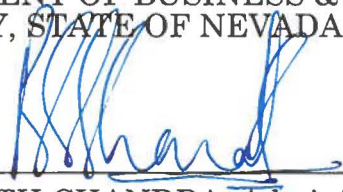
7 Note that under NAC 116A.585, not less than five (5) working days before a  
8 hearing, RESPONDENT must provide to the Division a copy of all reasonably available  
9 documents that are reasonably anticipated to be used to support his or her position, and  
10 a list of witnesses RESPONDENT intends to call at the time of the hearing. Failure to  
11 provide any document or to list a witness may result in the document or witness being  
12 excluded from RESPONDENT'S defense. The purpose of the hearing is to determine if  
13 the RESPONDENT has violated any of the provisions of NRS and NAC Chapters 116 and  
14 116A, and to determine what administrative penalty is to be assessed against  
15 RESPONDENT, if any, pursuant to NAC 116A.360.

16  
17 DATED this 9 day of May, 2023.

DATED this 9<sup>th</sup> day of May, 2023.

18 REAL ESTATE DIVISION,  
19 DEPARTMENT OF BUSINESS &  
INDUSTRY, STATE OF NEVADA

AARON D. FORD  
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