

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  
5 OF BUSINESS AND INDUSTRY,  
6 STATE OF NEVADA,

6 Petitioner,

7 vs.

8 ST. JAMES'S VILLAGE,

9 Respondent.

Case No. 2023-591

**FILED**

JAN 19 2023

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

*M Gallo*

10 **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 Christal P. Keegan, Deputy Attorney General, hereby notifies  
15 ST. JAMES'S VILLAGE ("RESPONDENT") of an administrative hearing before the  
16 Commission for Common-Interest Communities and Condominium Hotels, State of  
17 Nevada, which is to be held pursuant to Chapters 233B and Chapters 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 During all relevant times, RESPONDENT is a common-interest community  
24 located in the City of Reno, County of Washoe, Nevada and is, therefore, subject to the  
25 provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada  
26 Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and are  
27 subject to the jurisdiction of the Division, and the Commission for Common-Interest  
28 Communities pursuant to the provisions of NRS 116.750.

1 **FACTUAL ALLEGATIONS**

2 1. At all times relevant to this Complaint, RESPONDENT has been a  
3 homeowners' association for about thirty years. *CICC0087*.

4 2. During RESPONDENT'S tenure, the Declarant remained in control of the  
5 association and the Board. *CICC0008*.

6 3. RESPONDENT'S Second Amended and Restated Declaration of Codes,  
7 Covenants & Restrictions ("CC&Rs") restricted the time period of Declarant's control of  
8 the Association in accordance with annexation requirements. *CICC0049*.

9 4. In 2009, Declarant last exercised the right to annex lots and/or units.  
10 *CICC0084 – CICC0085*.

11 5. At all times relevant to the Complaint, Declarant has refused to relinquish  
12 control beyond the expiration of such time period. *CICC0008*.

13 **VIOLATIONS OF LAW**

14 6. RESPONDENT violated NRS 116.31032(1)(e) by failing to surrender its  
15 declarant control since it has been over five years after its right to add new units was last  
16 exercised.

17 7. RESPONDENT violated NRS 116.1104 by evading the limitations of this  
18 prevailing chapter pursuant to NRS 116.11085 or the declaration.

19 **DISCIPLINE AUTHORIZED**

20 Pursuant to the provisions of NRS 116.615, NRS 116.755, NRS 116.785, and NRS  
21 116.790, the Commission has discretion to take any or all of the following actions:

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

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

26 3. Issue an order removing the RESPONDENT from its office or position if the  
27 RESPONDENT has knowingly and willfully committed a violation; and the removal is in  
28 the best interest of the association.

1 4. Impose an administrative fine of up to \$1,000 for each violation by  
2 RESPONDENT.

3 5. Order the RESPONDENT to pay the costs of the proceedings incurred by  
4 the Division, including, without limitation, the cost of the investigation and reasonable  
5 attorney's fees.

6 The Commission may order one or any combination of the discipline  
7 described above.

### 8 NOTICE OF HEARING

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

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

19 **STACKED CALENDAR: Your hearing is one of several hearings that may**  
20 **be scheduled at the same time as part of a regular meeting of the Commission**  
21 **that is expected to take place on March 5-7, 2024. Thus, your hearing may be**  
22 **continued until later in the day or from day to day. It is your responsibility to**  
23 **be present when your case is called. If you are not present when your hearing**  
24 **is called, a default may be entered against you and the Commission may decide**  
25 **the case as if all allegations in the complaint were true. If you need to negotiate**  
26 **a more specific time for your hearing in advance because of coordination with**  
27 **an out of state witness or the like, please call Maria Gallo, Commission**  
28 **Coordinator, at (702) 486-4074.**

1           **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is  
2 an open meeting under Nevada's Open Meeting Law and may be attended by the public.  
3 After the evidence and arguments, the commission may conduct a closed meeting to  
4 discuss your alleged misconduct or professional competence. You are entitled to a copy of  
5 the transcript of the open and closed portions of the meeting, although you must pay for  
6 the transcription. As a RESPONDENT, you are specifically informed that you have the  
7 right to appear and be heard in your defense, either personally or through your counsel  
8 of choice. At the hearing, the Division has the burden of proving the allegations in the  
9 complaint and will call witnesses and present evidence against you. You have the right  
10 to respond and to present relevant evidence and argument on all issues involved. You  
11 have the right to call and examine witnesses, introduce exhibits, and cross-examine  
12 opposing witnesses on any matter relevant to the issues involved.

13           You have the right to request that the Commission issue subpoenas to compel  
14 witnesses to testify and/or evidence to be offered on your behalf. In making this request,  
15 you may be required to demonstrate the relevance of the witness' testimony and/or  
16 evidence. Other important rights and obligations, including your obligation to answer  
17 the complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including  
18 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC  
19 116.635 and NRS Chapter 233B.

20           Note that under NAC 116.575, not less than five (5) working days before a hearing,  
21 RESPONDENTS must provide to the Division a copy of all reasonably available  
22 documents that are reasonably anticipated to be used to support his position, and a list  
23 of witnesses RESPONDENTS intend to call at the time of the hearing. Failure to provide  
24 any document or to list a witness may result in the document or witness being excluded  
25 from RESPONDENTS' defense. The purpose of the hearing is to determine if the

26 ///

1 RESPONDENTS have violated the provisions of NRS 116, and to determine what  
2 administrative penalty is to be assessed against RESPONDENTS.

3  
4 DATED this 18 day of January, 2024. REAL ESTATE DIVISION,  
5 DEPARTMENT OF BUSINESS & INDUSTRY,  
6 STATE OF NEVADA

7 By:   
8 SHARATH CHANDRA  
9 Administrator  
3300 W. Sahara Avenue, Suite 350  
Las Vegas, Nevada 89102  
(702) 486-4033

10  
11 DATED this 18th day of January, 2024. AARON D. FORD  
12 Attorney General

13 By:   
14 CHRISTAL P. KEEGAN  
15 Deputy Attorney General  
16 Nevada State Bar No. 12725  
17 5420 Kietzke Lane, Suite 202  
Reno, Nevada 89511  
(775) 687-2141  
ckeegan@ag.nv.gov

18 *Attorney for Real Estate Division*

19  
20  
21  
22  
23  
24  
25  
26  
27  
28