

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

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

6 Petitioner,

7 vs.

8 BRIAR HILL PARK HOMEOWNERS
9 ASSOCIATION,
(ENTITY NO. C23725-1998)

10 Respondent.

Case No. 2024-156

FILED

OCT 15 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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12 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

13 This matter came on for hearing before the Commission for Common-Interest
14 Communities and Condominium Hotels, State of Nevada (the "Commission") on
15 Wednesday, September 11, 2024. (the "Hearing") Respondent BRIAR HILL PARK HOME
16 OWNERS ASSOCIATION ("RESPONDENT ASSOCIATION") appeared by and through
17 their community manager, Crystal Kaufman. Phil W. Su, Senior Deputy Attorney
18 General, appeared on behalf of the Real Estate Division of the Department of Business
19 and Industry, State of Nevada (the "Division").

20 The parties agreed to stipulate to the facts and legal violations as set forth in the
21 Complaint. Attorney Su further noted that RESPONDENT ASSOCIATION filed its Form
22 562 Annual Association Registration with the Division on August 13, 2024, identifying
23 their third board member after the Complaint was filed with the Division.

24 **FINDINGS OF FACT**

25 Based on a preponderance of the evidence in the record and the documents admitted
26 at the Hearing, the Commission hereby finds that the following factual allegations were
27 proven:

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1 011.

2 6. On April 3, 2024, community manager Crystal Kaufman provided documents
3 responsive to the Division's request for information addressed to follow-up Administrative
4 Assistant II, Jasmine Pryce, with copies of the RESPONDENT ASSOCIATION'S 2023
5 reserve study, and nomination forms with ballots sent on November 30, 2022; January 11,
6 2023; March 8, 2023; December 27, 2023; January 27, 2024; and March 6, 2024. CIC013-
7 034.

8 7. On April 16, 2024, Investigator Vanessa Ward followed up with request for
9 additional documentation, regarding the RESPONDENT ASSOCIATION'S reserve
10 balances, as represented in its form 562 and form 609 filed with the Division on 02/02/24
11 and 03/18/24, respectively. CIC035-037.

12 8. On April 29, 2024, the Division sent RESPONDENT ASSOCIATION,
13 through by mailing to community manager Kaufman, an NRS 233B letter via certified
14 mail notifying the Association that the Division has obtained sufficient evidence to
15 commence disciplinary action by filing a complaint as a result of its investigation. CIC038-
16 039.

17 CONCLUSIONS OF LAW

18 Based on the foregoing factual findings and upon a preponderance of the evidence,
19 the Commission hereby finds that the following violation of law occurred:

20 1. RESPONDENT violated NRS 116.31034(1) by failing to elect a minimum of
21 three executive board members in registration years 2022 and 2024.

22 ORDER

23 The Commission, being fully apprised in the premises and good cause appearing,
24 ORDERS as follows:

25 1. RESPONDENT ASSOCIATION shall pay to the Division a total amount of
26 \$1,158.70, which entirely consists of the Division's prehearing costs and attorney's fees.
27 The total amount is payable within thirty (30) days of the effective date of this Order.

28 2. The total amount due reflects that no administrative fine has been assessed

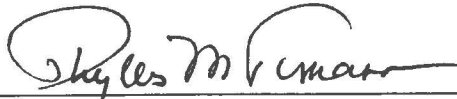
1 by the Commission to RESPONDENT ASSOCIATION for committing the above-stated
2 violation of law.

3 3. If payment of the total amount due is not actually received by the Division
4 on or before its due date, it shall be construed as a default by RESPONDENT
5 ASSOCIATION. In the event of default, the unpaid balance of the administrative fine and
6 costs, together with any attorney's fees and costs that may have been assessed, shall be
7 due in full to the Division within ten (10) calendar days of the date of default, and the
8 Division may obtain a judgment for the amount owed, including collection fees and costs.

9 4. The Commission retains jurisdiction for correcting any errors that may have
10 occurred in the drafting and issuance of this document.

11 DATED this 15th day of October, 2024.

12 COMMISSION FOR COMMON-INTEREST
13 COMMUNITIES AND CONDOMINIUM HOTELS

14 By: 
15 PHYLLIS TOMASSO
16 Chairperson of the Commission

17 Submitted by:

18 AARON D. FORD
19 Attorney General of Nevada

20 By: /s/ Phil W. Su
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