

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 MONTARA HOMEOWNERS
11 ASSOCIATION,
(Entity Number C23190-2004)

12 Respondent.

Case No. 2024-169

FILED

SEP 24 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



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 a.m. on September 10, 2024 (the
17 "Hearing."). John E. Leach, with Leach Kern Gruchow Song, appeared on behalf of
18 Montara Homeowners Association ("RESPONDENT") with provisional Community
19 Association Manager Rhiannon Marie Rogers (CAM.0010392-PROV) and Supervision
20 CAM Crystal Curcio (CAM.0008956-SUPR) with no board members present. Christal P.
21 Keegan, Deputy Attorney General with the Nevada Attorney General's Office, appeared
22 on behalf of the Real Estate Division of the Department of Business and Industry, State
23 of Nevada (the "Division").

24 The RESPONDENT did not contest the Division's factual allegations and violations
25 of law in its Complaint filed August 2, 2024. The parties made statements regarding the
26 RESPONDENT'S Proposed Resolution/Settlement in its Answer filed September 3, 2024.

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1 **FINDINGS OF FACT**

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

5 1. Since about August of 2018, the RESPONDENT'S Executive Board failed
6 to have at least three members. *Exhibit A, CICC 000003, CICC 000008 – CICC 000009,*
7 *CICC 000011 – CICC 000022, CICC 000023.*

8 2. Therefore, on or about February 23, 2024, the Division opened an
9 investigation against the RESPONDENT'S Executive Board, with a request for a response
10 and information by no later than March 28, 2024. *Exhibit A, CICC 000003 – CICC 000006.*

11 3. On or about June 27, 2024, the RESPONDENT'S community association
12 manager ("CAM"), Rhiannon Marie Rogers (CAM.0010392-PROV), represented to the
13 Division that she had been the CAM for approximately one month. *Exhibit B, CICC*
14 *000026, and Exhibit A CICC 000010, CICC 000011 – CICC 000022, and CICC 000005.*

15 4. The CAM also informed the Division that the last executive Board meeting
16 was held on or about October 24, 2023. *Exhibit B, CICC 000026.*

17 5. The CAM also represented the last Annual Unit Owners Meeting was held
18 on January 25th, 2022. *Exhibit B, CICC 000026.*

19 6. The CAM further represented the last election was held in January of 2022.
20 *Exhibit B, CICC 000026.*

21 7. Therefore, on or about June 27, 2024, the Division closed its investigation
22 and informed the RESPONDENT that it would be bringing this matter before the
23 Commission. *Exhibit A, CICC 000023 – CICC 000024.*

24 **CONCLUSIONS OF LAW**

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

27 8. RESPONDENT violated NRS 116.31034 for failing to elect a minimum of
28 three executive board members.

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


DATED this 24th day of September, 2024.

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

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CHAIRWOMAN

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