

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

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION, DEPARTMENT
5 OF BUSINESS & INDUSTRY, STATE OF
6 NEVADA,

Case No. 2023-846

FILED

JAN 31 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mgallo

Petitioner,

7 vs.

8 TROPICANA SQUARE HOMES
9 ASSOCIATION,
(Entity Number C2743-1972)

Respondent.

11 **COMPLAINT FOR DISCIPLINARY**
12 **ACTION AND NOTICE OF HEARING**

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

25 **JURISDICTION AND NOTICE**

26 During all relevant times, RESPONDENT is a common-interest community located
27 in Henderson, Nevada (Entity Number C2743-1972) and is, therefore, subject to the
28 provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada

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

4 **FACTUAL ALLEGATIONS**

5 1. At all times relevant to the Complaint, the RESPONDENT was managed by
6 Prime Community Management, by and through its community manager Tiffany Stanfill
7 (CAM.0001037 – SUPR). *CICC 057.*

8 2. On or about August 17, 2023, the RESPONDENT submitted its Form 562
9 dated July 27, 2023, to the Division, which reported the projected reserve account balance
10 would be approximately 27% of the required reserve account funding needed at the end of
11 the fiscal year (\$112,071.04 and \$414,292.24, respectively). *CICC 056 – CICC 057.*

12 3. On or about October 11, 2023, the Division opened an investigation against
13 the RESPONDENT’S Executive Board with a Request for Information response deadline
14 of October 25, 2023. *CICC 002 – CICC 003.*

15 4. On October 25, 2023, the RESPONDENT transmitted via facsimile its Form
16 609 Reserve Study Summary Form dated June 10, 2023. *CICC 037 - CICC 038.*

17 5. Therein, the Form 609 indicated the RESPONDENT’S reserves were
18 currently funded only at 20%. *CICC 038.*

19 6. Further, the RESPONDENT’S Form 609 admitted it had several delinquent
20 accounts. *CICC 038.*

21 7. The RESPONDENT proposed “if required” it would perform another
22 assessment to fund major reserve components. *CICC 038.*

23 8. The RESPONDENT attributed its financial state to “Previous boards never
24 increased assessments, community is old and requires lots of maintenance.” *CICC 038.*

25 9. Also, the RESPONDENT’S Form 562 dated August 17, 2023, represented a
26 Reserve Study was commenced on January 19, 2023 and adopted by the Board on June 1,
27 2023. *CICC 057.*

28 . . .

1 10. But the RESPONDENT untimely submitted the Form 609 Reserve Study
2 Summary Form to the Division on October 25, 2023, beyond the 210-day allowance.

3 11. Further, the RESPONDENT failed to show proof to the Division within
4 45 days of adoption of the reserve study results by the executive board.

5 **VIOLATIONS OF LAW**

6 12. RESPONDENT violated NAC 116.415 for failing to resolve proper funding of
7 their reserve funds.

8 13. RESPONDENT violated NAC 116.435 by failing to provide a summary of the
9 Reserve Study (Form 609) to the Division not later than 210-day allowance.

10 14. RESPONDENT violated NRS 116.31152(4) by failing to submit a summary
11 of the study of the reserves to the Division within 45 days of adoption.

12 **DISCIPLINE AUTHORIZED**

13 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
14 116.790, the Commission has discretion to take any or all of the following actions:

15 1. Issue an order directing RESPONDENTS to cease and desist from continuing
16 to engage in the unlawful conduct that resulted in the violation.

17 2. Issue an order directing RESPONDENTS to take affirmative action to correct
18 any conditions resulting from the violation.

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

21 4. IF RESPONDENTS ARE FOUND TO HAVE KNOWINGLY AND
22 WILLFULLY COMMITTED A VIOLATION of NRS or NAC 116 AND it is in the best
23 interest of the Association, such RESPONDENTS may be removed from his/her position
24 as a director and/or officer.

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

26 6. Require RESPONDENTS to pay the costs of the proceedings incurred by the
27 Division, including, without limitation, the cost of the investigation and reasonable
28 attorney's fees.

1 7. Take whatever further disciplinary action as the Commission deems
2 appropriate.

3 The Commission may order one or any combination of the discipline described
4 above. If the Commission finds that the RESPONDENTS knowingly and willfully violated
5 the provisions of NRS or NAC 116, the Commission may order that RESPONDENTS be
6 personally liable for all fines and costs imposed.

7
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 of the Nevada
12 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 and 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.**

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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 of
8 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 to
10 respond and to present relevant evidence and argument on all issues involved. You have
11 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
12 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 the
17 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 of
23 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

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

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DATED this 30 day of January 2024.

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

By: 
SHARATH CHANDRA, Administrator
3300 W. Sahara Ave., Ste. 350
Las Vegas, Nevada 89102
(702) 486-4033

DATED this 30th day of January 2024.

AARON D. FORD
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