

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 ST. JAMES'S VILLAGE,

11 Respondent.

Case No. 2023-591

FILED

JUN 20 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

13 This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into by and
14 between the State of Nevada, Department of Business and Industry, Real Estate Division ("Division"),
15 through its Administrator Sharath Chandra ("Petitioner"), by and through their attorney of record,
16 Christal Park Keegan, and ST. JAMES'S VILLAGE, (the "RESPONDENT"), by and through their
17 attorney of record, Douglas R. Brown.

18 **JURISDICTION AND NOTICE**

19 During all relevant times, RESPONDENT is a common-interest community located in the City
20 of Reno, County of Washoe, Nevada and is, therefore, subject to the provisions of Chapter 116 of each
21 the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter
22 collectively referred to as "NRS 116") and are subject to the jurisdiction of the Division, and the
23 Commission for Common-Interest Communities pursuant to the provisions of NRS 116.750.

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

25 1. At all times relevant to this Complaint, RESPONDENT has been a homeowners'
26 association for about thirty years. *CICC0087*.

27 2. During RESPONDENT'S tenure, the Declarant remained in control of the association and
28 the Board. *CICC0008*.

1 3. RESPONDENT’S Second Amended and Restated Declaration of Codes, Covenants &
2 Restrictions (“CC&Rs”) restricted the time period of Declarant’s control of the Association in accordance
3 with annexation requirements. *CICC0049*.

4 4. In 2009, Declarant last exercised the right to annex lots and/or units.
5 *CICC0084 – CICC0085*.

6 5. At all times relevant to the Complaint, Declarant has refused to relinquish control beyond
7 the expiration of such time period. *CICC0008*.

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

9 6. RESPONDENT violated NRS 116.31032(1)(e) by failing to surrender its declarant
10 control since it has been over five years after its right to add new units was last exercised.

11 7. RESPONDENT violated NRS 116.1104 by evading the limitations of this prevailing
12 chapter pursuant to NRS 116.11085 or the declaration.

13 **PROPOSED SETTLEMENT AGREEMENT**

14 In an effort to avoid the time and expense of litigating these issues before the Commission, the
15 RESPONDENT does not contest the violations alleged, and the parties desire to compromise and settle
16 the Division’s findings of violation of law in Case No. 2023-591 upon the following terms
17 and conditions:

18 1. RESPONDENT agrees to tender control of the Association to the homeowners pursuant
19 to NRS 116.31038 through NRS 116.3104 by no later than June 1, 2024.

20 2. RESPONDENT further agrees to not take any actions to the detriment of the homeowners
21 during the turnover process.

22 3. RESPONDENT shall pay to the Division a total amount of \$3,615.80. This total amount
23 reflects no administrative fine for the above-stated violations of law, but \$3,615.80 for the Division’s
24 costs and attorney’s fees, which are actual, reasonable and necessary, to be paid within thirty (30) days
25 of entry of order.

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

1 5. RESPONDENT agrees and understands that by entering into this Stipulation
2 RESPONDENT is waiving its right to a hearing at which it may present evidence in its defense, its right
3 to a written decision on the merits of the complaint, its rights to reconsideration and/or rehearing, appeal
4 and/or judicial review, and all other rights which may be accorded by the Nevada Administrative
5 Procedure Act, the Nevada Common-Interest Communities and Condominium Hotels statutes and
6 accompanying regulations, and the federal and state Constitutions. The RESPONDENT understands that
7 this Agreement and other documentation may be subject to public records laws. The Commission
8 members who review this matter for approval of this Stipulation may be the same members who
9 ultimately hear, consider, and decide the Complaint if this Stipulation is either not approved by the
10 Commission or is not timely performed by the RESPONDENT. The RESPONDENT fully understands
11 that you have the right to be represented by legal counsel in this matter at your own expense.

12 6. The parties hereby stipulate to the Division's exhibits, Bates Nos. *CICC0001-CICC0130*.

13 7. Each party shall bear their own attorney's fees and costs.

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

19 9. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests
20 amendments unacceptable to the RESPONDENT, RESPONDENT may withdraw from this Stipulation,
21 and the Division may pursue its Complaint before the Commission. This Stipulation then shall become
22 null and void and unenforceable in any manner against either party.

23 10. Release. In consideration of the execution of this Stipulation, Association and
24 RESPONDENT for itself/themselves, its/their heirs, executors, administrators, successors, and assigns,
25 hereby releases, remises, and forever discharges the State of Nevada, the Department of Business and
26 Industry, and the Division, and each of their respective members, agents, employees, and counsel in their
27 individual and representative capacities, from any and all manner of actions, causes of action, suits, debts,
28 judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that

1 RESPONDENT ever had, now has, may have, or claim to have against any or all of the persons or entities
2 named in this section, arising out of or by reason of the Division's investigation of this action, this
3 disciplinary action, and all matters related thereto.

4 11. Indemnification. RESPONDENT hereby agrees to indemnify and hold harmless the State
5 of Nevada, the Department of Business and Industry, Petitioner, the Division, and each of their respective
6 members, agents, employees, and counsel, in their individual and representative capacities, against any
7 and all claims, suits, and actions brought against said persons and/or entities by reason of the Division's
8 investigation, this disciplinary action, and all other matters relating thereto, and against any and all
9 expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the
10 persons and/or entities named in this section as a result of said claims, suits, and actions.

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

18 13. RESPONDENT'S board members have signed and dated this Stipulation only after
19 reading and understanding all terms herein.

20 DATED: March 15, 2024

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY,
REAL ESTATE DIVISION

21
22 By: 
SHARATHI CHANDRA
Administrator

23
24 DATED: ~~February~~ March 13, 2024

ST. JAMES'S VILLAGE

25
26 By: 
GHASSAN AL DAHLAWI
President

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DATED: March 13, 2024 ST. JAMES'S VILLAGE

By: Fredrick D. Woodside
FRED WOODSIDE (Developer)
Board President

DATED: _____, 2024 ST. JAMES'S VILLAGE

By: _____
ELIZABETH ELLIS (Developer)
Secretary

DATED: _____, 2024 ST. JAMES'S VILLAGE

By: _____
JOEL BLAKESLEE (Developer)
Director

Approved as to form:

AARON D. FORD
Attorney General

By: epkeegan
CHRISTAL P. KEEGAN
Deputy Attorney General
Nevada Bar No. 12725
5420 Kietzke Lane, #202
Reno, Nevada 89511
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ckeegan@ag.nv.gov
Attorney for Real Estate Division

Approved as to form:

Lemons, Grundy & Eisenberg

By: _____
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6005 Plumas Street, 3rd Floor
Reno, Nevada 89519
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drb@lge.net
Attorney for Association

Approved as to form:

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Nevada Bar No. 9899
1188 California Ave
Reno, NV 89509
(775) 345-3402
sheila@vandynegroup.com
Attorney for HOA

1 DATED: _____, 2024 ST. JAMES'S VILLAGE

2

3 By: _____
4 FRED WOODSIDE (Developer)
Board President

5 DATED: February 28, 2024 ST. JAMES'S VILLAGE

6

7 By: Elizabeth Ellis
8 ELIZABETH ELLIS (Developer)
Secretary

9 DATED: _____, 2024 ST. JAMES'S VILLAGE

10

11 By: _____
12 JOEL BLAKESLEE (Developer)
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14 AARON D. FORD
15 Attorney General

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21 Approved as to form:

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27 sheila@vandyneandlawgroup.com
28 Attorney for HOA

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By:  03/01/24 10:56 AM
JOEL BLAKESLEE (Developer)
Director

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Attorney General

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Secretary

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By: _____
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Attorney General

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Lemons, Grundy & Eisenberg

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Attorney for HOA

1 DATED: FEB. 28, 2024

ST. JAMES'S VILLAGE

2
3 Acknowledged By: 

RICH FRENCH
Treasurer

4
5 DATED: _____, 2024

ST. JAMES'S VILLAGE

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7 Acknowledged By: _____

JEFFREY JANAKUS
Director

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1 DATED: _____, 2024

ST. JAMES'S VILLAGE

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Acknowledged By: _____
RICH FRENCH
Treasurer

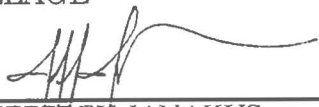
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5 DATED: FEBRUARY 28, 2024

ST. JAMES'S VILLAGE

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Acknowledged By: 
JEFFREY JANAKUS
Director

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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,

Case No. 2023-591

8 Petitioner,

9 vs.

10 ST. JAMES'S VILLAGE,

11 Respondent.

12 **ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

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

15 DATED: June 20th, 2024.

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

20 By: 
Phyllis Tomasso, Chairwoman

21 Submitted by:

22 AARON D. FORD
23 Attorney General

24 By: 
25 CHRISTAL P. KEEGAN (Bar No. 12725)
26 Deputy Attorney General
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