

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,

Case No. 2024-633

Petitioner,

8 vs.

9 WALNUT GLEN LANDSCAPE
10 MAINTENANCE ASSOCIATION, INC.
11 (ENTITY NO. C28072-2002)

Respondent.

FILED

OCT 29 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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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 Phil W. Su, Senior Deputy Attorney General, hereby notifies
17 WALNUT GLEN LANDSCAPE MAINTENANCE ASSOCIATION, INC.
18 ("RESPONDENT" or "RESPONDENT ASSOCIATION") of an administrative hearing
19 before the Commission for Common-Interest Communities and Condominium Hotels,
20 State of Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 of the
21 Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada Administrative Code
22 ("NAC"). The purpose of the hearing is to consider the allegations stated below and to
23 determine if an administrative penalty will be imposed on the RESPONDENT pursuant
24 to the provisions of NRS and NAC including, but not limited to NRS 116.785 and NRS
25 116.790.

26 **JURISDICTION AND NOTICE**

27 During all relevant times, RESPONDENT ASSOCIATION is a common-interest
28

1 community located in Las Vegas, Nevada (Entity Number C28072-2002) and is, therefore,
2 subject to the provisions of Chapter 116 of each the Nevada Revised Statutes (“NRS”) and
3 the Nevada Administrative Code (“NAC”) (hereinafter collectively referred to as “NRS
4 116”) and are subject to the jurisdiction of the Division, and the Commission for Common-
5 Interest Communities and Condominium Hotels pursuant to the provisions of NRS
6 116.750.

7 **FACTUAL ALLEGATIONS**

8 1. RESPONDENT ASSOCIATION is a common-interest community located in
9 Las Vegas, Nevada (Entity Number C28072-2002) with 373 units. **CICCH001-002.**

10 2. At all times relevant to the Complaint, RESPONDENT’S management
11 company was FirstService Residential, Nevada, and its assigned community manager was
12 Cathy Blazeovich. **CICCH001-002.**

13 3. RESPONDENT ASSOCIATION’S 2023 Annual Association Registration
14 form, submitted November 20, 2023, indicated that it only had two out of the three
15 required board member positions filled. **CICCH001-002.**

16 4. On July 10, 2024, the Division’s Investigator, James Johnston, issued a letter
17 opening investigation to RESPONDENT ASSOCIATION’S CAM, Cathy Blazeovich, via
18 Certified Mail, to inquire regarding the Association’s failure to have at least three board
19 members registered with the Division. **CICCH003-004.**

20 5. On July 18, 2024, Investigator Johnston issued a second request for
21 information letter to RESPONDENT ASSOCIATION reiterating his request for
22 documents and a response. **CICCH005-006.**

23 6. On July 23, 2024, CAM Blazeovich informed Investigator Johnston by email
24 that the RESPONDENT ASSOCIATION only had two (2) board members for the past two
25 years, and that one of the current board members had just sold her home, necessitating
26 the search for two (2) board members. **CICCH009.**

27 7. CAM Blazeovich also provided a copy of the ‘beg letter mailer’ and candidate
28 statement form that she was sending out to unit owners. **CICCH009; 013-014.**

1 8. On August 28, 2024, CAM Blazeovich reported to Investigator Johnston that
2 only one (1) candidate statement had been received. **CICCH021.**

3 9. On August 28, 2024, the Division sent RESPONDENT ASSOCIATION,
4 through by mailing to CAM Blazeovich, an NRS 233B letter via certified mail notifying
5 them that it obtained sufficient evidence to commence disciplinary action by filing a
6 complaint as a result of its investigation. **CICCH023-024.**

7 **VIOLATIONS OF LAW**

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

10 **DISCIPLINE AUTHORIZED**

11 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
12 116.790 the Commission has discretion to take any or all of the following actions:

13 1. Issue an order directing Respondent to take affirmative action to correct any
14 conditions resulting from the violation.

15 2. Impose an administrative fine of up to \$1,000 for each violation by
16 Respondent.

17 3. Order the Respondent to pay the costs of the proceedings incurred by the
18 Division, including, without limitation, the cost of the investigation and reasonable
19 attorney's fees.

20 4. Approve application to a court of competent jurisdiction for the appointment
21 of a receiver for the Respondent.

22 The Commission may order one or any combination of the discipline described
23 above.

24 **NOTICE OF HEARING**

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

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

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

21 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is
22 an open meeting under Nevada’s open meeting law and may be attended by the public.
23 After the evidence and arguments, the commission may conduct a closed meeting to
24 discuss your alleged misconduct or professional competence. You are entitled to a copy of
25 the transcript of the open and closed portions of the meeting, although you must pay for
26 the transcription. As a RESPONDENT, you are specifically informed that you have the
27 right to appear and be heard in your defense, either personally or through your counsel of
28 choice. At the hearing, the Division has the burden of proving the allegations in the

1 complaint and will call witnesses and present evidence against you. You have the right to
2 respond and to present relevant evidence and argument on all issues involved. You have
3 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
4 witnesses on any matter relevant to the issues involved.

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

12 Note that under NAC 116.575, not less than five (5) working days before a hearing,
13 RESPONDENT must provide to the Division a copy of all reasonably available documents
14 that are reasonably anticipated to be used to support his position, and a list of witnesses
15 RESPONDENT intend to call at the time of the hearing. Failure to provide any document
16 or to list a witness may result in the document or witness being excluded from

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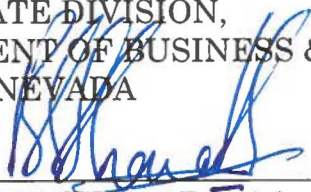
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1 RESPONDENT'S defense. The purpose of the hearing is to determine if the
2 RESPONDENT has violated the provisions of NRS 116, and to determine what
3 administrative penalty is to be assessed against RESPONDENT.

4 DATED this 28 day of OCTOBER, 2024.

6 REAL ESTATE DIVISION,
7 DEPARTMENT OF BUSINESS & INDUSTRY,
8 STATE OF NEVADA

9 By: 
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14 AARON D. FORD
15 Attorney General

16 By: /s/ Phil W. Su
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22 *Attorneys for Real Estate Division*