

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 CHESTNUT HILL AT PROVIDENCE
11 COMMUNITY ASSOCIATION,
12 (ENTITY NO. E0596952007-3)

13 Respondent.

Case No. 2024-154

FILED

MAY 10 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

16 The Real Estate Division of the Department of Business and Industry, State of
17 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of
18 the State of Nevada, and Phil W. Su, Senior Deputy Attorney General, hereby notifies
19 Chestnut Hill at Providence Community Association ("RESPONDENT" or
20 "RESPONDENT ASSOCIATION") of an administrative hearing before the Commission
21 for Common-Interest Communities and Condominium Hotels, State of Nevada, which is
22 to be held pursuant to Chapters 233B and Chapters 116 of the Nevada Revised Statutes
23 ("NRS") and Chapter 116 of the Nevada Administrative Code ("NAC"). The purpose of the
24 hearing is to consider the allegations stated below and to determine if an administrative
25 penalty will be imposed on the RESPONDENT pursuant to the provisions of NRS and
26 NAC including, but not limited to NRS 116.785 and NRS 116.790.

27 **JURISDICTION AND NOTICE**

28 During all relevant times, RESPONDENT is a common-interest community located
in Las Vegas, Nevada (Entity Number E0596952007-3) and is, therefore, subject to the

1 provisions of Chapter 116 of each the Nevada Revised Statutes (“NRS”) and the Nevada
2 Administrative Code (“NAC”) (hereinafter collectively referred to as “NRS 116”) and are
3 subject to the jurisdiction of the Division, and the Commission for Common-Interest
4 Communities pursuant to the provisions of NRS 116.750.

5 **FACTUAL ALLEGATIONS**

6 1. RESPONDENT is a common-interest community located in Las Vegas,
7 Nevada (Entity Number E0596952007-3) with 189 units. *CCIC001; 003.*

8 2. At all times relevant to the Complaint, RESPONDENT’S management
9 company was Associa Nevada South. *CCIC001; 003.*

10 3. In January 2024, the Division discovered that RESPONDENT
11 ASSOCIATION did not have at least three board members registered according to
12 Respondent’s Form 562 Annual Association Registration. *CCIC003-004.*

13 4. On or about February 16, 2024, the Division’s Investigator, Ashley
14 Thompson, issued a letter opening investigation to RESPONDENT ASSOCIATION’S
15 Community Association Manager, Crystal Kaufman, and the RESPONDENT
16 ASSOCIATION’S two current board members, Jonathan Rudd and Lisa Sweeney, via
17 Certified Mail, to inquire regarding the Association’s failure to have at least three board
18 members per statute. *CCIC005-006.*

19 5. The opening investigation letter requested election documentation from 2022
20 through 2024 and an updated form 623 once the third board member was appointed, with
21 documentation to be provided to the Division by March 18, 2024. *CCIC005-006.*

22 6. RESPONDENT ASSOCIATION, through its board member Lisa Sweeney,
23 emailed a response dated March 18, 2024, indicating that they have attempted to recruit
24 additional board members through their December 2023 community newsletter, and that
25 the existing board members remained committed to transparency and recruiting
26 additional board members. *CCIC007-008.*

27 7. On April 2, 2024, Board Member Sweeney confirmed to the Division that
28 RESPONDENT ASSOCIATION remained without a third board member. *CCIC007.*

1 **THE HEARING WILL TAKE PLACE** at the Commission meeting(s) scheduled
2 for June 11-13, 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 June 11 and 12, 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 June 13, 2024, with videoconferencing to Department of Business and Industry, Division
10 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 June 11-13, 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, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
10 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC
11 116.635 and 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
17 RESPONDENT'S defense. The purpose of the hearing is to determine if the
18 RESPONDENT has violated the provisions of NRS 116, and to determine what
19 administrative penalty is to be assessed against RESPONDENT.

20 DATED this 9 day of May, 2024.

21
22 REAL ESTATE DIVISION,
23 DEPARTMENT OF BUSINESS & INDUSTRY,
24 STATE OF NEVADA

25 By: 
26 SHARATH CHANDRA, Administrator
27 3300 W. Sahara Ave. Ste 350
28 Las Vegas, Nevada 89102
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AARON D. FORD

Attorney General

By: /s/ Phil W. Su

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