

1
2 **BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS**

3 **STATE OF NEVADA**

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

Case No. 2023-580

7 Petitioner,

FILED

8 vs.

JAN 21 2025

9 QUADRO HOMEOWNERS' ASSOCIATION,
10 JONATHAN HAMRICK, ELENA LUNGU,
11 RICHARD GREISENAUER, LINDA
NEWPORT, and GENEVA MARCUS,

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mgallo

12 Respondent.

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

14 This matter came on for hearing before the COMMISSION FOR COMMON-
15 INTEREST COMMUNITIES AND CONDOMINIUM HOTELS STATE OF NEVADA
16 ("Commission") on Wednesday, December 25, 2024. (the "Hearing"). RESPONDENT
17 Richard Griesenauer (hereinafter, "RESPONDENT GRIESENAUER") did not appear in
18 person, through counsel, or otherwise, nor did he answer the complaint. Phil W. Su, Esq.,
19 Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on
20 behalf of the Real Estate Division of the Department of Business and Industry, State of
21 Nevada (the "Division").

22 Commission Coordinator Maria Gallo testified regarding notices sent to the
23 RESPONDENT and steps taken to effect proper service. The Commission found
24 appropriate service of the notice of the hearing, the complaint and notice thereof, the notice
25 of documents, and all other efforts taken to inform the RESPONDENT GRIESENAUER of
26 the matter before the Commission. The Commission thereafter took notice of the documents
27 filed by the Division to substantiate the allegations within the Complaint.
28

1 After hearing testimony and examining the evidence presented in this matter, and
2 for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of
3 Law, and Order by default against RESPONDENT GRIESENAUER as follows:

4 **FINDINGS OF FACT**

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

8 1. On July 18, 2023, the Division received two (2) related intervention affidavits
9 (IA) from COMPLAINANT Ishana Vargas, supervising community association manager
10 with Integrity Based Management LLC. CIC0001-0004.

11 2. At all times relevant to the Complaint, Integrity Based Management LLC and
12 COMPLAINANT were originally the retained community association manager for
13 RESPONDENT ASSOCIATION. CIC0022.

14 3. The IA generally alleged that RESPONDENT BOARD MEMBER
15 GRIESENAUER, along with RESPONDENT BOARD MEMBERS MARCUS, LUNGU, and
16 NEWPORT, held a non-noticed board meeting during which time GRIESENAUER made a
17 motion to not file his own insurance claim for damages to his home and to have the
18 Association pay him for damages to his unit and for accommodations while repairs were
19 being performed. CIC0022.

20 4. The other named board members were present at the non-noticed board
21 meeting and voted in favor of the motion. CIC0022.

22 5. On June 28, 2023, COMPLAINANT sent letters to the RESPONDENT
23 BOARD MEMBERS outlining the potential violations that may have occurred, in advance
24 of filing an IA with the Division. CIC0048-0061.

25 6. On August 15, 2023, Division Investigator Christina Pitch sent an initial
26 letter constituting notice of investigation and request for information to RESPONDENT
27 ASSOCIATION, by certified mailing to their community association manager, Sharyce
28 Harper of Integrity Based Management LLC. CIC0062-0064.

1 7. The initial request for information letter made four allegations, asserting that
2 an illegal board meeting occurred on June 13, 2023 without proper notice; that
3 RESPONDENT BOARD MEMBER GRIESENAUER stood to gain financially from a vote
4 to have the association pay for repairs to his home; that the other RESPONDENT BOARD
5 MEMBERS improperly allowed the vote to occur to GRIESENAUER'S benefit; and that
6 the other RESPONDENT BOARD MEMBERS improperly allowed GRIESENAUER to
7 continue to serve as a board member when he stood to gain financially from the matter
8 before the executive board. CIC0062-0063.

9 8. On August 24, 2023, Investigator Pitch sent a second request for information
10 letter to RESPONDENTS, reiterating the requests from the previous letter. CIC0065-0067.

11 9. On August 23, 2023, the Division received emailed response from
12 RESPONDENT BOARD MEMBER Hamrick, enclosing email records from the emergency
13 meeting, correspondence about retaining legal counsel, and letters sent to the board
14 regarding the meetings and attempted payouts to RESPONDENT BOARD MEMBER
15 GREISENAUER. CIC0091-0150.

16 10. That same day, the Division also received a response purportedly from the
17 RESPONDENT BOARD MEMBERS, collectively. CIC0151-0167.

18 11. On August 24, 2023, BOARD MEMBER GRIESENAUER filed his own
19 statement of fact and form 514A intervention affidavit against Integrity Based
20 Management LLC and Sharyce Harper and COMPLAINANT Ishana Vargas, alleging
21 retaliation and harassment. CIC0168-183.

22 12. The August 24, 2023, statement of fact, in relevant part to this Complaint,
23 included a letter from BOARD MEMBER GRIESENAUER'S own counsel indicating that
24 he is solely responsible for repairing damages to his own unit and needed to allow the
25 Association access to his home to identify repair issues. CIC0180-0183.

26 13. On September 6, 2023, Investigator Pitch sent a third request for information
27 letter to RESPONDENTS, requesting information regarding payments GRIESENAUER
28 may have made to repair water damage in 2023; a copy of the CC&Rs; and an explanation

1 of each payment the Board approved for the benefit of GRIESENAUER, with citation to
2 the section of the CC&Rs supporting the Association's responsibility for that damage.
3 CIC0068-0070.

4 14. On September 14, 2023, Investigator Pitch sent a fourth request for
5 information letter to RESPONDENTS, reiterating from the third letter. CIC0071-0072.

6 15. On September 18, 2023, Mandy Edelman from Sierra Community
7 Management emailed a response to the Division, enclosing the requested documents from
8 the most recent request. CIC0073-0090.

9 16. On December 14, 2023, the Division sent, via Certified Mail, NRS 233b letter
10 notifying the RESPONDENTS that it would pursue disciplinary action in a hearing before
11 the Commission for potential violations of NRS 116. CIC0184-0185.

12 **CONCLUSIONS OF LAW**

13 Based on the foregoing factual findings and the preponderance of the evidence, the
14 Commission voted that all the following violations of law have been proven by default:

15 1. RESPONDENTS willfully and knowingly violated NRS 116.31083 and NRS
16 116.3103 pursuant to NAC 116.405 when the executive board held one or more meetings,
17 on June 6, 2023, and June 13, 2023, that were not properly noticed according to statutory
18 requirements.

19 2. RESPONDENT BOARD MEMBER GREISENAUER willfully and knowingly
20 violated 116.3103 pursuant to NAC 116.405(2) by acting for reasons of self-interest and
21 gain, when he made a motion for an executive board vote to pay him out of Association
22 funds for repairs to his unit and relocation expenses, for which he would have personally
23 benefitted.

24 3. RESPONDENTS willfully and knowingly violated NRS 116.3103 through
25 NAC 116.405(3) by committing an act which amounts to incompetence, negligence, and/or
26 gross negligence when they unanimously voted in favor of paying BOARD MEMBER
27 GREISENAUER out of Association funds for his sole and primary benefit and allowed those
28 funds to actually be used for that purpose.

