

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
NEVADA,

Case No. 2024-638

7 Petitioner,

8 vs.

9 RIO VISTA HOMEOWNERS
10 ASSOCIATION,
(ENTITY NO. E0245962006-9)

11 Respondent.

12
13 **STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

14 This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into
15 by and between the State of Nevada, Department of Business and Industry, Real Estate
16 Division ("Division"), through its Administrator Sharath Chandra ("Petitioner"), by and
17 through their attorney of record, Phil W. Su, and RESPONDENT Rio Vista Homeowners
18 Association ("RESPONDENT" or "RESPONDENT ASSOCIATION").

19 **JURISDICTION AND NOTICE**

20 During all relevant times, RESPONDENT is a common-interest community located
21 in Las Vegas, Nevada (Entity Number E0245962006-9) and is, therefore, subject to the
22 provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada
23 Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and are
24 subject to the jurisdiction of the Division, and the Commission for Common-Interest
25 Communities pursuant to the provisions of NRS 116.750.

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1 **SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT**

2 1. RESPONDENT is a common-interest community located in Las Vegas,
3 Nevada (Entity Number E0245962006-9) with 298 units. CIC0001-0002.

4 2. At all times relevant to the Complaint, RESPONDENT'S management
5 company was CAMCO, and its assigned community manager was Autumn Pacheco.
6 CIC0001-0002.

7 3. On April 9,2024, the Division discovered, based on the RESPONDENT
8 ASSOCIATION'S submission of its annual association registration form, that
9 RESPONDENT ASSOCIATION did not have at least three board members registered as
10 required by its own governing documents, with a vacancy in its President position for the
11 executive board. CIC0002.

12 4. On or about July 10, 2024, the Division's Investigator, James Johnston, issued
13 a letter opening investigation to RESPONDENT ASSOCIATION'S community manager,
14 Autumn Pacheco, via Certified Mail, with cc: to the RESPONDENT ASSOCIATION'S two
15 current board members, Patricia Domingo and H. Shane Burgos, to inquire regarding the
16 Association's failure to have at least three board members per statute. CIC0003-0004.

17 5. The opening investigation letter requested election documentation from 2023
18 through 2024 and an updated form 623 identifying the current community manager and
19 board members, with documentation to be provided to the Division by July 17, 2024.
20 CIC0003-0004.

21 6. On or about July 18, 2024, Investigator Johnston issued a second request for
22 information letter to RESPONDENT ASSOCIATION reiterating his request for documents
23 and a response. CIC0005-0007.

24 7. RESPONDENT ASSOCIATION, through community manager Pacheco,
25 spoke with Investigator Johnston by phone on or about July 22, 2024, and confirmed that
26 she has yet to schedule elections for RESPONDENT ASSOCIATION.
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1 8. On July 26, 2024, the Division sent RESPONDENT ASSOCIATION, by
2 mailing to community manager Pacheco, with cc: to Board Members Domingo and Burgos,
3 a NRS 233B letter via certified mail notifying them that it obtained sufficient evidence to
4 commence disciplinary action by filing a complaint as a result of its investigation. CIC0008-
5 0009.

6 **VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT**

7 1. RESPONDENT violated NRS 116.31034(1) by failing to elect a minimum of
8 three executive board members.

9 **PROPOSED SETTLEMENT AGREEMENT**

10 In an effort to avoid the time and expense of litigating these issues before the
11 Commission, the RESPONDENT ASSOCIATION does not admit, but also agrees to waive
12 its right to contest, the above factual allegations and violations as alleged in the Complaint
13 filed in Case 2024-638. The parties desire to compromise and settle the instant controversy
14 upon the following terms and conditions:

15 1. The RESPONDENT agrees to pay the Division a total amount of ONE
16 THOUSAND TWO HUNDRED DOLLARS and 81/100 cents (\$1,205.81) ("Amount Due"),
17 consisting of zero administrative fine imposed by the Division, the Division's pre-hearing
18 costs and fees in the amount of \$499.13, and pre-hearing attorney's fees in the amount of
19 \$706.68.

20 a. The Amount Due shall be payable to the Division in full within sixty
21 (60) days of the date of the order approving this settlement.

22 b. No grace period is permitted. If the payment is not actually received by
23 the Division on or before its due date, it shall be construed as an event of
24 default by the RESPONDENT.

25 2. RESPONDENT and the Division agree that by entering into this Stipulation,
26 the Division does not concede any defense or mitigation that the RESPONDENT may
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1 assert and that once this Stipulation is approved and fully performed, the Division will
2 close its file in this matter.

3 3. **RESPONDENT** agrees and understand that by entering into this Stipulation,
4 **RESPONDENT** is waiving their right to a hearing at which they may present evidence in
5 their defense, their right to a written decision on the merits of the complaint, their rights
6 to reconsideration and/or rehearing, appeal and/or judicial review, and all other rights
7 which may be accorded by the Nevada Administrative Procedure Act, the Nevada Common-
8 Interest Communities and Condominium Hotels statutes and accompanying regulations,
9 and the federal and state Constitutions. The **RESPONDENT** understands that this
10 Agreement and other documentation may be subject to public records laws. The
11 Commission members who review this matter for approval of this Stipulation may be the
12 same members who ultimately hear, consider, and decide the Complaint if this Stipulation
13 is either not approved by the Commission or is not timely performed by the **RESPONDENT**.
14 The **RESPONDENT** fully understands that they have the right to be represented by legal
15 counsel in this matter at their own expense.

16 4. Each party shall bear their own attorney's fees and costs, *except* as the
17 Division's Attorney's pre-hearing costs provided above.

18 5. Approval of Stipulation. Once executed, this Stipulation will be filed with the
19 Commission and will be placed on the agenda for approval at its next public meeting. The
20 Division will recommend to the Commission approval of the Stipulation. **SETTLING**
21 **RESPONDENTS** agree that the Commission may approve, reject, or suggest amendments
22 to this Stipulation that must be accepted or rejected by **SETTLING RESPONDENTS** before
23 any amendment is effective.

24 6. Withdrawal of Stipulation. If the Commission rejects this Stipulation or
25 suggests amendments unacceptable to the **RESPONDENT**, the **RESPONDENT** may
26 withdraw from this Stipulation, and the Division may pursue its Complaint before the
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1 Commission. This Stipulation then shall become null and void and unenforceable in any
2 manner against either party.

3 7. Release. In consideration of the execution of this Stipulation, Association and
4 RESPONDENT for itself/themselves, its/their heirs, executors, administrators, successors,
5 and assigns, hereby releases, remises, and forever discharges the State of Nevada, the
6 Department of Business and Industry, and the Division, and each of their respective
7 members, agents, employees, and counsel in their individual and representative capacities,
8 from any and all manner of actions, causes of action, suits, debts, judgments, executions,
9 claims, and demands whatsoever, known and unknown, in law or equity, that
10 RESPONDENT ever had, now has, may have, or claim to have against any or all of the
11 persons or entities named in this section, arising out of or by reason of the Division's
12 investigation of this action, this disciplinary action, and all matters related thereto.

13 8. Indemnification. RESPONDENT hereby agrees to indemnify and hold
14 harmless the State of Nevada, the Department of Business and Industry, Petitioner, the
15 Division, and each of their respective members, agents, employees, and counsel, in their
16 individual and representative capacities, against any and all claims, suits, and actions
17 brought against said persons and/or entities by reason of the Division's investigation, this
18 disciplinary action, and all other matters relating thereto, and against any and all
19 expenses, damages, and costs, including court costs and attorney fees, which may be
20 sustained by the persons and/or entities named in this section as a result of said claims,
21 suits, and actions.

22 9. Default. In the event of default, the RESPONDENT agrees that the
23 RESPONDENT registration status with the Division shall be immediately suspended, and
24 the unpaid balance of the administrative fine and costs, together with any attorney's fees
25 and costs that may have been assessed, shall be due in full to the Division within ten (10)
26 calendar days of the date of default. Debt collection actions for unpaid monetary
27 assessments in this case may be instituted by the Division or its assignee. RESPONDENT
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1 agrees that the foregoing suspension of the RESPONDENT'S registration status shall
2 continue until the unpaid monetary assessments are paid in full.

3 10. RESPONDENT'S executive board members have signed and dated this
4 Stipulation only after reading and understanding all terms herein.

5 DATED: November 27, 2024

NEVADA DEPARTMENT OF BUSINESS
AND INDUSTRY, REAL ESTATE DIVISION

6
7 By: 
8 SHARATH CHANDRA
Administrator

9 DATED: November 28, 2024

RIO VISTA HOMEOWNERS ASSOCIATION

10
11 By: 
12 TYSON SPARROW
President

13 DATED: November 28, 2024

RIO VISTA HOMEOWNERS ASSOCIATION

14
15 By: 
ANDREW BONE
Treasurer

16 DATED: November 28, 2024

RIO VISTA HOMEOWNERS ASSOCIATION

17
18 By: 
19 LARA BERESTEANU
Secretary

20 APPROVED AS TO FORM:

21 AARON D. FORD
22 Attorney General

23 By: /s/ Phil W. Su
24 PHIL W. SU (Bar No. 10450)
25 Senior Deputy Attorney General
26 1 State of Nevada Way, Ste. 100
27 Las Vegas, Nevada 89119
28 (702) 486-3655
Attorneys for Real Estate Division

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2 **COMMUNITIES AND CONDOMINIUM HOTELS**

3 **STATE OF NEVADA**

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10 RIO VISTA HOMEOWNERS
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12 (ENTITY NO. E0245962006-9)

13 Respondent.

14 **ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

15 **IT IS ORDERED** that the foregoing Stipulation and Order for Settlement of
16 Disciplinary Action in Case No. 2024-638 is approved in full.

17 DATED: November _____, 2024

18 COMMISSION FOR COMMON-INTEREST
19 COMMUNITIES AND CONDOMINIUM
20 HOTELS, DEPARTMENT OF BUSINESS
21 AND INDUSTRY, STATE OF NEVADA

22 By: _____
23 Phyllis Tomasso, Chairwoman

24 Submitted by:

25 AARON D. FORD
26 Attorney General

27 By: /s/ Phil W. Su
28 PHIL W. SU (Bar No. 10450)
Senior Deputy Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, Nevada 89119
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Attorneys for Real Estate Division