

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

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

Petitioner,

vs.

Jose Estrada,

Respondent.

Case No. 2022-651

FILED

AUG 25 2023

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

The Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Phil W. Su, Senior Deputy Attorney General, hereby notifies JOSE ESTRADA ("Estrada" and/or "RESPONDENT") of an administrative hearing before the Commission for Common-Interest Communities and Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters 233B and 116 of the Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada 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 RESPONDENT 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 all relevant times mentioned in this complaint, RESPONDENT Jose Estrada served as a member and/or officer of LAS BRISAS APARTMENT HOMES COMMUNITY ASSOCIATION ("Association"), a common-interest community located in Las Vegas, Nevada.

2. RESPONDENT is subject to the provisions of Chapters 116 of the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter

1 collectively referred to as “NRS 116”) and is subject to the jurisdiction of the Division and
2 the Commission for Common-Interest Communities and Condominium Hotels pursuant
3 to the provisions of NRS 116.750.

4 **FACTUAL ALLEGATIONS**

5 3. At all relevant times herein, the Association is comprised of a 48-unit
6 community located in Las Vegas, Nevada. [NRED 0015-0026]

7 4. On September 21, 2022, the Division informed the RESPONDENT that it
8 had initiated an investigation against him under Case No. 2022-651. [NRED 0001-0003].

9 5. The investigation concerned allegations that while serving as a member of
10 the Association’s executive board, RESPONDENT gained personal profit by facilitating
11 work for Unlimited Contracting, a paid vendor for the Association with which the
12 RESPONDENT had an employment and/or financial interest. [NRED 0001-0003].

13 6. The Division requested documentation from RESPONDENT, including
14 invoices from Unlimited Contracting to the Association during the period of January 2018
15 through August 2022; contracts between Unlimited Contracting and the Association; and
16 checks paid by the Association to Unlimited Contracting. [NRED 0001-0003].

17 7. RESPONDENT did not provide a response to the September 2022 letter, or
18 the documents requested therein.

19 8. Follow-up letters dated October 4, 2022; October 19, 2022; and November 8,
20 2022, were also sent to the RESPONDENT. [NRED 0004-0012]

21 9. RESPONDENT also did not provide responses to those follow-up letters.

22 10. The Association’s Annual Association Registration documents filed by the
23 Association’s Community Manager, Michael Skahill, on behalf of the Association in 2017,
24 2018, 2019, and 2020, indicate that RESPONDENT, residing at 1440 E. Vegas Valley Dr.
25 Unit #15, Las Vegas, NV 89146, was registered with the Division as an executive board
26 member of the Association. [NRED 0015-0024]

27 11. The parcel ownership history of 1440 E. Vegas Valley Dr, Unit #15, Las
28 Vegas, 89146, APN 162-11-213-015, (“the #15 Unit”) as set forth on the Clark County

1 Assessor's website, shows that Jose Estrada was no longer owner of record of the #15 unit
2 as of October 12, 2016. [NRED 0027-0030]

3 12. A Grant Bargain and Sale Deed for the #15 Unit recorded on October 12,
4 2016, showing that RESPONDENT conveyed his interest in the property to "Claudia
5 Margarita Menjivar, as sole and separate." [sic] [NRED 0031-0044]

6 13. Despite no longer owning a unit in the Association, RESPONDENT served
7 as an Association executive board member from 2017-2020. [NRED 0015-0024]

8 14. During the 2017-2020 period during which RESPONDENT served as an
9 Association executive board member, he was also the Manager and/or Registered Agent
10 of Unlimited Contracting, LLC, an entity which serviced the Association community.
11 [NRED 0048-0051].

12 15. As Manager for Unlimited Contracting, LLC, RESPONDENT had the
13 authority to enter into service agreements with the Association. For example,
14 RESPONDENT, on behalf of Unlimited Contracting, LLC, entered into a one-year
15 landscaping contract effective September 6, 2012, through September 6, 2013. [NRED
16 0052].

17 16. Association checks made payable to Unlimited Contracting, LLC, from June
18 15, 2017, through October 16, 2019, showed that the Association paid approximately
19 \$59,523.00 to Unlimited Contracting, LLC during that timeframe for services ranging
20 from hot water heater work to landscaping services. [NRED 0053-0079].

21 17. On or about September 7, 2022, Unlimited Contracting, LLC informed the
22 Association's manager, Michelle Tagata, that it would be changing its name to
23 Mayorganic Maintenance and Repairs, LLC, with registered agent Claudia M. Menjivar.
24 [NRED 0080-0082].

25 18. On or about February 16, 2023, the Division properly notified
26 RESPONDENT that it intended to bring a disciplinary action against him for a hearing
27 before the Commission. [NRED 0083-0084].

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1 **VIOLATIONS OF LAW**

2 19. RESPONDENT violated NRS 116.31034(10) through NAC 116.405(3) by
3 seeking candidacy for membership and/or serving as a member of the Association's
4 executive board while simultaneously standing to gain personal profit or compensation of
5 any kind from matter(s) before the executive board.

6 20. RESPONDENT violated NRS 116.3103 through NAC 116.405(5)(a) by
7 impeding or otherwise interfering with the Division's investigation by failing to comply
8 with requests by the Division to provide information or documents during its
9 investigation.

10 **DISCIPLINE AUTHORIZED**

11 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
12 116.790 the Commission has discretion to take any, or all, of the following actions:

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

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

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

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

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

24 6. Require RESPONDENT to pay the costs of the proceedings incurred by the
25 Division, including, without limitation, the cost of the investigation and reasonable
26 attorney's fees.

27 7. Take whatever further disciplinary action the Commission deems
28 appropriate.

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

5 NOTICE OF HEARING

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

10 THE HEARING WILL TAKE PLACE at the Commission meeting(s)
11 scheduled for September 26-28, 2023, beginning at approximately 9:00 a.m. each
12 day, or until such time as the Commission concludes its business. The
13 Commission meeting will be held at the Nevada State Business Center, 3300 West
14 Sahara Avenue, 4th Floor - Nevada Room, Las Vegas, Nevada 89102, with
15 videoconferencing to the Nevada Division of Insurance, 1818 E. College Parkway,
16 Suite 103, Carson City, Nevada 89706.

17 STACKED CALENDAR: Your hearing is one of several hearings scheduled
18 at the same time as part of a regular meeting of the Commission that is expected
19 to last from September 26, 2023, through September 28, 2023, or earlier if the
20 business of the Commission is concluded. Thus, your hearing may be continued
21 until later in the day or from day to day. It is your responsibility to be present
22 when your case is called. If you are not present when your hearing is called, a
23 default may be entered against you and the Commission may decide the case as
24 if all allegations in the complaint were true. If you need to negotiate a more
25 specific time for your hearing in advance because of coordination with an out of
26 state witness or the like, please call Maria Gallo, Commission Coordinator at
27 (702) 486-4074.

28 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an

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

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


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

18 Please note that under NAC 116.575, not less than five (5) working days prior to a
19 hearing, RESPONDENTS must provide to the Division a copy of all reasonably available
20 documents that are reasonably anticipated to be used in support of their position, and a list
21 of witnesses RESPONDENTS intend to call, including: (1) the name of the witness; (2) the
22 company for whom the witness works and the title of the witness; and (3) a brief summary
23 of the expected testimony of the witness. Failure to provide any document or witness
24 information may result in the document or witness being excluded from your defense.

25 The purpose of the hearing is to determine if the RESPONDENT has violated NRS
26 Chapter 116 and/or NAC Chapter 116 and if the allegations contained herein are
27 substantially proven by the evidence presented and to further determine what
28 administrative penalty is to be assessed against the RESPONDENT, if any.

1 DATED this 24 day of August, 2023.

2 REAL ESTATE DIVISION,
3 DEPARTMENT OF BUSINESS &
4 INDUSTRY, STATE OF NEVADA

5
6 By: 
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