

**FILED**

MAY 28 2024

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

*mgallo*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ANS  
ROBERT E. SCHUMACHER, ESQ.  
Nevada Bar No. 7504  
HENRY H. KIM, ESQ.  
Nevada Bar No. 14390  
**GORDON REES SCULLY MANSUKHANI, LLP**  
300 S. 4<sup>th</sup> Street, Suite 1550  
Las Vegas, NV 89101  
Telephone: (702) 577-9300  
Direct Line: (702) 577-9319  
Facsimile: (702) 255-2858  
Email: [rschumacher@grsm.com](mailto:rschumacher@grsm.com)  
[hhkim@grsm.com](mailto:hhkim@grsm.com)

*Attorneys for Respondent,*  
**DEL REY ESTATE HOMEOWNERS ASSOCIATION**

**BEFORE THE COMMISSION FOR COMMON-INTEREST  
COMMUNITIES AND CONDOMINIUM HOTELS  
STATE OF NEVADA**

SHARATH CHANDRA, Administrator,	)	CASE NO. 2023-929
REAL ESTATE DIVISION, DEPARTMENT OF	)	
BUSINESS AND INDUSTRY, STATE OF	)	
NEVADA;	)	<b>RESPONDENT DEL REY ESTATE</b>
	)	<b>HOMEOWNERS ASSOCIATION'S</b>
	)	<b>ANSWER TO COMPLAINT FOR</b>
Petitioner	)	<b>DISCIPLINARY ACTION</b>
vs.	)	
	)	
DEL REY ESTATES HOMEOWNERS	)	
ASSOCIATION,	)	
(Entity Number C11413-1995)	)	
	)	
Respondent.	)	
	)	

RESPONDENT, DEL REY ESTATE HOMEOWNERS ASSOCIATION (“Respondent”  
or the “Association”), hereby submits this Answer to the Real Estate Division of the Department  
of Business and Industry, State of Nevada (“Division”), Complaint for Disciplinary Action  
 (“Complaint”).

///

///

Gordon Rees Scully Mansukhani, LLP  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101

1 **JURISDICTION AND NOTICE**

2 RESPONDENT acknowledges that the Division and the Commission for Common-  
3 Interest Communities and Condominium Hotels has jurisdiction of this matter.

4 **FACTUAL ALLEGATIONS**

5 1. RESPONDENT generally acknowledges and admits the factual allegations set  
6 forth in Paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 of  
7 the Complaint.

8 **VIOLATIONS OF LAW**

9 2. RESPONDENT acknowledges that by failing to conduct annual meetings, hold  
10 elections, and/or keep records of board decisions, there was a technical violation of NRS  
11 116.31083(1).

12 3. RESPONDENT acknowledges that by failing to adhere to all annual meeting  
13 requirements, including notices, meeting minutes, agendas, financial statements, or budgets  
14 and/or election records, there was a technical violation of NRS 116.3108(1), (3), (4), (5), and/or  
15 (6).

16 4. RESPONDENT acknowledges that by failing on numerous occasions to have the  
17 requisite number of signatures required to withdraw association funds, there was a technical  
18 violation of NRS 116.31153.

19 5. RESPONDENT acknowledges that by failing to adhere to the requirement to  
20 prepare budgets, there was a technical violation of NRS 116.31151.

21 6. RESPONDENT acknowledges that never doing a reserve study over the course of  
22 25 years, there was a technical violation of NRS 116.3115.

23 7. RESPONDENT acknowledges that by misusing Mr. Brian Berman's law firm's  
24 letterhead in communications, there was a technical violation of NRS 116.3103(1) by and  
25 through then-President Brian Berman.

26 **DISCIPLINE AUTHORIZED**

27 8. With respect to the "Discipline Authorized," the Respondent acknowledges that  
28 the Commission has the authority to impose the sanctions set forth therein.

**PROPOSED RESOLUTION/SETTLEMENT**

1  
2 9. RESPONDENT's counsel has spoken to Dean Allen, new President of Del Rey  
3 Estates Homeowners Association executive board (the "Board").

4 10. Mr. Allen stated that the Board has taken the following actions to remediate the  
5 violations set forth in the Complaint and to ensure compliance with all applicable statutes, rules,  
6 and regulations going forward.

7 11. On January 25, 2024, RESPONDENT sent out a letter to the homeowners in Del  
8 Rey Estates community, putting the homeowners on notice that the Board has set a meeting of  
9 the Association for Saturday, February 24, 2024 at 2:00 p.m. at 1340 Marina Del Rey Court. *See*  
10 the Board's January 25, 2024 Letter, attached as **Exhibit A**. The letter also sets forth the agenda  
11 for the meeting. *Id.*

12 12. On February 24, 2024, the Board held a meeting as scheduled. Meeting minutes  
13 first shows that a quorum was present. *See* February 24, 2024 Meeting Minutes, attached as  
14 **Exhibit B**. Next, the Board discussed the recent affairs of the association, including discussions  
15 regarding annual dues, potential for a special assessment, the gate code issue, and the Division's  
16 Complaint. *See id.*

17 13. The Board also conducted an election of officers and directors. First, Mr. Brian  
18 Berman tendered his resignation as President and Director, effective upon the conclusion of the  
19 election. *See Ex. B*.

20 14. Upon nominations duly made and seconded, and after a vote, Dean Allen was  
21 elected President and Director; Gren Norris was elected Treasurer and Director; and Anthony  
22 Marks was elected Secretary and Director. *See Ex. B*.

23 15. The Board asked Mr. Berman to work with Mr. Norris on new signature cards for  
24 the Association's bank account in order to comply with NRS 116.31153 going forward. *See Ex.*  
25 *B*.

26 16. The Board also asked Mr. Berman to transfer the Association's records in his  
27 possession to Mr. Allen. *See Ex. B*.

28 17. The meeting was adjourned at 2:55 p.m.

1           18.     The Board has also reviewed the Association’s bank statements from the past and  
2 has created financial records from January 2023 to present. *See* the Association’s 2023-24  
3 Financial Statements, attached as **Exhibit C**. The Board will continue to maintain such financial  
4 records. The Board will also prepare budgets in compliance of the requirements set forth in NRS  
5 116.31151.

6           19.     The Board will immediately discontinue the use of Mr. Berman’s law firm  
7 letterhead for the Association business and will create and use its own original letterhead instead.

8           20.     As to conducting a reserve study, the Board would like to apply for an exemption  
9 if the Commission is included to grant such an exemption. Del Rey Estates community is a  
10 small community, consisted of ten (10) homes. Conducting a reserve study is costly and would  
11 require the Board to impose special assessment upon the homeowners.

12           21.     If the Commission is not included to grant such an exemption, the Board will  
13 make sure to conduct a reserve study to comply with NRS 116.3115.

14           22.     RESPONDENT pleads the Commission to consider the proposed resolution  
15 above in the context of a homeowners association for a small community consisted of ten (10)  
16 homes.

17           23.     Based on the foregoing, the Association believes that it has remediated the  
18 violations set forth in the Complaint and is in substantial compliance. The Board represents to  
19 the Commission that it is fully committed to comply with applicable statutes in NRS Chapter  
20 116.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

Gordon Rees Scully Mansukhani, LLP  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

24. Accordingly, RESPONDENT respectfully requests the Commission not to impose monetary sanctions on the Association.

DATED this 28<sup>th</sup> day of May, 2024.

**GORDON REES SCULLY  
MANSUKHANI LLP**

*/s/ Henry H. Kim*

ROBERT E. SCHUMACHER, ESQ.

Nevada Bar No. 7504

HENRY H. KIM, ESQ.

Nevada Bar No. 14390

300 S. 4<sup>th</sup> Street, Suite 1550

Las Vegas, NV 89101

*Attorneys for Respondent,  
DEL REY ESTATE HOMEOWNERS  
ASSOCIATION*

Gordon Rees Scully Mansukhani, LLP  
300 S. 4th Street, Suite 1550  
Las Vegas, NV 89101

1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that, on the 28th day of May, 2024, I served a true and correct  
3 copy of the **RESPONDENT DEL REY ESTATE HOMEOWNERS ASSOCIATION'S**  
4 **ANSWER TO COMPLAINT FOR DISCIPLINARY ACTION** via the Court's Electronic  
5 Filing/Service system upon all the parties on the E-Service Master List:

6 Real Estate Division Department of Business  
7 And Industry, State of Nevada  
8 Attn: Sharath Chandra,  
9 3300 W. Sahara Avenue, Suite 350  
Las Vegas, Nevada 89102

10 Aaron D. Ford, Esq.  
11 Attorney General  
12 Christal P. Keegan, Esq.  
13 Deputy Attorney General  
14 5420 Kietzke Lane, Suite 202  
Reno, Nevada 89511  
15 Email: [ckeegan@ag.nv.gov](mailto:ckeegan@ag.nv.gov)

16  
17 /s/ Andrea Montero

18 An Employee of GORDON REES  
19 SCULLY MANSUKHANI, LLP  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT A**

**EXHIBIT A**

**BRIAN K. BERMAN  
ATTORNEY AT LAW  
ADMITTED IN NEVADA AND OHIO**

January 25, 2024

**Via USPS**

Del Rey Estates Home Owner  
1420 Marina Del Rey Ct.  
Las Vegas, NV 89117.

**Re: Del Rey Estates Homeowners Association**

Dear Neighbor:

This letter has several purposes.

First, the Association's coffers are low. We need to collect the \$600.00 per lot annual assessment for 2024. Also, five lots have already paid the 2023 annual assessment without being billed, and five lots have not. If you are one of those five, we will need your 2023 and 2024 dues at this time.

Second, the Board has set a meeting of the Association for Saturday, February 24, 2024 at 2:00 P.M. at 1340 Marina Del Rey Court. The agenda is a report of the Association affairs, a report of the Association finances, and election of officers and directors to serve until their successors are elected. Please note that only those member who have paid their 2023 and 2024 dues will be eligible to vote at the meeting.

We look forward to seeing you on the 24<sup>th</sup>.

Very truly yours,



Brian K. Berman, Esq.  
President of Del Rey Estates  
Homeowners Association

721 GASS AVENUE • LAS VEGAS, NEVADA 89101  
PHONE: (702) 382-0702 • FAX: (702) 382-6450



**EXHIBIT B**

**EXHIBIT B**

## Minutes of Annual Meeting of Del Rey Estates Homeowners Association

On Saturday, February 24, 2024, at 2 p.m. at 1340 Marina Del Rey Court, Las Vegas, Nevada, the annual meeting of the Del Rey Estates Homeowners Association was called to order.

The first item of business to come before those assembled was determination of the presence of a quorum to conduct business. It was determined that a quorum was present.

The next item of business to come before those assembled was a report of the affairs of the association. Among the items covered were annual dues, potential for a special assessment to slurry-seal the street, a report on a change of the gate code, a report on the Margalit complaint to the Real Estate Division, and other matters.

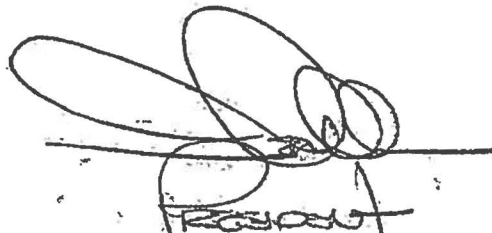
The next item of business to come before those assembled was the election of officers and directors. Brian Berman tendered his resignation as President and Director, effective upon the conclusion of this election. Upon nominations duly made and seconded, and following voting, Dean Allen was elected President and Director, Gren Norris was elected Treasurer and Director, and Anthony Marks was elected Secretary and Director.

In due course, Mr. Berman is to work with Mr. Norris on new signature cards for the Association's bank account, and the orderly transfer of Association's records to Mr. Allen. It was determined that the blueprints in possession of the Association would be returned to such of the homeowners as desired them.

There being no further business to come before those assembled, the meeting was adjourned at 2:55 p.m.

Respectfully Submitted,

Anthony Marks, Secretary

A handwritten signature in black ink, appearing to read 'Anthony Marks', is written over a horizontal line. The signature is stylized and somewhat cursive.

**EXHIBIT C**

**EXHIBIT C**

**DEL REY ESTATES FINANCIAL REPORT- 2024**

<b>MONTH</b>	<b>INCOME</b>	<b>EXPENSE</b>	
<b>January</b>		Telephone	\$ 64.13
		Water	\$ 32.19
		Power	\$ 52.26
Month End Balance			\$ 1,434.69
<b>February</b>	Assoc fees \$3000.00	Telephone	\$ 64.09
		Water	\$ 33.51
		Power	\$ 50.82
		#1096 Maragalit/NVRD Documents	\$ 250.66
		#1097 USI Southwest (Insurance)	\$ 1,067.00
Month End Balance			\$ 4,168.61
<b>March</b>		Telephone	\$ 69.50
		Water	\$ 32.36
		Power	\$ 50.31
		#1098 L Gonzalez 2023 Maintence	\$ 2,040.00
		#1099 NVRD payment	\$ 50.00
Month End Balance			\$ 1,926.45
<b>April</b>		Telephone	\$ 69.50
		Water	\$ 32.19
		Power	\$ 47.74
Month End Balance			\$ 1,774.82

**DEL REY ESTATES FINANCIAL REPORT- 2023**

<b>MONTH</b>	<b>INCOME</b>	<b>EXPENSE</b>	
<b>January</b>		Telephone	\$ 58.06
		Water	\$ 48.77
		Power	\$ 51.91
Month End Balance			\$ 2,588.71
<b>February</b>	Assoc. fees \$1200.00	Telephone	\$ 61.85
		Water	\$ 35.25
		Power	\$ 51.23
Month End Balance			\$ 3,639.88
<b>March</b>		Telephone	\$ 61.85
		Water	\$ 34.23
		Power	\$ 52.53
		#1091 USI Southwest (insurance)	\$ 991.00
Month End Balance			\$ 2,500.28
<b>April</b>	Assoc fees \$600.00	Telephone	\$ 61.57
		Water	\$ 34.20
		Power	\$ 46.63
Month End Balance			\$ 2,955.89
<b>May</b>		Telephone	\$ 61.57
		Water	\$ 34.25
		Power	\$ 47.18
		#1092 Replace Entrance Irrigation	\$ 900.00
		#1093 Postage	\$ 22.35
Month End Balance			\$ 1,890.55
<b>June</b>		Telephone	\$ 61.57
		Water	\$ 37.26
		Power	\$ 47.57
Month End Balance			\$ 1,744.15
<b>July</b>		Telephone	\$ 61.57
		Water	\$ 39.28
		Power	\$ 43.59
		Withdrawal	\$100.00
Month End Balance			\$ 1,499.71
<b>August</b>	Assoc fees #1300.00	Telephone	\$ 61.80
		Water	\$ 34.25
		Power	\$ 43.90
		#1094 Philadelphia Ins. Co.	\$ 480.00
Month End Balance			\$ 2,179.76
<b>September</b>		Telephone	\$ 61.80
		Water	\$ 42.31
		Power	\$ 46.96
Month End Balance			\$ 2,028.69

<b>October</b>	Telephone	\$ 64.14	
	Water	\$ 34.25	
	Power	\$ 47.31	
Month End Balance			\$ 1,882.99
<b>November</b>	Telephone	\$ 64.13	
	Water	\$ 33.22	
	Power	\$ 47.86	
	#1095 NVRD	154.95	
Month End Balance			\$ 1,583.27
<b>December</b>	Telephone	\$ 64.13	
	Water	\$ 31.90	
	Power	\$ 52.26	
			\$ 1,434.98