

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

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY, STATE OF
6 NEVADA,

 Petitioner,

7 vs.

8 DIANA D. STEGEMAN,
9 (CAM.0009065)

 Respondent.

Case No. 2023-57

FILED

MAY 09 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 Christal P. Keegan, Deputy Attorney General, hereby notifies
16 DIANA D. STEGEMAN ("RESPONDENT") of an administrative hearing before the
17 Commission for Common-Interest Communities and Condominium Hotels, State of
18 Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and 116A of
19 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 a
26 community manager certificate from the Division (CAM.0009065) and is, therefore,
27 subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and
28 116A and NAC Chapters 116 and 116A. RESPONDENT'S certificate is currently in

1 “active” status.

2 **FACTUAL ALLEGATIONS**

3 1. RESPONDENT is the Community Association Manager for Desert Trails
4 Property Owners Association (“Association”). *CICC 001.*

5 2. At all times relevant to this Complaint, the RESPONDENT’S community
6 manager certificate was expired from October 1, 2022 through January 27, 2023. *CICC*
7 *001.*

8 3. While RESPONDENT’S license was expired, her company Heritage
9 Management Group, L.L.C. was paid (“Management Company”). *CICC 008 – CICC 009.*

10 4. On or about February 2, 2023, the Division sent the RESPONDENT a
11 Request for response and/or information letter due by February 16, 2023. *CICC 001 –*
12 *CICC 002, and CICC 020.*

13 5. The RESPONDENT did not respond and/or provide information to the
14 Division by February 16, 2023.

15 6. On or about February 27, 2023, the Division issued the RESPONDENT with
16 a Notice of Violation with imposition of an administrative fine in the amount of \$250.00
17 due by April 15, 2023. *CICC003 – CICC015.*

18 7. The RESPONDENT did not pay her administrative fine to the Division by
19 April 15, 2023.

20 8. Shortly thereafter, the Division sent the RESPONDENT reminders that her
21 payment was past due. *CICC 018 - CICC 019, and CICC 021.*

22 9. As of April 25, 2023, the RESPONDENT has not paid her administrative
23 fine nor responded to the Division. *CICC 017.*

24 **VIOLATIONS OF LAW**

25 10. RESPONDENT violated NRS 116A.400 when she acted as a community
26 manager with an expired certificate.

27 11. RESPONDENT violated NRS 116A.630(1)(b) for failing to exercise ordinary
28 and reasonable care when she failed to renew her certificate, and accepted payment from

1 the Association during that period of non-renewal status.

2 12. RESPONDENT violated NAC 116A.355(2)(f) when she failed to cooperate
3 with the Division's requests for a response and/or production of documents.

4 13. RESPONDENT violated NRS 116A.640(2)(a) for impeding the Division's
5 investigation by failing to comply with requests to provide documents.

6 14. RESPONDENT violated NAC 116A.355(1)(a)(1) and (2) by engaging in
7 unprofessional conduct and professional incompetence by failing to pay and/or respond to
8 the Division's administrative fine.

9 DISCIPLINE AUTHORIZED

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

- 13 (a) Revoke or suspend the certificate;
- 14 (b) Refuse to renew or reinstate the certificate;
- 15 (c) Place the community manager on probation;
- 16 (d) Issue a reprimand or censure to the community manager;
- 17 (e) Impose a fine of not more than \$5,000 for each violation of a statute or
18 regulation;
- 19 (f) Require the community manager to pay restitution;
- 20 (g) Require the community manager to pay the costs of the investigation and
21 hearing;
- 22 (h) Require the community manager to obtain additional education relating to
23 the management of common-interest communities; and
- 24 (i) Take such other disciplinary action as the Commission deems appropriate.

25 The Commission may order one or any combination of the discipline described
26 above.

27 NOTICE OF HEARING

28 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider this
Administrative Complaint against the above-named RESPONDENT in accordance with

1 Chapters 233B and 116 and 116A of the Nevada Revised Statutes and Chapter 116 and
2 116A of the Nevada Administrative Code.

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

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

19 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is
20 an open meeting under Nevada’s open meeting law and may be attended by the public.
21 After the evidence and arguments, the commission may conduct a closed meeting to
22 discuss your alleged misconduct or professional competence. You are entitled to a copy of
23 the transcript of the open and closed portions of the meeting, although you must pay for
24 the transcription. As a RESPONDENT, you are specifically informed that you have the
25 right to appear and be heard in your defense, either personally or through your counsel
26 of choice. At the hearing, the Division has the burden of proving the allegations in the
27 complaint and will call witnesses and present evidence against you. You have the right
28 to respond and to present relevant evidence and argument on all issues involved. You

1 have the right to call and examine witnesses, introduce exhibits, and cross-examine
2 opposing witnesses on any matter relevant to the issues involved.

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

9 Note that under NAC 116A.585, not less than five (5) working days before a
10 hearing, RESPONDENT must provide to the Division a copy of all reasonably available
11 documents that are reasonably anticipated to be used to support his or her position, and
12 a list of witnesses RESPONDENT intends to call at the time of the hearing. Failure to
13 provide any document or to list a witness may result in the document or witness being
14 excluded from RESPONDENT'S defense. The purpose of the hearing is to determine if
15 the RESPONDENT has violated any of the provisions of NRS and NAC Chapters 116 and
16 116A, and to determine what administrative penalty is to be assessed against
17 RESPONDENT, if any, pursuant to NAC 116A.360.

18 DATED this 8 day of May, 2023.

DATED this 8th day of May, 2023.

19 REAL ESTATE DIVISION,
20 DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA

AARON D. FORD
Attorney General

21
22 By: 

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