

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 Michael Steven Skahill,

10 Respondent.

Case No. 2022-508

FILED

MAY 12 2023

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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11 **COMPLAINT FOR DISCIPLINARY
12 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 Phil W. Su, Senior Deputy Attorney General, hereby notifies
16 Michael Steven Skahill ("Skahill" and/or "RESPONDENT") of an administrative hearing
17 before the Commission for Common-Interest Communities and Condominium Hotels,
18 State of Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and
19 116A of the Nevada Revised Statutes ("NRS") and Chapter 116 and 116A of the Nevada
20 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations
21 stated below and to determine if an administrative penalty will be imposed on the
22 RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to,
23 NAC 116A.360.

24 **JURISDICTION AND NOTICE**

25 During all relevant times mentioned in this complaint, RESPONDENT held an
26 active supervising community manager certificate from the Division (CAM.0007489-
27 SUPR) and is, therefore, subject to the jurisdiction of the Division and the provisions of
28 NRS Chapters 116 and 116A and NAC Chapters 116 and 116A.

...

FACTUAL ALLEGATIONS

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2 1. At all times relevant herein, RESPONDENT held a supervisory community
3 manager certificate from the Division (CAM.0007489-SUPR). [NRED 0001]

4 2. At all times relevant herein, the RESPONDENT was employed with AMS
5 Management Group, Inc. [NRED 0001]

6 3. At all times relevant herein, the RESPONDENT was the community
7 manager for Las Brisas Apartment Homes Community Association (“the Association”).
8 [NRED 0002-0011]

9 4. In a July 26, 2022, notice of investigation letter, the Division informed
10 RESPONDENT of a potential statutory violation in permitting a non-unit owner, Jose
11 Estrada, to serve as a member of the Association’s executive board. [NRED 0015-0017]

12 5. The Division also requested Association records, in the form of meeting
13 minutes, bank statements, and checks, from January 2019 through the date of the July
14 26, 2022, letter. [NRED 0015-0017]

15 6. RESPONDENT did not provide a response to the July 2022 letter or provide
16 the requested documents.

17 7. The Division sent a follow-up letter to RESPONDENT dated August 29, 2022,
18 reiterating its requests pursuant to its investigation. [NRED 0018-0020]

19 8. RESPONDENT did not provide a response to the August 2022 letter or
20 provide the requested documents.

21 9. The Association’s Annual Association Registration documents filed by
22 RESPONDENT on behalf of the Association in 2017, 2018, 2019, and 2020, indicate that
23 Jose Estrada, residing at 1440 E. Vegas Valley Dr. Unit #15, Las Vegas, NV 89146, served
24 as an executive board member. [NRED 0002-0011]

25 10. The parcel ownership history of 1440 E. Vegas Valley Dr, Unit #15, Las
26 Vegas, 89146, APN 162-11-213-015, as set forth on the Clark County Assessor’s website,
27 shows that Jose Estrada was no longer owner of record of the #15 unit as of October 12,
28 2016. [NRED 0012]

1 11. On or about November 2, 2022, the Division properly notified RESPONDENT
2 it intended to file a complaint against him for disciplinary action before the Commission.

3 **VIOLATIONS OF LAW**

4 1. RESPONDENT violated NRS 116A.630(1)(b) pursuant to NAC
5 116A.355(3)(a) by failing to exercise ordinary and reasonable care in the performance of
6 his duties when RESPONDENT allowed a non-unit owner to serve as an executive board
7 member of the Association from 2017 through 2020.

8 2. RESPONDENT violated NRS 116A.630(9) pursuant to NAC 116A.355
9 (2)(a)(3) and 2(f) when he failed to make financial records for the Association available for
10 inspection by the Division in accordance with applicable laws and regulations.

11 3. RESPONDENT violated NRS 116A.640(2)(a) by impeding and interfering
12 with an investigation by the Division by failing to comply with the Division's requests to
13 provide the Association's records and by failing to respond to the Division regarding its
14 request for the records.

15 **DISCIPLINE AUTHORIZED**

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

- 19 1. Revoke or suspend the certificate;
- 20 2. Refuse to renew or reinstate the certificate;
- 21 3. Place the community manager on probation;
- 22 4. Issue a reprimand or censure to the community manager;
- 23 5. Impose a fine of not more than \$5,000 for each violation of a statute or
24 regulation;
- 25 6. Require the community manager to pay restitution;
- 26 7. Require the community manager to pay the costs of the investigation and
27 hearing;
- 28 8. Require the community manager to obtain additional education relating to

1 the management of common-interest communities; and

2 9. Take such other disciplinary action as the Commission deems appropriate.

3 The Commission may order one or any combination of the discipline described
4 above.

5 **NOTICE OF HEARING**

6 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider this
7 Administrative Complaint against the above-named RESPONDENT in accordance with
8 Chapters 233B and 116 and 116A of the Nevada Revised Statutes and Chapter 116 and
9 116A of the Nevada Administrative Code.

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

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

26 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is
27 an open meeting under Nevada’s open meeting law and may be attended by the public.
28 After the evidence and arguments, the commission may conduct a closed meeting to

1 discuss your alleged misconduct or professional competence. You are entitled to a copy of
2 the transcript of the open and closed portions of the meeting, although you must pay for
3 the transcription. As a RESPONDENT, you are specifically informed that you have the
4 right to appear and be heard in your defense, either personally or through your counsel of
5 choice. At the hearing, the Division has the burden of proving the allegations in the
6 complaint and will call witnesses and present evidence against you. You have the right to
7 respond and to present relevant evidence and argument on all issues involved. You have
8 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
9 witnesses on any matter relevant to the issues involved.

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


16 Note that under NAC 116A.585, not less than five (5) working days before a hearing,
17 RESPONDENT must provide to the Division a copy of all reasonably available documents
18 that are reasonably anticipated to be used to support his or her position, and a list of
19 witnesses RESPONDENT intends to call at the time of the hearing. Failure to provide any
20 document or to list a witness may result in the document or witness being excluded from
21 RESPONDENT'S defense. The purpose of the hearing is to determine if the
22 RESPONDENT has violated any of the provisions of NRS and NAC Chapters 116 and

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1 116A, and to determine what administrative penalty is to be assessed against
2 RESPONDENT, if any, pursuant to NAC 116A.360.

3 DATED this 11 day of May, 2023.

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

7
8 By: 
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13 AARON D. FORD
14 Attorney General

15 By: /s/ Phil W. Su
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