

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
6 OF BUSINESS AND INDUSTRY, STATE
7 OF NEVADA,

8 Petitioner,

9 vs.

10 YVONNE A. CULLIVER,
11 (CAM.0007452 - Suspended)

12 Respondent.

Case No. 2024-50

FILED

JUN 20 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

14 This matter came on for hearing before the Commission for Common-Interest
15 Communities and Condominium Hotels, State of Nevada (the "Commission") during a
16 regular agenda set on a three-day stack beginning at 9:00 am on June 11, 2024 (the
17 "Hearing."). Yvonne A. Culliver ("RESPONDENT") did not appear in person, through
18 counsel, or otherwise. Christal P. Keegan, Deputy Attorney General with the Nevada
19 Attorney General's Office, appeared on behalf of the Real Estate Division of the
20 Department of Business and Industry, State of Nevada (the "Division").

21 Mrs. Keegan informed the Commission that RESPONDENT was noticed no later
22 than 30 days prior to the hearings, that the RESPONDENT never filed an Answer as part
23 of the record in the proceedings, and accordingly the Division filed a Notice of Intent to
24 Default on May 30, 2024.

25 Therefore, the Division proceeded with a default pursuant to NAC 116A.590. The
26 Division's Commission Coordinator, Maria Gallo, testified regarding proper notice to the
27 RESPONDENT. The Commission found appropriate service of the notice of the hearing,
28 the complaint and notice thereof, the notice of documents, and all other efforts taken to
inform the RESPONDENT of the matter before the Commission.

1 Therefore, the Commission, having considered the evidence introduced by the
2 Division and being fully advised, enters the following Findings of Fact, Conclusions of
3 Law, and Order. Under Nevada Revised Statutes (NRS) and Nevada Administrative Code
4 (NAC) Chapter 116A, the Commission has legal jurisdiction and authority over
5 this matter.

6 **FINDINGS OF FACT**

7 Based on a preponderance of the evidence in the record and the documents admitted
8 at the Hearing, the Commission voted, to find the following factual allegations
9 were proven:

10 1. On or about September 1, 2023, new management began for the Cactus Hills
11 East Homeowners Association (“Association”). *Exhibit 7, CICC 117.*

12 2. On or about September 18, 2023, the succeeding management company for
13 the Association reached out to the former community manager, RESPONDENT of
14 5STRMGT, LLC, to begin the transition process. *Exhibit 1, CICC 004.*

15 3. Thereafter, on or about September 22, 2023, and again on October 4, 2023,
16 counsel for the succeeding management company’s requested RESPONDENT return the
17 Association’s records so that it could conduct its business. *Exhibit 1, CICC 005-006.*

18 4. On or about November 17, 2023, the Division’s Licensing section notified
19 RESPONDENT that her community manager certificate CAM.0007452 had been
20 suspended for failure to comply with Commission’s Order in Case No. 2023-190. *Exhibit*
21 *2, CICC 011.*

22 5. On or about January 17, 2024, the Division received a complaint against
23 RESPONDENT for failing to turn over Association records to the succeeding management
24 company after multiple requests. *Exhibit 1, CICC 002 - 003.*

25 6. Accordingly, on or about February 1, 2024, the Division sent the
26 RESPONDENT its First Request for response and/or information letter with a deadline of
27 February 15, 2024. *Exhibit 3, CICC 015 – 016.*

28 . . .

1 7. By February 15, 2024, the RESPONDENT had not responded. *Exhibit 3,*
2 *CICC 017 – 018.*

3 8. Therefore, on or about February 21, 2024, the Division sent the
4 RESPONDENT its Second Request for response and/or information letter with a deadline
5 of March 6, 2024. *Exhibit 3, CICC 017 – 018.*

6 9. The RESPONDENT still had not responded by the second deadline.

7 10. Over the course of the six-month period from when the new management
8 company took over, RESPONDENT had not responded to the succeeding management
9 company, the Association's counsel, nor did she communicate with the Board, hold a
10 meeting, or prepared a budget, and she did not get paid for management services. *Exhibit*
11 *4, CICC 020 – 112.*

12 11. Yet, on March 6, 2024, the RESPONDENT, on behalf of the Association,
13 submitted the Form 562 Annual Association Registration to the Division reporting herself
14 as the Community Manager. *Exhibit 5, CICC 114 - 115.*

15 12. Accordingly, on or about March 12, 2024, the Division sent RESPONDENT a
16 cease-and-desist letter noting that as of November 17, 2023, her certificate remained
17 suspended. *Exhibit 7, CICC 133-140.*

18 13. The Division also sent Notice of Suspension letters to all associations
19 determined to have utilized the services of RESPONDENT. *Exhibit 8, CICC 142 – 149.*

20 14. To date, RESPONDENT has not complied with all terms in the Commission's
21 Order for Case No. 2023-190 and her license remains suspended.

22 15. To date, there is no proof that RESPONDENT has terminated her other
23 community management contracts, nor relinquished all association documents and
24 financial access.

25 CONCLUSIONS OF LAW

26 Based on the foregoing factual findings and the preponderance of the evidence, the
27 Commission voted, that the following violations of law occurred:

28 . . .

1 3. RESPONDENT shall pay the costs of the investigation and the hearing in
2 the amount of \$3,739.98 which are actual, reasonable, and necessary; and

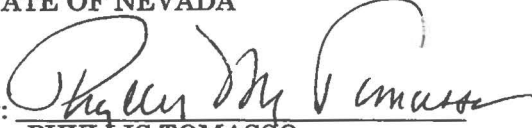
3 4. The total amount due is \$43,739.98 and RESPONDENT shall pay the
4 Division in full within 30 days of entry of Order.

5 5. If payment is not actually received by the Division on or before its due date,
6 it shall be a default by RESPONDENT, and her license shall remain revoked until all fines
7 and fees are paid in full. In the event of default, the unpaid balance of the administrative
8 fine and costs, together with any attorney's fees and costs that may have been assessed,
9 shall be due in full to the Division within ten (10) calendar days of the date of default, and
10 the Division may obtain a judgment for the amount owed, including collection fees
11 and costs.

12 6. The Commission retains jurisdiction for correcting any errors that may have
13 occurred in the drafting and issuance of this document.

14 DATED this 20th day of June, 2024.

15 COMMISSION FOR COMMON-INTEREST
16 COMMUNITIES AND CONDOMINIUM HOTELS
17 DEPARTMENT OF BUSINESS AND INDUSTRY
18 STATE OF NEVADA

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