

1                   BEFORE THE COMMISSION FOR COMMON-INTEREST  
2                   COMMUNITIES AND CONDOMINIUM HOTELS  
3                   STATE OF NEVADA

3 Sharath Chandra, Administrator,  
4 Real Estate Division, Department of  
5 Business & Industry, State of Nevada,

6                   Petitioner,

7 vs.

8 Keith Dempsey,

9                   Respondent.

Case No. 2023-552

**FILED**

MAR 26 2024

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

*mgallo*

10                   **AMENDED COMPLAINT FOR DISCIPLINARY**  
11                   **ACTION AND NOTICE OF HEARING**

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

22                   **JURISDICTION AND NOTICE**

23                   1.       During all relevant times mentioned in this complaint, RESPONDENT  
24 Keith Dempsey served as a member and/or officer of Admiral's Point Homeowners  
25 Association ("Association"), a common-interest community located in Las Vegas, Nevada.

26                   2.       RESPONDENT is subject to the provisions of Chapters 116 of the Nevada  
27 Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter  
28 collectively referred to as "NRS 116") and is subject to the jurisdiction of the Division and

1 the Commission for Common-Interest Communities and Condominium Hotels pursuant  
2 to the provisions of NRS 116.750.

3 **FACTUAL ALLEGATIONS**

4 3. At all relevant times herein, the Association is a common-interest  
5 community pursuant to NRS 116.021 located in Las Vegas, Nevada. [NRED 0001]

6 4. On or about June 16, 2023, COMPLAINANT Karen Torres (hereinafter  
7 "COMPLAINANT") filed a Form 530 Intervention Affidavit against RESPONDENT.  
8 [NRED0001-0012].

9 5. COMPLAINANT alleges, in her Intervention Affidavit, that on April 5,  
10 2023, she, in her capacity as an administrative assistant for the Association's retained  
11 management company, attended a meeting with the Association's community manager,  
12 Debi Pike; Association Board Member and Secretary Brian Shannon; and management  
13 company employee Edwina Daley. [NRED0003-0004; 0012].

14 6. During the meeting, RESPONDENT and Association homeowner Bill  
15 Farnsworth entered the meeting room uninvited and interrupted the meeting.  
16 [NRED0003-0004; 0012].

17 7. Debi Pike explained that it was a closed meeting between management  
18 company staff and board members, and that Mr. Farnsworth would have to leave,  
19 although RESPONDENT could stay. [NRED0003-0004; 0012].

20 8. RESPONDENT became verbally abusive and acted in an aggressive manner  
21 towards Pike and the other management company employees. [NRED0003-0004; 0012].

22 9. When the employees attempted to leave the room, the RESPONDENT  
23 prevented COMPLAINANT from leaving, made physical contact with her, and forcibly  
24 took a box that she was holding from her. [NRED0003-0004; 0012].

25 10. COMPLAINANT filed a police report regarding the incident. [NRED0017-  
26 0018].

27 11. COMPLAINANT subsequently filed for a temporary restraining order  
28 against RESPONDENT, which was granted by Las Vegas Justice Court. [NRED0005-

1 0011].

2 12. On July 13, 2023, the Division sent correspondence via certified mail  
3 informing RESPONDENT that he was the subject of a Division investigation concerning  
4 the allegations in the Intervention Affidavit, and requesting a written response to those  
5 allegations by July 27, 2023. [NRED 0015-0016].

6 13. RESPONDENT failed to provide a response to the Division's request for  
7 information letter.

8 14. On or about August 10, 2023, the Division issued an NRS 233B letter  
9 notifying RESPONDENT that it intended to bring a disciplinary action against him for a  
10 hearing before the Commission. [NRED 0050-0053].

### 11 **VIOLATIONS OF LAW**

12 15. RESPONDENT violated NRS 116.3103 pursuant to NAC 116.405(1) by  
13 acting outside of the scope of the authority granted to him in the Association's governing  
14 documents.

15 16. RESPONDENT violated NRS 116.3103 through NAC 116.405(2) by failing  
16 to act in good faith and in the honest belief that his actions are in the best interests of the  
17 Association by acting for reasons of self-interest, gain, prejudice, and/or revenge.

18 17. RESPONDENT violated NRS 116.3103 through NAC 116.405(5)(a) by  
19 failing to comply with a request by the Division to provide information or documents  
20 during its investigation.

### 21 **DISCIPLINE AUTHORIZED**

22 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS  
23 116.790 the Commission has discretion to take any, or all, of the following actions:

24 1. Issue an order directing RESPONDENT to cease and desist from continuing  
25 to engage in the unlawful conduct that resulted in the violation.

26 2. Issue an order directing RESPONDENT to take affirmative action to correct  
27 any conditions resulting from the violation.

28 3. Impose an administrative fine of up to \$1,000 for each violation by

1 RESPONDENT.

2 4. IF RESPONDENT IS FOUND TO HAVE KNOWINGLY AND WILLFULLY  
3 COMMITTED A VIOLATION of NRS or NAC 116 AND it is in the best interest of the  
4 Association, RESPONDENT may be removed from his/her position as a director and/or  
5 officer.

6 5. Order an audit of the ASSOCIATION, at the expense of the ASSOCIATION.

7 6. Require RESPONDENT to pay the costs of the proceedings incurred by the  
8 Division, including, without limitation, the cost of the investigation and reasonable  
9 attorney's fees.

10 7. Take whatever further disciplinary action the Commission deems  
11 appropriate.

12 The Commission may order one or any combination of the discipline described  
13 above. If the Commission finds that the RESPONDENT knowingly and willfully violated  
14 the provisions of NRS or NAC 116, the Commission may order that RESPONDENT be  
15 personally liable for all fines and costs imposed.

16 **NOTICE OF HEARING**

17 **PLEASE TAKE NOTICE**, that a disciplinary hearing has been set to consider the  
18 Administrative Complaint against the above-named RESPONDENT in accordance with  
19 Chapters 233B and 116 of the Nevada Revised Statutes and Chapter 116 of the Nevada  
20 Administrative Code.

21 **THE HEARING WILL TAKE PLACE at the Commission meeting(s)**  
22 **scheduled for June 11-13, 2024, beginning at approximately 9:00 a.m. each day, or**  
23 **until such time as the Commission concludes its business. The Commission**  
24 **meeting will be held at the Nevada State Business Center, 3300 West Sahara**  
25 **Avenue, 4th Floor - Nevada Room, Las Vegas, Nevada 89102, with**  
26 **videoconferencing to the Nevada Division of Insurance, 1818 E. College Parkway,**  
27 **Suite 103, Carson City, Nevada 89706.**

28 **STACKED CALENDAR: Your hearing is one of several hearings scheduled**

1 at the same time as part of a regular meeting of the Commission that is expected  
2 to last from June 11, 2024, through June 13, 2024, or earlier if the business of the  
3 Commission is concluded. Thus, your hearing may be continued until later in  
4 the day or from day to day. It is your responsibility to be present when your case  
5 is called. If you are not present when your hearing is called, a default may be  
6 entered against you and the Commission may decide the case as if all allegations  
7 in the complaint were true. If you need to negotiate a more specific time for your  
8 hearing in advance because of coordination with an out of state witness or the  
9 like, please call Maria Gallo, Commission Coordinator at (702) 486-4074.

10 YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an  
11 open meeting under Nevada's open meeting law and may be attended by the public. After  
12 the evidence and arguments, the commission may conduct a closed meeting to discuss your  
13 alleged misconduct or professional competence. You are entitled to a copy of the transcript  
14 of the open and closed portions of the meeting, although you must pay for the transcription.

15 As the RESPONDENT, you are specifically informed that you have the right to  
16 appear and be heard in your defense, either personally or through your counsel of choice.  
17 At the hearing, the Division has the burden of proving the allegations in the complaint and  
18 will call witnesses and present evidence against you. You have the right to respond and to  
19 present relevant evidence and argument on all issues involved. You have the right to call  
20 and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any  
21 matter relevant to the issues involved.

22 You have the right to request that the Commission issue subpoenas to compel  
23 witnesses to testify and/or evidence to be offered on your behalf. In making the request,  
24 you may be required to demonstrate the relevance of the witness' testimony and/or  
25 evidence. Other important rights you have are listed in NRS Chapter 116, NAC Chapter  
26 116, including without limitation, NRS 116.770 through 116.780 and NAC 116.500 through  
27 NAC 116.635 and NRS Chapter 233B.

28 Please note that under NAC 116.575, not less than five (5) working days prior to a

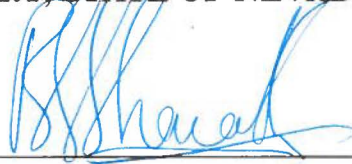


1 hearing, RESPONDENTS must provide to the Division a copy of all reasonably available  
2 documents that are reasonably anticipated to be used in support of their position, and a list  
3 of witnesses RESPONDENTS intend to call, including: (1) the name of the witness; (2) the  
4 company for whom the witness works and the title of the witness; and (3) a brief summary  
5 of the expected testimony of the witness. Failure to provide any document or witness  
6 information may result in the document or witness being excluded from your defense.

7 The purpose of the hearing is to determine if the RESPONDENT has violated NRS  
8 Chapter 116 and/or NAC Chapter 116 and if the allegations contained herein are  
9 substantially proven by the evidence presented and to further determine what  
10 administrative penalty is to be assessed against the RESPONDENT, if any.

11 DATED this 25 day of March, 2024.

12 REAL ESTATE DIVISION,  
13 DEPARTMENT OF BUSINESS &  
14 INDUSTRY, STATE OF NEVADA

15   
16 By: \_\_\_\_\_  
17 SHARATH CHANDRA, Administrator  
18 3300 W. Sahara Ave. Ste 350  
19 Las Vegas, Nevada 89102  
20 (702) 486-4033

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  
26 555 E. Washington Ave. Ste 3900  
27 Las Vegas, Nevada 89101  
28 (702) 486-3420  
Attorneys for Real Estate Division