

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

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

Petitioner,

vs.

Keith Dempsey,

Respondent.

Case No. 2023-552

FILED

DEC 15 2023

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came on for hearing before the COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS STATE OF NEVADA ("Commission") during a regular agenda, set for three days, beginning on September 26, 2023. (the "Hearing"). RESPONDENT KEITH DEMPSEY (hereinafter, "RESPONDENT") did not appear in person, through counsel, or otherwise, nor did he answer the complaint. Phil W. Su, Esq., Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

Attorney Su noted one correction to the Complaint, that Respondent was not the subject of the recall election ballots being counted. The Commissioners noted the correction. Commission Coordinator Maria Gallo then testified regarding notices sent to the RESPONDENT and steps taken to effect proper service. The Commission found appropriate service of the notice of the hearing, the complaint and notice thereof, the notice of documents, and all other efforts taken to inform the RESPONDENT of the matter before the Commission. The Commission thereafter took notice of the documents filed by the Division to substantiate the allegations within the Complaint.

After hearing testimony and examining the evidence presented in this matter, and for good cause appearing, the Commission now enters its Findings of Fact, Conclusions of Law, and Order by default against RESPONDENT as follows:

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2. RESPONDENT is subject to the provisions of Chapters 116 of the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and is subject to the jurisdiction of the Division and the Commission for Common-Interest Communities and Condominium Hotels pursuant to the provisions of NRS 116.750.

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

10. COMPLAINANT filed a police report regarding the incident.

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

12. On July 13, 2023, the Division sent correspondence via certified mail informing RESPONDENT that he was the subject of a Division investigation concerning the allegations in the Intervention Affidavit, and requesting a written response to those allegations by July 27, 2023.

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

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

CONCLUSIONS OF LAW

Based on the foregoing findings of facts by default, the Commission concludes by unanimous vote that RESPONDENT has committed the following violations of law by default:

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

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

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

ORDER

Based on the foregoing findings of facts and violations of law, the Commission hereby Orders:

1. RESPONDENT shall pay the Division a total of \$6,382.31 ("Amount Due"), consisting of \$3,000.00 in administrative fines, plus the Division's fees and costs in the amount of \$3,382.31. The Amount Due shall be paid to the Division within 90 days of the effective date of this Order.

2. If the Amount Due is not actually received by the Division on or before its due date, it shall be a default by RESPONDENT. In the event of default, the unpaid balance of the administrative fine and costs, together with any attorney's fees and costs that may have been assessed, shall be due in

1 full to the Division within ten calendar days of the date of default, and the Division may obtain a judgment
2 for the amount owed, including collection fees and costs.

3 3. The RESPONDENT is hereby removed from his board member position with
4 Admiral's Point Homeowners Association as of the effective date of this Order.

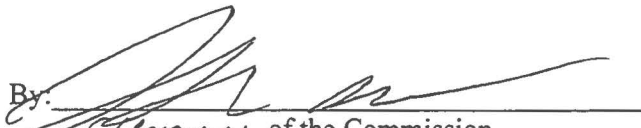
5 4. The RESPONDENT is barred from serving as an association board member for any
6 common interest community within this state for a period of ten (10) years from the effective date of this
7 order. If RESPONDENT thereafter wishes to seek election to an association board, he must first complete
8 twelve (12) hours of education provided by the Division's education department and appear before this
9 Commission at its next regularly scheduled public meeting for prior approval.

10 5. The Commission retains jurisdiction for correcting any errors that may have occurred
11 in the drafting and issuance of this document.

12 6. This order shall become effective on the 14 day of December, 2023.

13 DATED this 11 day of December, 2023.

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15 COMMISSION FOR COMMON-INTEREST
16 COMMUNITIES AND CONDOMINIUM HOTELS

17
18 By: 
19 Chairman of the Commission

20 Submitted by:

21 AARON D. FORD
22 Attorney General of Nevada

23 By: /s/ Phil W. Su
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