

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

3 **FACTUAL ALLEGATIONS**

4 1. At all times relevant to the Complaint, the RESPONDENT'S executive
5 board failed to have a third member. *CICC 009*.

6 2. Therefore, on or about September 22, 2023, the Division opened an
7 investigation against the Respondent's Executive Board. *CICC 002*.

8 3. On or about September 26, 2023, the Respondent's community manager,
9 Amanda Flores (CAM.0008698-SUPR), informed the Division that the Association had a
10 meeting pending for October. *CICC 012*.

11 4. On or about October 18, 2023, as a courtesy, the Division provided the
12 Respondent with an extension of time to November 1, 2023 in order for the meeting to
13 occur and acquire a third board member. *CICC 010*.

14 5. On November 1, 2023, the Respondent failed to provide proof to the Division
15 that it had elected a minimum of three board members. *CICC 014-CICC 015*.

16 6. Therefore, on or about November 2, 2023, the Division closed its
17 investigation and informed the Respondent that it would be bringing this matter before
18 the Commission. *CICCH014-CICC 015*.

19 7. Thereafter, the Respondent submitted its Form 623 Registration Filing
20 Addendum dated November 27, 2023 to the Division. *CICC 020 - CICC 021*.

21 8. The Form 623 indicated a term start date of October 27, 2023 for the third
22 board member which was not timely communicated to the Division. *CICC 020 -CICC 021*.

23 **VIOLATIONS OF LAW**

24 9. RESPONDENT violated NRS 116.31034 for failing to elect a minimum of
25 three executive board members.

26 **DISCIPLINE AUTHORIZED**

27 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and
28 NRS 116.790 the Commission has discretion to take any or all of the following

1 actions:

2 1. Issue an order directing Respondent to take affirmative action to
3 correct any conditions resulting from the violation.

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

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

9 4. Approve application to a court of competent jurisdiction for the
10 appointment of a receiver for the Respondent.

11 The Commission may order one or any combination of the discipline described
12 above.

13 **NOTICE OF HEARING**

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

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

24 **STACKED CALENDAR: Your hearing is one of several hearings that may**
25 **be scheduled at the same time as part of a regular meeting of the Commission**
26 **that is expected to take place on March 5-7, 2024. Thus, your hearing may be**
27 **continued until later in the day or from day to day. It is your responsibility to**
28 **be present when your case is called. If you are not present when your hearing**

1 is called, a default may be entered against you and the Commission may decide
2 the case as if all allegations in the complaint were true. If you need to negotiate
3 a more specific time for your hearing in advance because of coordination with
4 an out of state witness or the like, please call Maria Gallo, Commission
5 Coordinator, at (702) 486-4074.


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

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

25 Note that under NAC 116.575, not less than five (5) working days before a
26 hearing, RESPONDENTS must provide to the Division a copy of all reasonably
27 available documents that are reasonably anticipated to be used to support his
28 position, and a list of witnesses RESPONDENTS intend to call at the time of the

1 hearing. Failure to provide any document or to list a witness may result in the
2 document or witness being excluded from RESPONDENTS' defense. The purpose
3 of the hearing is to determine if the RESPONDENTS have violated the provisions
4 of NRS 116, and to determine what administrative penalty is to be assessed
5 against RESPONDENTS.

6
7 DATED this 25 day of January 2024. REAL ESTATE DIVISION,
8 DEPARTMENT OF BUSINESS &
9 INDUSTRY, STATE OF NEVADA

10 By: 
11 SHARATH CHANDRA, Administrator
12 3300 W. Sahara Ave. Ste 350
13 Las Vegas, Nevada 89102
14 (702) 486-4033

15 DATED this 25 day of January 2024. AARON D. FORD
16 Attorney General

17 By: 
18 CHRISTAL P. KEEGAN
19 Deputy Attorney General
20 Nevada State Bar No. 12725
21 5420 Kietzke Lane, Suite 202
22 Reno, Nevada 89511
23 (775) 687-2141
24 ckeegan@ag.nv.gov

25 *Attorney for Real Estate Division*
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