

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 & INDUSTRY, STATE OF  
7 NEVADA,

Case No. 2023-979

**FILED**

OCT 31 2024

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

*mgallo*

Petitioner,

8 vs.

9 JOHN BIELUN,

Respondent.

11  
12 **COMPLAINT FOR DISCIPLINARY**  
13 **ACTION AND NOTICE OF HEARING**

14 The Real Estate Division of the Department of Business and Industry, State of  
15 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of  
16 the State of Nevada, and Phil W. Su, Senior Deputy Attorney General, hereby notifies  
17 JOHN BIELUN ("RESPONDENT") of an administrative hearing before the Commission  
18 for Common-Interest Communities and Condominium Hotels, State of Nevada, which is  
19 to be held pursuant to Chapters 233B and Chapters 116 of the Nevada Revised Statutes  
20 ("NRS") and Chapter 116 of the Nevada Administrative Code ("NAC"). The purpose of  
21 the hearing is to consider the allegations stated below and to determine if an  
22 administrative penalty will be imposed on the RESPONDENTS pursuant to the  
23 provisions of NRS and NAC including, but not limited to NRS 116.785 and NRS 116.790.

24 **JURISDICTION AND NOTICE**

25 During all relevant times, RESPONDENT was an executive board  
26 member/director of a Henderson, Nevada, common-interest community, Resort Villa  
27 Owners Association (the "Association"), and is, therefore, subject to the provisions of  
28 Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada  
Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and is

1 subject to the jurisdiction of the Division, and the Commission for Common-Interest  
2 Communities and Condominium Hotels pursuant to the provisions of NRS 116.750.

### 3 **FACTUAL ALLEGATIONS**

4 1. On November 16, 2023, the Division received an Intervention Affidavit from  
5 Complainant Wendy Sue Denman regarding an allegation that RESPONDENT sent one  
6 or more emails entitled "It Takes a Village" from an info@resortvillashomeowners.com  
7 email address to selected unit owners of Resorts Villa Owners Association. **CICCH001-**  
8 **014.**

9 2. Complainant alleged that RESPONDENT, from his  
10 info@resortvillashomeowners.com email account, sent an email that represented himself  
11 as a board member and that stated "inaccuracies and misinformation" and "called out  
12 previous and current board members with definitive descriptions of who they are and  
13 who he is targeting." **CICCH001-014.**

14 3. Attached to the Intervention Affidavit was the subject September 25, 2023,  
15 "It Takes a Village" email from the RESPONDENT. **CICCH005-007.**

16 4. Also attached to the Intervention Affidavit was an August 23, 2023, proxy  
17 request response email from Taylor Management attempting to address concerns the  
18 Association was facing a "financial crisis," out of Taylor Management's stated concern  
19 that such allegations could affect the marketability and value of the homes in the  
20 community. **CICCH008-014.**

21 5. On February 16, 2024, Division Investigator Christina Pitch sent an initial  
22 open investigation and request for information letter ("#1 RFI") to RESPONDENT,  
23 noting that "it [was] alleged that [he] violated NRS 116.3103 through NAC 116.405 as on  
24 or about 9/25/23 [he] represented [himself] as a board member and sent emails to  
25 selected unit owners containing inaccuracies and misleading information regarding the  
26 financial condition of the Association." **CICCH015-017.**

27 6. On February 22, 2024, RESPONDENT replied to the #1 RFI, denying any  
28 violation of statute and requesting proof of allegations asserted in the open investigation

1 letter. **CICCH018.**

2 7. On April 4, 2024, Investigator Pitch sent a second request for information  
3 letter (“#2 RFI”) directed to the board of directors of the Association, including  
4 RESPONDENT, stating: “It was alleged that Mr. Bielun sent a unit owner an email that  
5 was filled with “inaccuracies” and “misinformation” which the unit owner found to be  
6 inappropriate and unacceptable (see enclosed email copy). Did the board grant Mr.  
7 Bielun the authority to send this email in his role as a board member?” **CICCH019-023.**

8 8. On April 7, 2024, RESPONDENT sent Investigator Pitch a responsive letter  
9 to the #2 RFI, stating that the September 25, 2023, letter contained “no inaccuracies or  
10 confidential information” and referring Investigator Pitch to another responsive letter he  
11 sent the Division regarding a separate, concurrent Division investigation against him,  
12 Case #2023-662. **CICCH024-025.**

13 9. That same weekend, Association board members Burgess, McCoy, Camicia,  
14 and Simpson sent responsive emails to Investigator Pitch, where each affirmed that the  
15 board never granted RESPONDENT authority to send any emails to other unit owners  
16 on behalf of the board. **CICCH026; 027; 038; 039.**

17 10. Camicia noted that the “It Takes a Village” website and emails were “the  
18 platform [RESPONDENT] created to publicize his own self-serving version of HOA  
19 “facts,” and that the Resort Villas HOA board of directors did not authorize or request  
20 RESPONDENT to write or distribute the email referenced in RFI #2. **CICCH040.**

21 11. On May 27, 2024, the Division sent, via Certified Mail, an NRS 233B letter  
22 notifying the RESPONDENT that it would pursue disciplinary action in a hearing before  
23 the Commission for potential violations of NRS 116. **CICCH041-042.**

#### 24 **VIOLATIONS OF LAW**

25 1. RESPONDENT willfully and knowingly violated NRS 116.3103 through  
26 NAC 116.405(1) by failing to exercise ordinary and reasonable care when he acted  
27 outside the scope of his authority granted in the governing documents by representing  
28 himself as a board member in his “It Takes a Village” communications to unit owners,

1 where he provided his personal opinions and narratives regarding Association issues,  
2 without prior board approval.

3 2. RESPONDENT willfully and knowingly violated NRS 116.3103 through  
4 NAC 116.405(3)(d) by failing to exercise ordinary and reasonable care when he acted  
5 without authority first granted by the executive board by representing himself as a  
6 board member in his "It Takes a Village" communications to unit owners, where he  
7 provided his personal opinions and narratives regarding Association issues, without  
8 prior board approval.

### 9 DISCIPLINE AUTHORIZED

10 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS  
11 116.790 the Commission has discretion to take any or all of the following actions:

12 1. Issue an order directing Respondent to take affirmative action to correct  
13 any conditions resulting from the violation.

14 2. Impose an administrative fine of up to \$1,000 for each violation by  
15 Respondent.

16 3. Order the Respondent to pay the costs of the proceedings incurred by the  
17 Division, including, without limitation, the cost of the investigation and reasonable  
18 attorney's fees.

19 4. Approve application to a court of competent jurisdiction for the appointment  
20 of a receiver for the Respondent.

21 The Commission may order one or any combination of the discipline described  
22 above.

### 23 NOTICE OF HEARING

24 PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider  
25 this Administrative Complaint against the above-named RESPONDENT in accordance  
26 with Chapters 233B and 116 of the Nevada Revised Statutes and Chapter 116 of the  
27 Nevada Administrative Code.

1           **THE HEARING WILL TAKE PLACE** at the Commission meeting(s)  
2 scheduled for December 3-5, 2024, beginning at approximately 9:00 a.m. each day,  
3 or until such time as the Commission concludes its business. The Commission  
4 meeting will be held at the Nevada State Business Center, 3300 W. Sahara  
5 Avenue, 4th Floor, Nevada Room, Las Vegas, Nevada 89102 on December 3 – 4,  
6 2024, with videoconferencing to Department of Business & Industry, Division of  
7 Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706. The  
8 Commission meeting will be held at the Nevada State Business Center, 3300 W.  
9 Sahara Avenue, 4th Floor, Tahoe Room, Las Vegas, Nevada 89102 on December 5,  
10 2024, with videoconferencing to Department of Business and Industry, Division of  
11 Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706.

12  
13           **STACKED CALENDAR: Your hearing is one of several hearings that may**  
14 **be scheduled at the same time as part of a regular meeting of the Commission**  
15 **that is expected to take place on December 3-5, 2024. Thus, your hearing may**  
16 **be continued until later in the day or from day to day. It is your responsibility**  
17 **to be present when your case is called. If you are not present when your**  
18 **hearing is called, a default may be entered against you and the Commission**  
19 **may decide the case as if all allegations in the complaint were true. If you**  
20 **need to negotiate a more specific time for your hearing in advance because of**  
21 **coordination with an out of state witness or the like, please call Maria Gallo,**  
22 **Commission Coordinator, at (702) 486-4074.**

23           **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is  
24 an open meeting under Nevada’s open meeting law and may be attended by the public.  
25 After the evidence and arguments, the commission may conduct a closed meeting to  
26 discuss your alleged misconduct or professional competence. You are entitled to a copy of  
27 the transcript of the open and closed portions of the meeting, although you must pay for  
28 the transcription. As a RESPONDENT, you are specifically informed that you have the

1 right to appear and be heard in your defense, either personally or through your counsel  
2 of choice. At the hearing, the Division has the burden of proving the allegations in the  
3 complaint and will call witnesses and present evidence against you. You have the right  
4 to respond and to present relevant evidence and argument on all issues involved. You  
5 have the right to call and examine witnesses, introduce exhibits, and cross-examine  
6 opposing witnesses on any matter relevant to the issues involved.

7 You have the right to request that the Commission issue subpoenas to compel  
8 witnesses to testify and/or evidence to be offered on your behalf. In making this request,  
9 you may be required to demonstrate the relevance of the witness' testimony and/or  
10 evidence. Other important rights and obligations, including your obligation to answer  
11 the complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including  
12 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC  
13 116.635 and NRS Chapter 233B.

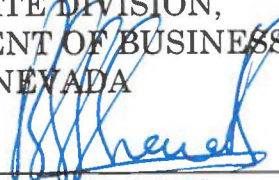
14 Note that under NAC 116.575, not less than five (5) working days before a  
15 hearing, RESPONDENT must provide to the Division a copy of all reasonably available  
16 documents that are reasonably anticipated to be used to support his position, and a list  
17 of witnesses RESPONDENT intend to call at the time of the hearing. Failure to provide  
18 any document or to list a witness may result in the document or witness being excluded  
19 from RESPONDENT'S defense.

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1 The purpose of the hearing is to determine if the RESPONDENT has violated the  
2 provisions of NRS 116, and to determine what administrative penalty is to be assessed  
3 against RESPONDENT.

4 DATED this 30 day of OCTOBER, 2024.

6 REAL ESTATE DIVISION,  
7 DEPARTMENT OF BUSINESS & INDUSTRY,  
8 STATE OF NEVADA

9 By:   
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14 AARON D. FORD  
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16 By: /s/ Phil W. Su  
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