

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,  
7 STATE OF NEVADA,

8 Petitioner,

9 vs.

10 HIGH NOON AT ARLINGTON RANCH  
11 HOMEOWNERS ASSOCIATION,  
12 (ENTITY NO. C8377-2004)

13 Respondent.

Case No. 2024-618

**FILED**

SEP 13 2024

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

*mgallo*

14 **STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

15 This Stipulation for Settlement of Disciplinary Action (“Stipulation”) is entered into by and  
16 between the State of Nevada, Department of Business and Industry, Real Estate Division (“Division”),  
17 through its Administrator Sharath Chandra (“Petitioner”), by and through their attorney of record, Phil  
18 W. Su, and High Noon at Arlington Ranch Homeowners Association (the “RESPONDENT”), by and  
19 through their attorney of record, Daniel Hansen.

20 **JURISDICTION AND NOTICE**

21 During all relevant times, RESPONDENT ASSOCIATION is a common-interest community  
22 located in Las Vegas, Nevada (Entity Number C8377-2004) and is, therefore, subject to the provisions  
23 of Chapter 116 of each the Nevada Revised Statutes (“NRS”) and the Nevada Administrative Code  
24 (“NAC”) (hereinafter collectively referred to as “NRS 116”) and are subject to the jurisdiction of the  
25 Division, and the Commission for Common-Interest Communities pursuant to the provisions of NRS  
26 116.750.

27 **SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT**

28 1. RESPONDENT ASSOCIATION is a common-interest community located in Las Vegas,  
Nevada (Entity Number C8377-2004) with 342 units. CIC0001-0002.

1           2.     RESPONDENTS' current management company, as of the date of filing of this  
2 Complaint, is Associa Nevada South, and its assigned community manager is Megan Miller. CIC0001-  
3 0002.

4           3.     RESPONDENT ASSOCIATION'S 2024 Annual Association Registration form,  
5 submitted June 26, 2024, indicated that it only had two out of the three required board member positions  
6 filled. CIC0001-0002.

7           4.     A further review of RESPONDENT ASSOCIATION'S Annual Association Registration  
8 Forms from 2018 through 2024 further shows that RESPONDENT ASSOCIATION has not had three  
9 board members dating back to at least 2018. CIC0003-0018.

10          5.     On July 8, 2024, the Division's Investigator, James Johnston, issued a letter opening  
11 investigation to RESPONDENT ASSOCIATION'S community manager, Megan Miller, via Certified  
12 Mail, with cc: to the RESPONDENT ASSOCIATION'S two current board members, John Irving and  
13 Chris Banks, to inquire regarding the Association's failure to have at least three board members registered  
14 with the Division, pursuant to the 2024 Registration Filing Form. CIC0019-0020.

15          6.     The opening investigation letter requested election documentation from 2023 through  
16 2024 and an updated form 623 identifying the current community manager and board members, with  
17 documentation to be provided to the Division within five business days. CIC0019-0020.

18          7.     On July 17, 2024, Investigator Johnston issued a second request for information letter to  
19 RESPONDENT ASSOCIATION reiterating his request for documents and a response. CIC0021-0023.

20          8.     On July 15, 2024, Board Member Irving reminded community manager Miller of  
21 Investigator Johnston's second request for information letter. CIC0025.

22          9.     On July 19, 2024, community manager Miller provided Investigator Johnston with an  
23 updated form 623 which indicated that the board still only had two board members. CIC0026.

24          10.    On July 22, 2024, the Division sent RESPONDENT ASSOCIATION, through by mailing  
25 to community manager Miller, with cc: to Board Members Irving and Banks, a NRS 233B letter via  
26 certified mail notifying them that it obtained sufficient evidence to commence disciplinary action by  
27 filing a complaint as a result of its investigation. CIC0027-0028.

1 **VIOLATION OF LAW ALLEGED IN THE COMPLAINT**

2 1. RESPONDENT violated NRS 116.31034(1) by failing to elect a minimum of three  
3 executive board members since February 2018 through the date of filing of this Complaint.

4 **PROPOSED SETTLEMENT AGREEMENT**

5 In an effort to avoid the time and expense of litigating these issues before the Commission, the  
6 RESPONDENT does not admit, but also does not contest the violations alleged, and the parties desire to  
7 compromise and settle the Division’s findings of violation of law in Case No. 2024-618 upon the  
8 following terms and conditions:

9 1. This Stipulation for Settlement Agreement is subject  
10 to the RESPONDENT demonstrating proof to the Division of compliance with the three board  
11 member requirement, by the execution date of the Order for Settlement Action.

12 2. RESPONDENT shall pay to the Division a total amount of \$1,166.68 (“Amount Due”).  
13 This total amount reflects no administrative fine amounts for committing the above-stated violation of  
14 law, but \$460.00 for the Division’s costs and \$706.68 for its attorney’s fees, which are actual, reasonable  
15 and necessary, to be paid within 30 days of entry of order.

16 3. RESPONDENT and the Division agree that by entering into this Stipulation, the Division  
17 does not concede any defense or mitigation, the RESPONDENT may assert and that once this Stipulation  
18 is approved and fully performed, the Division will close its file in this matter.

19 4. RESPONDENT agrees and understands that by entering into this Stipulation,  
20 RESPONDENT is waiving its right to a hearing at which it may present evidence in its defense, its right  
21 to a written decision on the merits of the complaint, its rights to reconsideration and/or rehearing, appeal  
22 and/or judicial review, and all other rights which may be accorded by the Nevada Administrative  
23 Procedure Act, the Nevada Common-Interest Communities and Condominium Hotels statutes and  
24 accompanying regulations, and the federal and state Constitutions. The RESPONDENT understands that  
25 this Agreement and other documentation may be subject to public records laws. The Commission  
26 members who review this matter for approval of this Stipulation may be the same members who  
27 ultimately hear, consider, and decide the Complaint if this Stipulation is either not approved by the  
28

1 Commission or is not timely performed by the RESPONDENT. The RESPONDENT fully understands  
2 that you have the right to be represented by legal counsel in this matter at your own expense.

3 5. The parties hereby stipulate to the Division's exhibits, Bates Nos. *CICC 000001* –  
4 *CICC 000026*.

5 6. Each party shall bear their own attorney's fees and costs, *except* as the Division's  
6 Attorney's pre-hearing costs provided above.

7 7. Approval of Stipulation. Once executed, this Stipulation will be filed with the  
8 Commission and will be placed on the agenda for approval at its next public meeting. The Division will  
9 recommend to the Commission approval of the Stipulation. RESPONDENT agrees that the Commission  
10 may approve, reject, or suggest amendments to this Stipulation that must be accepted or rejected by  
11 RESPONDENT before any amendment is effective.

12 8. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests  
13 amendments unacceptable to the RESPONDENT, RESPONDENT may withdraw from this Stipulation,  
14 and the Division may pursue its Complaint before the Commission. This Stipulation then shall become  
15 null and void and unenforceable in any manner against either party.

16 9. Release. In consideration of the execution of this Stipulation, Association and  
17 RESPONDENT for itself/themselves, its/their heirs, executors, administrators, successors, and assigns,  
18 hereby releases, remises, and forever discharges the State of Nevada, the Department of Business and  
19 Industry, and the Division, and each of their respective members, agents, employees, and counsel in their  
20 individual and representative capacities, from any and all manner of actions, causes of action, suits, debts,  
21 judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that  
22 RESPONDENT ever had, now has, may have, or claim to have against any or all of the persons or entities  
23 named in this section, arising out of or by reason of the Division's investigation of this action, this  
24 disciplinary action, and all matters related thereto.

25 10. Indemnification. RESPONDENT hereby agrees to indemnify and hold harmless the State  
26 of Nevada, the Department of Business and Industry, Petitioner, the Division, and each of their respective  
27 members, agents, employees, and counsel, in their individual and representative capacities, against any  
28

1 and all claims, suits, and actions brought against said persons and/or entities by reason of the Division's  
2 investigation, this disciplinary action, and all other matters relating thereto, and against any and all  
3 expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the  
4 persons and/or entities named in this section as a result of said claims, suits, and actions.

5 11. Default. In the event of default, RESPONDENT agrees that the RESPONDENT'S  
6 Association license shall be immediately suspended, and the unpaid balance of the administrative fine  
7 and costs, together with any attorney's fees and costs that may have been assessed, shall be due in full to  
8 the Division within ten calendar days of the date of default. Debt collection actions for unpaid monetary  
9 assessments in this case may be instituted by the Division or its assignee. RESPONDENT agrees that  
10 the foregoing suspension of its Association license shall continue until the unpaid monetary assessments  
11 are paid in full.

12 ///

13 ///

1 12. RESPONDENT'S board members have signed and dated this Stipulation only after  
2 reading and understanding all terms herein.

3 DATED: September 10, 2024

NEVADA DEPARTMENT OF BUSINESS AND  
INDUSTRY, REAL ESTATE DIVISION

4  
5 By:   
6 SHARATH CHANDRA  
Administrator

7 DATED: September 9, 2024

HIGH NOON AT ARLINGTON RANCH HOA

8  
9 By: John Irving  
JOHN IRVING  
President

10  
11 DATED: September 9, 2024

HIGH NOON AT ARLINGTON RANCH HOA

12  
13 By: /s/ Christopher Banks  
CHRIS BANKS  
Director

14  
15 Approved as to form:

16 GIBBS GIDEN

AARON D. FORD  
Attorney General

17 By: /s/ Daniel M. Hansen  
18 DANIEL HANSEN (Bar No. 14536)  
19 7251 W. Lake Mead Blvd. Ste. 450  
20 Las Vegas, NV 89128  
21 (702) 836-9800  
*Attorney for Respondent High Noon at  
Arlington Ranch HOA*

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COMMUNITIES AND CONDOMINIUM HOTELS

STATE OF NEVADA

SHARATH CHANDRA, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
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STATE OF NEVADA,

Case No. 2024-618

Petitioner,

vs.

HIGH NOON AT ARLINGTON RANCH  
HOMEOWNERS ASSOCIATION,  
(ENTITY NO. C8377-2004)

Respondent.

ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION

IT IS ORDERED that the foregoing Stipulation and Order for Settlement of Disciplinary Action is approved in full.

DATED: September 13, 2024

COMMISSION FOR COMMON-INTEREST  
COMMUNITIES AND CONDOMINIUM  
HOTELS, DEPARTMENT OF BUSINESS  
AND INDUSTRY, STATE OF NEVADA

By:   
Phyllis Tomasso, Chairwoman

Submitted by:

AARON D. FORD  
Attorney General

By: /s/ Phil W. Su

PHIL W. SU (Bar No. 10450)  
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