

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. 2024-858

FILED

OCT 29 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mgallo

8 Petitioner,

9 vs.

10 MADISON COLONY AT PROVIDENCE
11 HOMEOWNERS ASSOCIATION,
12 (Entity Number E0051682008-3)

13 Respondent.

14 **COMPLAINT FOR DISCIPLINARY**
15 **ACTION AND NOTICE OF HEARING**

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

27 **JURISDICTION AND NOTICE**

28 During all relevant times, RESPONDENT is a common-interest community
comprised of approximately 168 units located in Las Vegas, Nevada (Entity Number

1 E0051682008-3) and is, therefore, subject to the provisions of Chapter 116 of each the
2 Nevada Revised Statutes (“NRS”) and the Nevada Administrative Code (“NAC”)
3 (hereinafter collectively referred to as “NRS 116”) and are subject to the jurisdiction of the
4 Division, and the Commission for Common-Interest Communities and Condominium
5 Hotels pursuant to the provisions of NRS 116.750.

6 **FACTUAL ALLEGATIONS**

7 1. The RESPONDENT’S executive board has failed to have a third member
8 since about December 7, 2017. Exhibit A, NRED 000008 – NRED 000026.

9 2. Therefore, on or about September 18, 2024, the Division opened an
10 investigation against the RESPONDENT’S Executive Board, requesting a response.
11 Exhibit A, NRED 000003 – NRED 000005.

12 3. On September 23, 2024, the RESPONDENT supplied its Registration
13 Filing Addendum Form 623 completed by Community Association Manager
14 (“CAM”), Mitchell Fu (CAM.0010400), still reporting only two board members.
15 Exhibit B, NRED 000030 – NRED 000031.

16 4. RESPONDENT also furnished the Division with election
17 documentation representing “0 nomination forms.” Exhibit B, NRED 000028,
18 and NRED 000032 – NRED 000137.

19 5. RESPONDENT represented the next board meeting is scheduled for
20 November 24, 2024, and otherwise no change in its efforts to obtain a third board member.
21 Exhibit B, NRED 000028.

22 6. Therefore, on or about September 23, 2024, the Division closed its
23 investigation and informed the RESPONDENT that it would be bringing this matter
24 before the Commission. Exhibit A, NRED 000006 – NRED 000007.

25 **VIOLATIONS OF LAW**

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

28 . . .

1 **DISCIPLINE AUTHORIZED**

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

4 1. Issue an order directing RESPONDENT to take affirmative action to correct
5 any conditions resulting from the violation.

6 2. Impose an administrative fine of up to \$1,000 for each violation
7 by RESPONDENT.

8 3. Order the RESPONDENT to pay the costs of the proceedings incurred by the
9 Division, including, without limitation, the cost of the investigation and reasonable
10 attorney's fees.

11 4. Approve application to a court of competent jurisdiction for the appointment
12 of a receiver for the RESPONDENT.

13 The Commission may order one or any combination of the discipline
14 described above.

15 **NOTICE OF HEARING**

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

20 **THE HEARING WILL TAKE PLACE** at the Commission meeting(s)
21 scheduled for December 3-5, 2024, beginning at approximately 9:00 a.m.
22 each day, or until such time as the Commission concludes its business.
23 The Commission meeting will be held at the Nevada State Business Center,
24 3300 W. Sahara Avenue, 4th Floor, Nevada Room, Las Vegas, Nevada 89102 on
25 December 3-4, 2024, with videoconferencing to Department of Business and
26 Industry, Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City,
27 Nevada 89706. The Commission meeting will be held at the Nevada State
28 Business Center, 3300 W. Sahara Avenue, 4th Floor, Tahoe Room, Las Vegas,

1 Nevada 89102 on December 5, 2024, with videoconferencing to Department
2 of Business and Industry, Division of Insurance, 1818 E. College Parkway,
3 Suite 103, Carson City, Nevada 89706.

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

14 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is
15 an open meeting under Nevada's Open Meeting Law and may be attended by the public.
16 After the evidence and arguments, the commission may conduct a closed meeting to
17 discuss your alleged misconduct or professional competence. You are entitled to a copy of
18 the transcript of the open and closed portions of the meeting, although you must pay for
19 the transcription. As a RESPONDENT, you are specifically informed that you have the
20 right to appear and be heard in your defense, either personally or through your counsel of
21 choice. At the hearing, the Division has the burden of proving the allegations in the
22 complaint and will call witnesses and present evidence against you. You have the right to
23 respond and to present relevant evidence and argument on all issues involved. You have
24 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
25 witnesses on any matter relevant to the issues involved.

26 You have the right to request that the Commission issue subpoenas to compel
27 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
28 you may be required to demonstrate the relevance of the witness' testimony and/or

1 evidence. Other important rights and obligations, including your obligation to answer
2 the complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
3 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through
4 NAC 116.635 and NRS Chapter 233B.

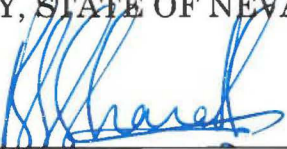
5 Note that under NAC 116.575, not less than five (5) working days before a hearing,
6 RESPONDENT must provide to the Division a copy of all reasonably available documents
7 that are reasonably anticipated to be used to support his position, and a list of witnesses
8 RESPONDENT intends to call at the time of the hearing. Failure to provide any document
9 or to list a witness may result in the document or witness being excluded from
10 RESPONDENT'S defense. The purpose of the hearing is to determine if the
11 RESPONDENT has violated the provisions of NRS 116, and to determine what
12 administrative penalty is to be assessed against RESPONDENT.

13
14 DATED this 28 day of October 2024.

DATED this 23rd day of October 2024.

15 REAL ESTATE DIVISION,
16 DEPARTMENT OF BUSINESS AND
INDUSTRY, STATE OF NEVADA

AARON D. FORD
Attorney General

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