

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, STATE
7 OF NEVADA,

8 Petitioner,

9 vs.

10 MESA VERDE COMMUNITY ASSOCIATION,
(Entity No. E0390302014-7)

11 Respondent.

Case No. 2024-112

FILED

JUL 22 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mga/lo

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 Christal P. Keegan, Deputy Attorney General, hereby notifies
17 Mesa Verde Community Association ("RESPONDENT") of an administrative hearing
18 before the Commission for Common-Interest Communities and Condominium Hotels,
19 State of Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 of the
20 Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada Administrative Code
21 ("NAC"). The purpose of the hearing is to consider the allegations stated below and to
22 determine if an administrative penalty will be imposed on the RESPONDENT pursuant
23 to the provisions of NRS and NAC including, but not limited to NRS 116.785 and
24 NRS 116.790.

25 **JURISDICTION AND NOTICE**

26 During all relevant times, RESPONDENT is a common-interest community located
27 in Las Vegas, Nevada (Entity No. E0390302014-7) and is, therefore, subject to the
28 provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada
Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and are

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. At all times relevant to the Complaint, the RESPONDENT was managed by
5 Nevada Community Management, by and through its community association manager
6 (CAM) Amanda Flores (CAM.0008698-SUPR). *Exhibit A, CICC 000005.*

7 2. The RESPONDENT'S Annual Registration Form 562 dated July 26, 2022,
8 technically demonstrated only two executive board members. *Exhibit A, CICC 000005.*

9 3. Therefore, on or about February 6, 2024, the Division opened an investigation
10 against the RESPONDENT. *Exhibit A, CICC 000006 – CICC 000008.*

11 4. RESPONDENT'S CAM admitted attempts to get people on the Board failed.
12 *Exhibit B, CICC 000015 – CICC 000018.*

13 5. Yet, the Respondent's Registration Filing Addendum Form 623 dated April
14 5, 2024, continued to report only two executive board members. *Exhibit A, CICC 000003.*

15 6. Further, the RESPONDENT'S Annual Registration Form, represented its
16 site reserve study was conducted on September 14, 2016. *Exhibit A, CICC 000005.*

17 7. On or about February 23, 2024, RESPONDENT'S CAM admitted the
18 Association was past the reserve study required due date. *Exhibit B, CICC 000014 –*
19 *CICC 000015.*

20 8. On or about June 5, 2024, the Division informed the RESPONDENT it would
21 refer this matter to the Commission. *Exhibit A, CICC 000010 – CICC 000011.*

22 **VIOLATIONS OF LAW**

23 9. RESPONDENT violated NRS 116.31034(1) for failing to elect a minimum of
24 three executive board members.

25 10. RESPONDENT violated NRS 116.31152(1) by failing to conduct the reserve
26 study prior to the 5-year expiration date.

27 ...

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) scheduled
21 for **September 10-12, 2024**, beginning at approximately 9:00 a.m. each day, or until such
22 time as the Commission concludes its business. The Commission meeting will be held at
23 the Nevada State Business Center, 3300 W. Sahara Avenue, 4th Floor, Nevada Room, Las
24 Vegas, Nevada 89102 on September 10-12, 2024, with videoconferencing to Department of
25 Business and Industry, Division of Insurance, 1818 E. College Parkway, Suite 103, Carson
26 City, Nevada 89706.

27 **STACKED CALENDAR: Your hearing is one of several hearings that may**
28 **be scheduled at the same time as part of a regular meeting of the Commission**

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

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

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

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

9
10 DATED this 19 day of July 2024.

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

11
12
13 By: 

SHARATH CHANDRA, Administrator
3300 W. Sahara Ave., Ste. 350
Las Vegas, Nevada 89102
(702) 486-4033

14
15
16 DATED this 19th day of July 2024.

AARON D. FORD
Attorney General

17
18 By: 

ARJAN LUHAR (Level 2 Certification
of Limited Practice Under SCR 49.3
dated June 10, 2024)
CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
(775) 687-2141

Attorneys for Real Estate Division