

1 BEFORE THE COMMISSION FOR COMMON-INTEREST
2 COMMUNITIES AND CONDOMINIUM HOTELS
 STATE OF NEVADA

3 Sharath Chandra, Administrator,
4 Real Estate Division, Department of
5 Business & Industry, State of Nevada,

6 Petitioner,

7 vs.

8 Villager Townhouses Association, Erica
9 Darke, Ellen Dauscher,

10 Respondents.

Case No. 2021-1032

FILED

NOV 02 2022

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mgallo

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 Virginia T. Tomova, Deputy Attorney General, hereby notifies
16 RESPONDENTS VILLAGER TOWNHOUSES ASSOCIATION, ("Association"), ERICA
17 DARKE and ELLEN DAUSCHER (collectively, "RESPONDENTS") of an administrative
18 hearing before the Commission for Common-Interest Communities and Condominium
19 Hotels, State of Nevada, which is to be held pursuant to Chapters 233B and 116 of the
20 Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada Administrative Code
21 ("NAC"). The purpose of the hearing is to consider the allegations stated below and to
22 determine if an administrative penalty will be imposed on the RESPONDENTS pursuant
23 to the provisions of NRS and NAC including, but not limited to, NRS 116.785 and NRS
24 116.790.

25 **JURISDICTION AND NOTICE**

26 1. During the relevant times mentioned in this complaint, RESPONDENTS
27 ERICA DARKE and ELLEN DAUSCHER served as board members and/or officers of
28 VILLAGER TOWNHOUSES ASSOCIATION (the "Association"), a common-interest
community located in Las Vegas, Nevada.

1 10. The Association failed to provide the requested documents.

2 11. On or about November 24, 2021, the Division sent its second request for
3 information to the Association. Bates Nos. CICC 0004-0006.

4 12. The Association was given until December 4, 2021 to provide the requested
5 information. Bates Nos. CICC 0004-0006.

6 13. The Association failed again to provide the requested documents for a second
7 time.

8 14. On or about January 7, 2022, the Division sent its third request for
9 information to the Association. Bates Nos. CICC 0007-0009.

10 15. The Association was given until January 17, 2022 to provide the requested
11 documents. Bates Nos. CICC 0007-0009.

12 16. The Association failed to provide the requested documents for a third time.

13 17. On or about March 10, 2022, the Division sent its fourth request for
14 documents to the Association. Bates Nos. CICC 0010-0012.

15 18. The fourth request for documents was sent to the RESPONDENTS and they
16 were given until March 20, 2022, to provide the requested documents. Bates Nos. CICC
17 0010-0012.

18 19. The Association failed again to produce the requested documents for a fourth
19 time.

20 20. On or about May 5, 2022, the Division sent its fifth request for requested
21 documents to the Association. Bates Nos. CICC 0013-0015.

22 21. The Association failed to provide the requested documents for a fifth time in
23 a row.

24 22. On or about June 3, 2022, the Division properly notified the Association and
25 the board that it will commence a disciplinary action by filing a Complaint for a hearing
26 before the Commission. Bates Nos. CICC 0016-0017.

27 23. No Board member provided a response to the Division regarding the
28 allegations.

1 24. No Board member has provided the requested documents to the Division.

2 25. As of the date of filing of this complaint, the Association is not in good
3 standing with the Division and the Secretary of State.

4 **VIOLATIONS OF LAW**

5 26. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(3)) by failing
6 to act in good faith and in the best interests of the Association when they committed an
7 act or omission which amounts to incompetence, negligence or gross negligence by failing
8 to comply with Nevada law.

9 27. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(a)) by
10 failing to act in good faith and in the best interests of the Association when they failed to
11 cause the Association to comply with all state laws and the governing documents of the
12 Association.

13 28. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(5)(a)) by
14 impeding or otherwise interfering with an investigation of the Division by failing to comply
15 with a request by the Division to provide information or documents.

16 29. RESPONDENTS violated NRS 116.3103 through NAC 116.405 by failing to
17 submit and to file the required annual registration fees and forms for the Association with
18 the Ombudsman's office.

19 **DISCIPLINE AUTHORIZED**

20 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
21 116.790 the Commission has discretion to take any or all of the following actions:

22 1. Issue an order directing RESPONDENTS to cease and desist from continuing
23 to engage in the unlawful conduct that resulted in the violation.

24 2. Issue an order directing RESPONDENTS to take affirmative action to correct
25 any conditions resulting from the violation.

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

28 . . .

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

5 5. Order an audit of the ASSOCIATION, at the expense of the ASSOCIATION.

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

9 7. Take whatever further disciplinary action as the Commission deems
10 appropriate.

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

15 NOTICE OF HEARING

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

20 THE HEARING WILL TAKE PLACE at the Commission meeting(s)
21 scheduled for December 6 – December 8, 2022, beginning at approximately 9:00
22 a.m. each day, or until such time as the Commission concludes its business. The
23 Commission meeting will be held at the Nevada State Business Center, 3300 W.
24 Sahara Avenue, 4th Floor, Nevada Room, Las Vegas, Nevada 89102 or virtually
25 through Webex. To join the hearing virtually, go to the website Webex.com and
26 enter the Meeting ID and Password:

1 **DIAL-IN NUMBER: (844) 621-3956 or Webex.com**

2 **TUESDAY, DECEMBER 6, 2022**

3 **1-844-621-3956 Access Code/Meeting Number: 2494 526 1865##**

4 **or**

5 **Webex.com**

6 **Meeting Number: 2494 526 1865 Meeting Password: F6MkbJMgC37**

7 **WEDNESDAY, DECEMBER 7, 2022**

8 **1-844-621-3956 Access Code/Meeting Number: 2499 735 4848##**

9 **or**

10 **Webex.com**

11 **Meeting Number: 2499 735 4848 Meeting Password: ueMpHR2ra27**

12 **THURSDAY, DECEMBER 8, 2022**

13 **1-844-621-3956 Access Code/Meeting Number: 2494 336 6189##**

14 **or**

15 **Webex.com**

16 **Meeting Number: 2494 336 6189 Meeting Password: Etmk5FqTW82**

17 If you do not have internet access, you may attend by phone at (844) 621-3956.
18 Some mobile devices may ask attendees to enter a numeric meeting password provided
19 above. If you would like an email containing this information or a direct link for the
20 virtual meeting, before the hearing, please contact Maria Gallo, Commission Coordinator,
21 at (702) 486-4074 or mgallo@red.nv.gov.

22 **STACKED CALENDAR: Your hearing is one of several hearings that may**
23 **be scheduled at the same time as part of a regular meeting of the Commission**
24 **that is expected to take place on December 6-8, 2022. Thus, your hearing may be**
25 **continued until later in the day or from day to day. It is your responsibility to**
26 **be present when your case is called. If you are not present when your hearing is**
27 **called, a default may be entered against you and the Commission may decide the**
28 **case as if all allegations in the complaint were true. If you need to negotiate a**
more specific time for your hearing in advance because of coordination with out
of state witnesses or the like, please call Maria Gallo, Commission Coordinator,
at (702) 486-4074.

YOUR RIGHTS AT THE HEARING: Except as mentioned below, the hearing is

1 an open meeting under Nevada's open meeting law, and may be attended by the public.
2 After the evidence and arguments, the commission may conduct a closed meeting to
3 discuss your alleged misconduct or professional competence. You are entitled to a copy of
4 the transcript of the open and closed portions of the meeting, although you must pay for
5 the transcription.

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

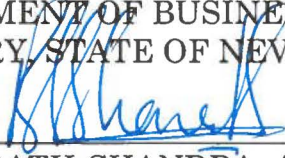
13 You have the right to request that the Commission issue subpoenas to compel
14 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
15 you may be required to demonstrate the relevance of the witness' testimony and/or
16 evidence. Other important rights and obligations, including your obligation to answer the
17 complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
18 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC
19 116.635 and NRS Chapter 233B. Note that under NAC 116.575, not less than five (5)
20 working days before a hearing, RESPONDENTS must provide to the Division a copy of all
21 reasonably available documents that are reasonably anticipated to be used to support his
22 position, and a list of witnesses RESPONDENTS intend to call at the time of the hearing.
23 Failure to provide any document or to list a witness may result in the document or witness
24 being excluded from RESPONDENTS' defense. The purpose of the hearing is to determine

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28 ...

1 if the RESPONDENTS have violated the provisions of NRS 116, and to determine what
2 administrative penalty is to be assessed against RESPONDENTS.

3 DATED this 2 day of November, 2022.

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

7 By: 
8 SHARATH CHANDRA, Administrator
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12 AARON D. FORD
13 Attorney General

14 By: /s/ *Virginia T. Tomova*
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