

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 AND INDUSTRY,
6 STATE OF NEVADA,

Case No. 2023-826

Petitioner,

FILED

vs.

JAN 31 2024

7 PYRENEES AT MOUNTAINS EDGE
8 HOMEOWNERS ASSOCIATION,
9 (Entity Number 0896092005-0)

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mgallo

Respondent.

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

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

24 **JURISDICTION AND NOTICE**

25 During all relevant times, RESPONDENT is a common-interest community located
26 in Las Vegas, Nevada (Entity Number 0896092005-0) and is, therefore, subject to the
27 provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada
28 Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and are

1 subject to the jurisdiction of the Division, and the Commission for Common-Interest
2 Communities pursuant to the provisions of NRS 116.750.

3 **FACTUAL ALLEGATIONS**

4 1. RESPONDENT'S Form 562 Annual Association Registration dated March
5 15, 2023, represented only one board member. *CICCH 002*.

6 2. On or about April 19, 2023, at the Board of Directors Meeting, the
7 RESPONDENT appointed a second board member. *CICCH 008*.

8 3. Therefore, on or about September 29, 2023, the Division opened an
9 investigation against the RESPONDENT'S Executive Board. *CICCH 006 – CICCH 007*.

10 4. On or about October 11, 2023, the RESPONDENT'S community manager,
11 Janet A. Herrera (CAM.0009066-SUPR), admitted the third seat remained vacant.
12 *CICCH 012*.

13 **VIOLATIONS OF LAW**

14 5. RESPONDENT violated NRS 116.31034 for failing to elect a minimum of
15 three executive board members.

16 **DISCIPLINE AUTHORIZED**

17 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
18 116.790, the Commission has discretion to take any or all of the following actions:

19 1. Issue an order directing RESPONDENT to take affirmative action to correct
20 any conditions resulting from the violation.

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

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

26 4. Approve application to a court of competent jurisdiction for the appointment
27 of a receiver for the RESPONDENT.

28 . . .

1 The Commission may order one or any combination of the discipline
2 described above.

3 NOTICE OF HEARING

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

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

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

24 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is
25 an open meeting under Nevada's Open Meeting Law and may be attended by the public.
26 After the evidence and arguments, the commission may conduct a closed meeting to
27 discuss your alleged misconduct or professional competence. You are entitled to a copy of
28 the transcript of the open and closed portions of the meeting, although you must pay for

1 the transcription. As a RESPONDENT, you are specifically informed that you have the
2 right to appear and be heard in your defense, either personally or through your counsel of
3 choice. At the hearing, the Division has the burden of proving the allegations in the
4 complaint and will call witnesses and present evidence against you. You have the right to
5 respond and to present relevant evidence and argument on all issues involved. You have
6 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
7 witnesses on any matter relevant to the issues involved.

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

15 Note that under NAC 116.575, not less than five (5) working days before a hearing,
16 RESPONDENTS must provide to the Division a copy of all reasonably available
17 documents that are reasonably anticipated to be used to support his position, and a list of
18 witnesses RESPONDENTS intend to call at the time of the hearing. Failure to provide
19 any document or to list a witness may result in the document or witness being excluded
20 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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4 DATED this 30 day of January 2024.

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

6
7 By: 
SHARATH CHANDRA, Administrator
3300 W. Sahara Ave. Ste 350
Las Vegas, Nevada 89102
8 (702) 486-4033
9

10 DATED this 29th day of January 2024.

AARON D. FORD
Attorney General

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12 By: 
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