

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 Nevada,

7 Petitioner,

8 vs.

9 Sierra Ranchos Property Owners
10 Association, Sabrina Brin, Tony Boggs, and
11 Greg Mayer,

12 Respondents.

Case No. 2018-1663

FILED

JUL 29 2019

**NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS**



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

15 The Real Estate Division of the Department of Business and Industry, State of
16 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of
17 the State of Nevada, and Michelle D. Briggs, Senior Deputy Attorney General, hereby
18 notifies RESPONDENTS SIERRA RANCHOS PROPERTY OWNERS ASSOCIATION,
19 SABRINA BRIN, TONY BOGGS, AND GREG MAYER (hereinafter, "RESPONDENTS")
20 of an administrative hearing before the Commission for Common-Interest Communities
21 and Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters
22 233B and 116 of the Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada
23 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations
24 stated below and to determine if an administrative penalty will be imposed on the
25 RESPONDENTS pursuant to the provisions of NRS and NAC including, but not limited
26 to, NRS 116.785 and NRS 116.790.

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1 Association checks, preparing financial statements and delinquency reports,
2 participating in board meetings, preparing resale packages, and being the custodian of
3 the Association's records.

4 11. The Association transferred all of its reserve funds totaling \$15,000 to its
5 operating account in October and November 2017.

6 12. The Association imposed a special reserve assessment in 2018 and deposited
7 the funds in its operating account.

8 13. In 2019, the Association put \$10,672.15 in its reserve account.

9 14. The Association employs a homeowner, Don Lingle, to perform road grading
10 services and maintenance, but he is not a Nevada contractor licensed to provide those
11 services.

12 15. Mr. Lingle was paid over \$90,000 in two years from June 2016 to June 2018.

13 16. The Association's financial statements do not comply with NAC 116.451.

14 VIOLATIONS OF LAW

15 17. RESPONDENTS violated NRS 116.31153(2) by allowing a former board
16 member and the Association's bookkeeper to sign over 160 Association checks.

17 18. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(3)) by
18 failing to act in good faith and in the best interests of the Association when they
19 committed multiple acts or omissions which amount to incompetence, negligence or gross
20 negligence by failing to comply with Nevada law.

21 19. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(a)) by
22 failing to act in good faith and in the best interests of the Association when they failed to
23 keep informed of laws, regulations and developments relating to common-interest
24 communities.

25 20. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(d)) by
26 failing to act in good faith and in the best interests of the Association when they failed to
27 obtain bids from reputable service providers who possess the proper licensing before
28 purchasing any service for use by the Association.

1 Administration Section Manager, at (702) 486-4036.

2 YOUR RIGHTS AT THE HEARING: Except as mentioned below, the hearing is an
3 open meeting under Nevada's open meeting law, and may be attended by the public. After
4 the evidence and arguments, the commission may conduct a closed meeting to discuss
5 your alleged misconduct or professional competence. The proceeding will be audio
6 recorded. You are entitled to a copy of the transcript of the open and closed portions of
7 the meeting, although you must pay for the transcription.

8 As a RESPONDENT, you are specifically informed that you have the right to
9 appear and be heard in your defense, either personally or through your counsel of choice.
10 At the hearing, the Division has the burden of proving the allegations in the complaint
11 and will call witnesses and present evidence against you. You have the right to respond
12 and to present relevant evidence and argument on all issues involved. You have the right
13 to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses
14 on any matter relevant to the issues involved.

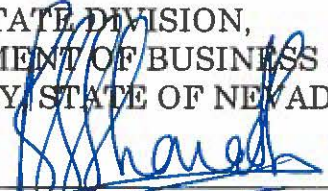
15 You have the right to request that the Commission issue subpoenas to compel
16 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
17 you may be required to demonstrate the relevance of the witness' testimony and/or
18 evidence. Other important rights and obligations, including your obligation to answer the
19 complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
20 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC
21 116.635 and NRS Chapter 233B.

22 Note that under NAC 116.575, not less than five (5) working days before a hearing,
23 RESPONDENTS must provide to the Division a copy of all reasonably available
24 documents that are reasonably anticipated to be used to support his position, and a list
25 of witnesses RESPONDENTS intend to call at the time of the hearing. Failure to provide
26 any document or to list a witness may result in the document or witness
27 being excluded from RESPONDENTS' defense. The purpose of the hearing is to
28 determine if the RESPONDENTS have violated the provisions of NRS 116, and to

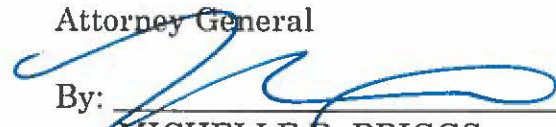
1 determine what administrative penalty is to be assessed against RESPONDENTS.

2 DATED: July 29, 2019.

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4 REAL ESTATE DIVISION,
5 DEPARTMENT OF BUSINESS &
6 INDUSTRY, STATE OF NEVADA

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