

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 YVONNE A. CULLIVER,
11 (CAM.0007452 - Suspended)

12 Respondent.

Case No. 2024-50

FILED

APR 23 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

15 The Real Estate Division of the Department of Business and Industry, State of
16 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of
17 the State of Nevada, and Christal P. Keegan, Deputy Attorney General, hereby notifies
18 YVONNE A. CULLIVER ("RESPONDENT") of an administrative hearing before the
19 Commission for Common-Interest Communities and Condominium Hotels, State of
20 Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and 116A of the
21 Nevada Revised Statutes ("NRS") and Chapter 116 and 116A of the Nevada
22 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations
23 stated below and to determine if an administrative penalty will be imposed on the
24 RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to
25 NAC 116A.360.

26 **JURISDICTION AND NOTICE**

27 During all relevant times mentioned in this complaint, RESPONDENT held a
28 community manager certificate from the Division (CAM.0007452) and is, therefore,
subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and

1 116A and NAC Chapters 116 and 116A. RESPONDENT'S certificate is currently in
2 "suspended" status.

3 FACTUAL ALLEGATIONS

4 1. On or about September 1, 2023, new management began for the Cactus Hills
5 East Homeowners Association ("Association"). *Exhibit 7, CICC 117.*

6 2. On or about September 18, 2023, the succeeding management company for
7 the Association reached out to the former community manager, RESPONDENT of
8 5STRMGT, LLC, to begin the transition process. *Exhibit 1, CICC 004.*

9 3. Thereafter, on or about September 22, 2023, and again on October 4, 2023,
10 counsel for the succeeding management company's requested RESPONDENT return the
11 Association's records so that it could conduct its business. *Exhibit 1, CICC 005-006.*

12 4. On or about November 17, 2023, the Division's Licensing section
13 notified RESPONDENT that her community manager certificate CAM.0007452 had
14 been suspended for failure to comply with Commission's Order in Case No. 2023-190.
15 *Exhibit 2, CICC 011.*

16 5. On or about January 17, 2024, the Division received a complaint against
17 RESPONDENT for failing to turn over Association records to the succeeding management
18 company after multiple requests. *Exhibit 1, CICC 002 - 003.*

19 6. Accordingly, on or about February 1, 2024, the Division sent the
20 RESPONDENT its First Request for response and/or information letter with a deadline of
21 February 15, 2024. *Exhibit 3, CICC 015 - 016.*

22 7. By February 15, 2024, the RESPONDENT had not responded. *Exhibit 3,*
23 *CICC 017 - 018.*

24 8. Therefore, on or about February 21, 2024, the Division sent the
25 RESPONDENT its Second Request for response and/or information letter with a deadline
26 of March 6, 2024. *Exhibit 3, CICC 017 - 018.*

27 9. The RESPONDENT still had not responded by the second deadline.

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1 10. Over the course of the six-month period from when the new management
2 company took over, RESPONDENT had not responded to the succeeding management
3 company, the Association's counsel, nor did she communicate with the Board, hold
4 a meeting, or prepared a budget, and she did not get paid for management services.

5 *Exhibit 4, CICC 020 – 112.*

6 11. Yet, on March 6, 2024, the RESPONDENT, on behalf of the Association,
7 submitted the Form 562 Annual Association Registration to the Division reporting herself
8 as the Community Manager. *Exhibit 5, CICC 114 – 115.*

9 12. Accordingly, on or about March 12, 2024, the Division sent RESPONDENT a
10 cease-and-desist letter noting that as of November 17, 2023, her certificate remained
11 suspended. *Exhibit 7, CICC 133-140.*

12 13. The Division also sent Notice of Suspension letters to all associations
13 determined to have utilized the services of RESPONDENT. *Exhibit 8, CICC 142 – 149.*

14 14. To date, RESPONDENT has not complied with all terms in the Commission's
15 Order for Case No. 2023-190 and her license remains suspended.

16 15. To date, there is no proof that RESPONDENT has terminated her other
17 community management contracts, nor relinquished all association documents and
18 financial access.

19 **VIOLATIONS OF LAW**

20 16. RESPONDENT violated NRS 116A.620(6) for failing to provide records or
21 proof thereof that within 30 days of termination such transfer of records occurred to the
22 Succeeding Management Company.

23 17. RESPONDENT violated NRS 116A.630(1)(b) for failing to exercise ordinary
24 and reasonable care in the performance of her duties by not transferring the Association
25 record's timely or completely to the Succeeding Management Company.

26 18. RESPONDENT violated NRS 116A.630(2)(a) by failing to comply with state
27 laws and regulations when she failed to provide the Division and/or the Succeeding
28 Management Company with the requested documents.

1 19. RESPONDENT violated NAC 116A.355(1)(a)(1) and (3) by engaging in
2 unprofessional conduct when she failed to provide the Association's record to the
3 Succeeding Management Company impacting the Association's ability to administer the
4 affairs of the Association.

5 20. RESPONDENT violated NRS 116A.630(10) for failing to cooperate with the
6 Division to resolve complaints filed against her for not producing documents.

7 21. RESPONDENT violated NAC 116A.355(2)(f) when she failed to cooperate
8 with the Division's requests for a response and/or production of documents.

9 22. RESPONDENT violated NRS 116A.640(2)(a) for impeding the Division's
10 investigation by failing to comply with requests to provide documents.

11 23. RESPONDENT violated NRS 116A.640(7)(b) when she attempted to provide
12 the Association with community management representation when her license was
13 clearly suspended.

14 **DISCIPLINE AUTHORIZED**

15 Pursuant to the provisions of NAC 116A.360 the Commission has discretion to
16 impose discipline as it deems appropriate, including, but not limited to one or more of the
17 following actions:

- 18 (a) Revoke the certificate;
- 19 (b) Refuse to reinstate the certificate;
- 20 (c) Place the community manager on probation;
- 21 (d) Issue a reprimand or censure to the community manager;
- 22 (e) Impose a fine of not more than \$5,000 for each violation of a statute or
23 regulation;
- 24 (f) Require the community manager to pay the costs of the investigation and
25 hearing; and
- 26 (g) Take such other disciplinary action as the Commission deems appropriate.

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

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 and 116A of the Nevada Revised Statutes and Chapter 116 and
5 116A of the Nevada Administrative Code.

6 **THE HEARING WILL TAKE PLACE** at the Commission meeting(s) scheduled
7 for June 11 – June 13, 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 June 11 and 12, 2024, with videoconferencing to Department of
11 Business and Industry, Division of Insurance, 1818 E. College Parkway, Suite 103, Carson
12 City, Nevada 89706. The Commission meeting will be held at the Nevada State Business
13 Center, 3300 W. Sahara Avenue, 4th Floor, Tahoe Room, Las Vegas, Nevada 89102 on
14 June 13, 2024, with videoconferencing to Department of Business and Industry, Division
15 of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706.

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

26 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is
27 an open meeting under Nevada’s Open Meeting Law and may be attended by the public.
28 After the evidence and arguments, the Commission may conduct a closed meeting to

1 discuss your alleged misconduct or professional competence. You are entitled to a copy of
2 the transcript of the open and closed portions of the meeting, although you must pay for
3 the transcription. As a RESPONDENT, you are specifically informed that you have the
4 right to appear and be heard in your defense, either personally or through your counsel of
5 choice. At the hearing, the Division has the burden of proving the allegations in the
6 complaint and will call witnesses and present evidence against you. You have the right to
7 respond and to present relevant evidence and argument on all issues involved. You have
8 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
9 witnesses on any matter relevant to the issues involved.

10 You have the right to request that the Commission issue subpoenas to compel
11 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
12 you may be required to demonstrate the relevance of the witness's testimony and/or
13 evidence. Other important rights and obligations, including your obligation to answer the
14 complaint, you have are listed in NAC 116A.560 through NAC 116A.655, NRS Chapter
15 233B, and NRS Chapters 116 and 116A and NAC 116 and 116A.

16 Note that under NAC 116A.585, not less than five (5) working days before a hearing,
17 RESPONDENT must provide to the Division a copy of all reasonably available documents
18 that are reasonably anticipated to be used to support his or her position, and a list of
19 witnesses RESPONDENT intends to call at the time of the hearing. Failure to provide
20 any document or to list a witness may result in the document or witness being excluded
21 from RESPONDENT'S defense. The purpose of the hearing is to determine if the
22 RESPONDENT has violated any of the provisions of NRS and NAC Chapters 116 and

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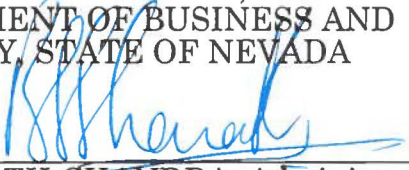
1 116A, and to determine what administrative penalty is to be assessed against
2 RESPONDENT, if any, pursuant to NAC 116A.360.

3
4 DATED this 19 day of April, 2024.

DATED this 19th day of April, 2024.

5 REAL ESTATE DIVISION,
6 DEPARTMENT OF BUSINESS AND
INDUSTRY, STATE OF NEVADA

AARON D. FORD
Attorney General

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