

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

12 Respondent.

Case No. 2024-112

FILED

SEP 27 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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13 **FIRST AMENDED COMPLAINT 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
20 the 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
22 to 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 of 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
14 dated April 5, 2024, continued to report only two executive board members. *Exhibit A,*
15 *CICC 000003.*

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

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

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

23 9. **RESPONDENT'S annual renewal expired July 31, 2024.**

24 10. **As of September 22, 2024, Division's records indicated the**
25 **RESPONDENT'S "HOA NOT IN GOOD STANDING."** *Exhibit C, CICC 000236 –*
26 *CICC 000237.*

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1 **VIOLATIONS OF LAW**

2 11. RESPONDENT violated NRS 116.31034(1) for failing to elect a minimum of
3 three executive board members.

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

6 13. **RESPONDENT violated NRS 116.31155 for failing to pay the fee**
7 **required by law.**

8 14. **RESPONDENT violated NRS 116.31158 for failing to submit its**
9 **registration as required by law.**

10 15. **RESPONDENT violated NRS 116.3103 for failing to exercise the**
11 **ordinary and reasonable care of officers and directors when it failed to ensure**
12 **it was in good standing with the Division.**

13 16. **RESPONDENT violated NAC 116.405 for committing acts of**
14 **incompetence, and/or negligence when it failed to ensure it was in good standing**
15 **with the Division.**

16 **DISCIPLINE AUTHORIZED**

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

19 1. Issue an order directing RESPONDENT to take affirmative action to correct
20 any conditions resulting from the violation;

21 2. Impose an administrative fine of up to \$1,000 for each violation
22 by RESPONDENT; and

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

26 The Commission may order one or any combination of the discipline
27 described above.

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1 **NOTICE OF HEARING**

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

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

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 be**
16 **continued until later in the day or from day to day. It is your responsibility to**
17 **be present when your case is called. If you are not present when your hearing**
18 **is called, a default may be entered against you and the Commission may decide**
19 **the case as if all allegations in the complaint were true. If you need to negotiate**
20 **a more specific time for your hearing in advance because of coordination with**
21 **an out-of-state witness or the like, please call Maria Gallo, Commission**
22 **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 of
2 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 to
4 respond and to present relevant evidence and argument on all issues involved. You have
5 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
6 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 the
11 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
13 NAC 116.635 and NRS Chapter 233B.

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

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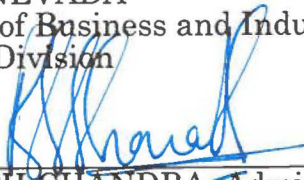
1 RESPONDENT has violated the provisions of NRS 116, and to determine what
2 administrative penalty is to be assessed against RESPONDENT.

3
4 DATED this 25 day of September 2024.

DATED this 25th day of September 2024

5 STATE OF NEVADA
6 Department of Business and Industry
Real Estate Division

AARON D. FORD
Attorney General

7
8 By: 
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11 *Attorneys for Real Estate Division*