

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,

8 Petitioner,

9 vs.

10 QUADRO HOMEOWNERS' ASSOCIATION,
11 JONATHAN HAMRICK, ELENA LUNGU,
12 RICHARD GREISENAUER, LINDA
13 NEWPORT, and GENEVA MARCUS,

14 Respondents.

Case No. 2023-580

FILED

AUG 08 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

17 The Real Estate Division of the Department of Business and Industry, State of
18 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of
19 the State of Nevada, and Phil W. Su, Senior Deputy Attorney General, hereby notifies
20 Quadro Homeowners' Association ("RESPONDENT ASSOCIATION") and association
21 board members Jonathan Hamrick, Elena Lungu, Richard Greisenauer, Linda Newport,
22 and Geneva Marcus ("RESPONDENT BOARD MEMBERS") of an administrative
23 hearing before the Commission for Common-Interest Communities and Condominium
24 Hotels, State of Nevada, which is to be held pursuant to Chapters 233B and Chapters
25 116 of the Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada
26 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations
27 stated below and to determine if an administrative penalty will be imposed on the
28 RESPONDENTS pursuant to the provisions of NRS and NAC including, but not limited
to NRS 116.785 and NRS 116.790.

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1 **JURISDICTION AND NOTICE**

2 During all relevant times, RESPONDENT ASSOCIATION is a common-interest
3 community located in Las Vegas, Nevada (Entity Number C3523-1997) and is, therefore,
4 subject to the provisions of Chapter 116 of each the Nevada Revised Statutes (“NRS”)
5 and the Nevada Administrative Code (“NAC”) (hereinafter collectively referred to as
6 “NRS 116”) and are subject to the jurisdiction of the Division, and the Commission for
7 Common-Interest Communities pursuant to the provisions of NRS 116.750.

8 **FACTUAL ALLEGATIONS**

9 1. On July 18, 2023, the Division received two (2) related intervention
10 affidavits (IA) from COMPLAINANT Ishana Vargas, supervising community association
11 manager with Integrity Based Management LLC. CIC0001-0004.

12 2. At all times relevant to the Complaint, Integrity Based Management LLC
13 and COMPLAINANT were originally the retained community association manager for
14 RESPONDENT ASSOCIATION. CIC0022.

15 3. The IA generally alleged that RESPONDENT BOARD MEMBER
16 GRIESENAUER, along with RESPONDENT BOARD MEMBERS MARCUS, LUNGU,
17 and NEWPORT, held a non-noticed board meeting during which time GRIESENAUER
18 made a motion to not file his own insurance claim for damages to his home and to have
19 the Association pay him for damages to his unit and for accommodations while repairs
20 were being performed. CIC0022.

21 4. The other named board members were present at the non-noticed board
22 meeting and voted in favor of the motion. CIC0022.

23 5. On June 28, 2023, COMPLAINANT sent letters to the RESPONDENT
24 BOARD MEMBERS outlining the potential violations that may have occurred, in
25 advance of filing an IA with the Division. CIC0048-0061.

26 6. On August 15, 2023, Division Investigator Christina Pitch sent an initial
27 letter constituting notice of investigation and request for information to RESPONDENT
28 ASSOCIATION, by certified mailing to their community association manager, Sharyce

1 Harper of Integrity Based Management LLC. CIC0062-0064.

2 7. The initial request for information letter made four allegations, asserting
3 that an illegal board meeting occurred on June 13, 2023 without proper notice; that
4 RESPONDENT BOARD MEMBER GRIESENAUER stood to gain financially from a vote
5 to have the association pay for repairs to his home; that the other RESPONDENT
6 BOARD MEMBERS improperly allowed the vote to occur to GRIESENAUER'S benefit;
7 and that the other RESPONDENT BOARD MEMBERS improperly allowed
8 GRIESENAUER to continue to serve as a board member when he stood to gain
9 financially from the matter before the executive board. CIC0062-0063.

10 8. On August 24, 2023, Investigator Pitch sent a second request for
11 information letter to RESPONDENTS, reiterating the requests from the previous letter.
12 CIC0065-0067.

13 9. On August 23, 2023, the Division received emailed response from
14 RESPONDENT BOARD MEMBER Hamrick, enclosing email records from the
15 emergency meeting, correspondence about retaining legal counsel, and letters sent to the
16 board regarding the meetings and attempted payouts to RESPONDENT BOARD
17 MEMBER GREISENAUER. CIC0091-0150.

18 10. That same day, the Division also received a response purportedly from the
19 RESPONDENT BOARD MEMBERS, collectively. CIC0151-0167.

20 11. On August 24, 2023, BOARD MEMBER GRIESENAUER filed his own
21 statement of fact and form 514A intervention affidavit against Integrity Based
22 Management LLC and Sharyce Harper and COMPLAINANT Ishana Vargas, alleging
23 retaliation and harassment. CIC0168-183.

24 12. The August 24, 2023, statement of fact, in relevant part to this Complaint,
25 included a letter from BOARD MEMBER GRIESENAUER'S own counsel indicating that
26 he is solely responsible for repairing damages to his own unit and needed to allow the
27 Association access to his home to identify repair issues. CIC0180-0183.

28 13. On September 6, 2023, Investigator Pitch sent a third request for

1 information letter to RESPONDENTS, requesting information regarding payments
2 GRIESENAUER may have made to repair water damage in 2023; a copy of the CC&Rs;
3 and an explanation of each payment the Board approved for the benefit of
4 GRIESENAUER, with citation to the section of the CC&Rs supporting the Association's
5 responsibility for that damage. CIC0068-0070.

6 14. On September 14, 2023, Investigator Pitch sent a fourth request for
7 information letter to RESPONDENTS, reiterating from the third letter. CIC0071-0072.

8 15. On September 18, 2023, Mandy Edelman from Sierra Community
9 Management emailed a response to the Division, enclosing the requested documents
10 from the most recent request. CIC0073-0090.

11 16. On December 14, 2023, the Division sent, via Certified Mail, NRS 233b
12 letter notifying the RESPONDENTS that it would pursue disciplinary action in a
13 hearing before the Commission for potential violations of NRS 116. CIC0184-0185.

14 VIOLATIONS OF LAW

15 1. RESPONDENTS willfully and knowingly violated NRS 116.31083 and NRS
16 116.3103 pursuant to NAC 116.405 when the executive board held one or more meetings,
17 on June 6, 2023, and June 13, 2023, that were not properly noticed according to
18 statutory requirements.

19 2. RESPONDENT BOARD MEMBER GREISENAUER willfully and
20 knowingly violated 116.3103 pursuant to NAC 116.405(2) by acting for reasons of self-
21 interest and gain, when he made a motion for an executive board vote to pay him out of
22 Association funds for repairs to his unit and relocation expenses, for which he would
23 have personally benefitted.

24 3. RESPONDENTS willfully and knowingly violated NRS 116.3103 through
25 NAC 116.405(3) by committing an act which amounts to incompetence, negligence,
26 and/or gross negligence when they unanimously voted in favor of paying BOARD
27 MEMBER GREISENAUER out of Association funds for his sole and primary benefit and
28 allowed those funds to actually be used for that purpose.

1 **DISCIPLINE AUTHORIZED**

2 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
3 116.790 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 by
7 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 described
14 above.

15 **NOTICE OF HEARING**

16 **PLEASE TAKE NOTICE** that a disciplinary hearing has been set to consider
17 this Administrative Complaint against the above-named RESPONDENT in accordance
18 with Chapters 233B and 116 of the Nevada Revised Statutes and Chapter 116 of the
19 Nevada 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,
24 Las Vegas, Nevada 89102 with videoconferencing to Department of Business & Industry,
25 Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706.

26 **STACKED CALENDAR: Your hearing is one of several hearings that may**
27 **be scheduled at the same time as part of a regular meeting of the Commission**
28 **that is expected to take place on September 10-12, 2024. Thus, your hearing**

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

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

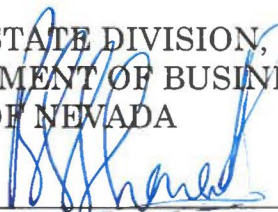
20 You have the right to request that the Commission issue subpoenas to compel
21 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
22 you may be required to demonstrate the relevance of the witness' testimony and/or
23 evidence. Other important rights and obligations,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

27 Note that under NAC 116.575, not less than five (5) working days before a
28 hearing, RESPONDENT must provide to the Division a copy of all reasonably available

1 documents that are reasonably anticipated to be used to support his position, and a list
2 of witnesses RESPONDENT intend to call at the time of the hearing. Failure to provide
3 any document or to list a witness may result in the document or witness being excluded
4 from RESPONDENT'S defense. The purpose of the hearing is to determine if the
5 RESPONDENT has violated the provisions of NRS 116, and to determine what
6 administrative penalty is to be assessed against RESPONDENT.

7
8 DATED this 7 day of August, 2024.

9 REAL ESTATE DIVISION,
10 DEPARTMENT OF BUSINESS & INDUSTRY,
11 STATE OF NEVADA

12 By: 
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