1	BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS STATE OF NEVADA	
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3	Sharath Chandra, Administrator,	Case No. 2018-1663
4	Real Estate Division, Department of	
5	Business & Industry, State of Nevada,	
6	Petitioner,	FILED
7	vs.	JUL 29 2019
8	Sierra Ranchos Property Owners	NEVADA COMMISSION OF COMMON INTEREST COMMUNITIES
9	Association, Sabrina Brin, Tony Boggs, and Greg Mayer,	AND CONDOMINIUM HOTELS
10	Respondents.	
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12	COMPLAINT FOR DISCIPLINARY ACTION AND NOTICE OF HEARING	
13	The Real Estate Division of the Department of Business and Industry, State of	
14	Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of	
15	the State of Nevada, and Michelle D. Briggs, Senior Deputy Attorney General, hereby	
16	notifies RESPONDENTS SIERRA RANCHOS PROPERTY OWNERS ASSOCIATION,	
17	SABRINA BRIN, TONY BOGGS, AND GREG MAYER (hereinafter, "RESPONDENTS")	
18	of an administrative hearing before the Commission for Common-Interest Communities	
19	and Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters	
20	233B and 116 of the Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada	
21	Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations	
22	Administrative Code (NAC). The purpose	of the hearing is to consider the allegations

stated below and to determine if an administrative penalty will be imposed on the RESPONDENTS pursuant to the provisions of NRS and NAC including, but not limited to, NRS 116.785 and NRS 116.790. ...

JURISDICTION AND NOTICE

1. During the relevant times mentioned in this complaint, RESPONDENTS SABRINA BRIN, TONY BOGGS, AND GREG MAYER served as board members and/or officers of SIERRA RANCHOS PROPERTY OWNERS ASSOCIATION (the "Association"), a common-interest community located in Reno, Nevada.

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2. **RESPONDENTS** are subject to the provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and are subject to the jurisdiction of the Division, and the Commission for Common-Interest Communities pursuant to the provisions of NRS 116.750.

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FACTUAL ALLEGATIONS

3. SIERRA RANCHOS PROPERTY OWNERS 12 ASSOCIATION (the "Association"), is a self-managed, planned community consisting of 197 units. 13

> 4. The Association has an annual budget of \$50,880.

5. 15 The Association submitted checks to the Division with signatures from a prior board member, Roger Seifert, and the Association's bookkeeper, Joy Marvin. 16

17 6. The Division initiated an investigation against the Association and its board 18 members.

7. Joy Marvin signed over 160 Association checks from June 2016 to June 2018 19 and was paid \$425 a month. 20

8. Mr. Seifert agreed to step down from the board to resolve a disciplinary case 21 before this Commission in June 2016, but he continued to sign checks through March 22 2018. 23

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9. The Association's attorney responded to the Division saving:

The Association is self-managed and was unaware of the limitations and requirements regarding the signing of checks.

The Association's records show that the Association's bookkeeper performs 10. 27 28 the services of a community manager, including without limitation, by signing

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

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

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

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

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

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

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

VIOLATIONS OF LAW

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

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

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

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

1 21. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(e)) by 2 failing to act in good faith and in the best interests of the Association when they failed to 3 consult with appropriate professionals as necessary before making any major decision 4 affecting the Association or the common elements.

22. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(g)) by failing to act in good faith and in the best interests of the Association by failing to maintain current, accurate and properly documented financial records.

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8 23. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(j)) by 9 failing to act in good faith and in the best interests of the Association by failing to prepare 10 interim and annual financial statements that will allow the Division, the executive board, 11 the units' owners to determine whether the financial position of the association is fairly 12 presented in accordance with the provisions of NAC 116.451.

DISCIPLINE AUTHORIZED

Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
15 || 116.790 the Commission has discretion to take any or all of the following actions:

16 1. Issue an order directing RESPONDENT to cease and desist from continuing
17 to engage in the unlawful conduct that resulted in the violation.

18 2. Issue an order directing RESPONDENT to take affirmative action to correct
19 any conditions resulting from the violation.

3. Impose an administrative fine of up to \$1,000 for each violation by
RESPONDENT.

4. IF RESPONDENTS ARE FOUND TO HAVE KNOWINGLY AND
WILLFULLY COMMITTED A VIOLATION of NRS or NAC 116 AND it is in the best
interest of the Association, such RESPONDENTS may be removed from his/her position
as a director and/or officer.

5. Order an audit of the ASSOCIATION, at the expense of the ASSOCIATION.
6. Require the BOARD MEMBERS to hire a community manager who holds a certificate.

7. Require RESPONDENTS to pay the costs of the proceedings incurred by the Division, including, without limitation, the cost of the investigation and reasonable attorney's fees.

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8. Take whatever further disciplinary action as the Commission deems
appropriate.

The Commission may order one or any combination of the discipline described above. If the Commission finds that the RESPONDENTS knowingly and willfully violated the provisions of NRS or NAC 116, the Commission may order that RESPONDENTS be personally liable for all fines and costs imposed.

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE at the Commission meeting scheduled for
September 17-19, 2019, beginning at approximately 9:00 a.m. each day, or until such time
as the Commission concludes its business. The Commission meeting will be held at the
Nevada Division of Insurance at 1818 East College Parkway, Suite 103, Carson City,
Nevada 89706, with video conferencing at the Nevada State Business Center at 3300 West
Sahara Ave., Fourth Floor, Nevada Room, Las Vegas, Nevada 89102.

21 STACKED CALENDAR: Your hearing is one of several hearings that may be 22 scheduled at the same time as part of a regular meeting of the Commission that is 23 expected to take place on September 17-19, 2019. Thus, your hearing may be continued 24 until later in the day or from day to day. It is your responsibility to be present when your 25 case is called. If you are not present when your hearing is called, a default may be entered 26against you and the Commission may decide the case as if all allegations in the complaint 27 were true. If you need to negotiate a more specific time for your hearing in advance 28 because of coordination with out of state witnesses or the like, please call Jan Unger,

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

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

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

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

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

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1 determine what administrative penalty is to be assessed against RESPONDENTS. DATED: July _____, 2019. 2 3 REAL ESTAT SION, 4 DEPARTME BUSINI S & 5 INDUSTRY STATE OF NEWADA 0 6 By:_ CHANDRA, Administrator SHARA 7 3300 W. Sahara Ave. Ste 350 8 Las Vegas, Nevada 89102 (702) 486-4033 9 AARON D. FORD 10 Attorney General 11 By: 12 MICHELLE D. BRIGGS Senior Deputy Attorney General 13 555 E. Washington Ave. Ste 3900 14 Las Vegas, Nevada 89101 (702) 486-3420 15 Attorneys for Real Estate Division 16 17 18 19 20 21 22 23 24 25 26 27 28