

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 MESA VERDE COMMUNITY
11 ASSOCIATION,
12 (Entity No. E0390302014-7)

13 Respondent.

Case No. 2024-112

FILED

DEC 23 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

15 This matter came on for hearing before the Commission for Common-Interest
16 Communities and Condominium Hotels, State of Nevada (the "Commission") during a
17 regular agenda set on a three-day stack beginning at 9:00 a.m. on December 3, 2024 (the
18 "Hearing"). The current Community Association Manager ("CAM") Kellea E. Smith
19 (CAM.0007543-SUPR) of Nevada Community Management, appeared on behalf of Mesa
20 Verde Community Association ("RESPONDENT") with no Board members present.
21 Christal Park Keegan, Deputy Attorney General with the Nevada Attorney General's
22 Office, appeared on behalf of the Real Estate Division of the Department of Business and
23 Industry, State of Nevada (the "Division").

24 The RESPONDENT did not contest the Division's factual allegations and violations
25 of law in its First Amended Complaint filed September 27, 2024. Pursuant to the
26 Commission's Order filed September 19, 2024, Order Term 3, the RESPONDENT was to
27 pay \$2,005.45 by October 21, 2024, but did not do so until 28 days later on November 14,
28 2024, and that pursuant to Order Term 2, the RESPONDENT was to appear at the
Commission meeting to provide a status update on its reserve study.

1 **FINDINGS OF FACT**

2 Based on a preponderance of the evidence in the record, the documents admitted
3 at the Hearing, the Commission voted, to find all the following factual allegations
4 were proven:

5 1. At all times relevant to the Complaint, the RESPONDENT was managed by
6 Nevada Community Management, by and through its Community Association Manager
7 (CAM) Amanda Flores (CAM.0008698-SUPR). *Exhibit A, CICC 000005.*

8 2. The RESPONDENT'S Annual Registration Form 562 dated July 26, 2022,
9 technically demonstrated only two Executive Board members. *Exhibit A, CICC 000005.*

10 3. Therefore, on or about February 6, 2024, the Division opened an investigation
11 against the RESPONDENT. *Exhibit A, CICC 000006 – CICC 000008.*

12 4. RESPONDENT'S CAM admitted attempts to get people on the Board failed.
13 *Exhibit B, CICC 000015 – CICC 000018.*

14 5. Yet, the RESPONDENT'S Registration Filing Addendum Form 623
15 dated April 5, 2024, continued to report only two Executive Board members. *Exhibit A,*
16 *CICC 000003.*

17 6. Further, the RESPONDENT'S Annual Registration Form, represented its
18 site Reserve study was conducted on September 14, 2016. *Exhibit A, CICC 000005.*

19 7. On or about February 23, 2024, RESPONDENT'S CAM admitted the
20 Association was past the Reserve study required due date. *Exhibit B, CICC 000014 –*
21 *CICC 000015.*

22 8. On or about June 5, 2024, the Division informed the RESPONDENT it would
23 refer this matter to the Commission. *Exhibit A, CICC 000010 – CICC 000011.*

24 9. **RESPONDENT'S annual renewal expired July 31, 2024.**

25 10. **As of September 22, 2024, Division's records indicated the**
26 **RESPONDENT'S "HOA NOT IN GOOD STANDING."** *Exhibit C, CICC 000236 –*
27 *CICC 000237.*

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1 **CONCLUSIONS OF LAW**

2 Based on the foregoing factual findings and the preponderance of the evidence, the
3 Commission voted, that all the following violations of law occurred:

4 11. **RESPONDENT** violated NRS 116.31034(1) for failing to elect a minimum of
5 three Executive Board members.

6 12. **RESPONDENT** violated NRS 116.31152(1) by failing to conduct the Reserve
7 study prior to the 5-year expiration date.

8 13. **RESPONDENT** violated NRS 116.31155 for failing to pay the fee
9 required by law.

10 14. **RESPONDENT** violated NRS 116.31158 for failing to submit its
11 registration as required by law.

12 15. **RESPONDENT** violated NRS 116.3103 for failing to exercise the
13 ordinary and reasonable care of officers and directors when it failed to ensure
14 it was in good standing with the Division.

15 16. **RESPONDENT** violated NAC 116.405 for committing acts of
16 incompetence, and/or negligence when it failed to ensure it was in good standing
17 with the Division.

18 **ORDER**

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

21 1. **RESPONDENT** has breached Order Term 2 of the Commissions September
22 19, 2024 Order, and sanctions issued in the amount of One Thousand Dollars (\$1,000)
23 administrative fine;

24 2. **RESPONDENT** shall further pay the costs and fees associated with the First
25 Amended Complaint filed September 27, 2024 in the amount of One Thousand Six Dollars
26 and Twenty Six Cents (\$1,006.26);
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1 3. RESPONDENT shall pay to the Division the Total Amount Due of
2 Two Thousand Six Dollars and Twenty Six Cents (\$2,006.26) within sixty (60) days of
3 entry of Order;

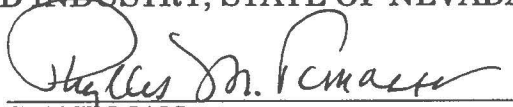
4 4. If payment is not actually received by the Division on or before its due date,
5 it shall be a default by RESPONDENT. In the event of default, the unpaid balance of the
6 administrative fine and costs, together with any attorney's fees and costs that may have
7 been assessed, shall be due in full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

10 5. Pursuant to NRS 116.785, if the RESPONDENT violates any Commission
11 order, the Commission may impose an administrative fine of not more than \$1,000 for each
12 violation; and

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

15 DATED this 23 day of December, 2024.

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

20 By: 
21 CHAIRMAN

22 Submitted by:
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