

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

3 **STATE OF NEVADA**

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

8 Petitioner,

9 vs.

10 BRIAR HILL PARK HOMEOWNERS  
11 ASSOCIATION,  
12 (ENTITY NO. C23725-1998)

13 Respondent.

Case No. 2024-156

**FILED**

AUG 07 2024

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

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14 **COMPLAINT FOR DISCIPLINARY**  
15 **ACTION AND NOTICE OF HEARING**

16 The Real Estate Division of the Department of Business and Industry, State of  
17 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of  
18 the State of Nevada, and Phil W. Su, Senior Deputy Attorney General, hereby notifies  
19 BRIAR HILL PARK HOME OWNERS ASSOCIATION ("RESPONDENT" or  
20 "RESPONDENT ASSOCIATION") of an administrative hearing before the Commission  
21 for Common-Interest Communities and Condominium Hotels, State of Nevada, which is  
22 to be held pursuant to Chapters 233B and Chapters 116 of the Nevada Revised Statutes  
23 ("NRS") and Chapter 116 of the Nevada Administrative Code ("NAC"). The purpose of the  
24 hearing is to consider the allegations stated below and to determine if an administrative  
25 penalty will be imposed on the RESPONDENT pursuant to the provisions of NRS and  
26 NAC including, but not limited to NRS 116.785 and NRS 116.790.

27 **JURISDICTION AND NOTICE**

28 During all relevant times, RESPONDENT ASSOCIATION is a common-interest  
community located in Las Vegas, Nevada (Entity Number C23725-1998) and is, therefore,

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

#### 5 **FACTUAL ALLEGATIONS**

6 1. RESPONDENT ASSOCIATION is a common-interest community located in  
7 Las Vegas, Nevada (Entity Number C23725-1998) with 162 units. CIC001-002.

8 2. At all times relevant to the Complaint, RESPONDENT’S management  
9 company was Associa Nevada South, and its assigned community manager was Crystal  
10 Kaufman, and previously, Kimberly R. Snyder. CIC001-008.

11 3. RESPONDENT ASSOCIATION’S Annual Association Registration forms  
12 from February 1, 2022, and from February 2, 2024, and its Registration Filing Addendum  
13 indicate that it only had two out of the three required board member positions filled for  
14 years 2022 and 2024.<sup>1</sup> CIC001-002; 005-008.

15 4. On February 16, 2024, the Division’s Investigator, Ashley Thompson, issued  
16 a letter opening investigation to RESPONDENT ASSOCIATION via Certified Mail,  
17 inquiring regarding the Association’s failure to have at least three board members  
18 registered with the Division, and regarding RESPONDENT ASSOCIATION’S failure to  
19 file its Form 609 Reserve Study Summary Form with the Division pursuant to the five-  
20 year deadline. CIC009-011.

21 5. The opening investigation letter requested election documentation from 2023  
22 through 2024, an updated form 623 identifying the current community manager and board  
23 members, and an updated form 609 reserve study summary by March 18, 2024. CIC009-  
24 011.

25 6. On April 3, 2024, community manager Crystal Kaufman provided documents  
26 responsive to the Division’s request for information addressed to follow-up Administrative  
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28 <sup>1</sup> The RESPONDENT ASSOCIATION’S March 22, 2023, Annual Association Registration Form indicated three board members, but an addendum filed on May 23, 2022,

1 Assistant II, Jasmine Pryce, with copies of the RESPONDENT ASSOCIATION'S 2023  
2 reserve study, and nomination forms with ballots sent on November 30, 2022; January 11,  
3 2023; March 8, 2023; December 27, 2023; January 27, 2024; and March 6, 2024. CIC013-  
4 034.

5 7. On April 16, 2024, Investigator Vanessa Ward followed up with request for  
6 additional documentation, regarding the RESPONDENT ASSOCIATION'S reserve  
7 balances, as represented in its form 562 and form 609 filed with the Division on 02/02/24  
8 and 03/18/24, respectively. CIC035-037.

9 8. On April 29, 2024, the Division sent RESPONDENT ASSOCIATION,  
10 through by mailing to community manager Kaufman, an NRS 233B letter via certified  
11 mail notifying the Association that the Division has obtained sufficient evidence to  
12 commence disciplinary action by filing a complaint as a result of its investigation. CIC038-  
13 039.

#### 14 VIOLATIONS OF LAW

15 1. RESPONDENT violated NRS 116.31034(1) by failing to elect a minimum of  
16 three executive board members in registration years 2022 and 2024.

#### 17 DISCIPLINE AUTHORIZED

18 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS  
19 116.790 the Commission has discretion to take any or all of the following actions:

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

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

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

27 4. Approve application to a court of competent jurisdiction for the appointment  
28 of a receiver for the Respondent.

1 The Commission may order one or any combination of the discipline described  
2 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 September 10-12, 2024, beginning at approximately 9:00 a.m. each day, or until such  
10 time as the Commission concludes its business. The Commission meeting will be held at  
11 the Nevada State Business Center, 3300 W. Sahara Avenue, 4th Floor, Nevada 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 September 10-12, 2024. Thus, your hearing may  
17 be continued until later in the day or from day to day. It is your responsibility  
18 to 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 RESPONDENT must provide to the Division a copy of all reasonably available documents  
17 that are reasonably anticipated to be used to support his position, and a list of witnesses  
18 RESPONDENT intend to call at the time of the hearing. Failure to provide any document  
19 or to list a witness may result in the document or witness being excluded from  
20 RESPONDENT'S defense. The purpose of the hearing is to determine if the  
21 RESPONDENT has violated the provisions of NRS 116, and to determine what

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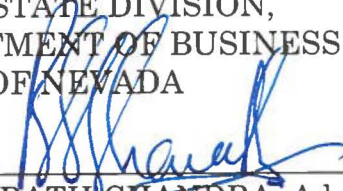
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1 administrative penalty is to be assessed against RESPONDENT.

2 DATED this 5 day of August, 2024.

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

7 By:   
8 SHARATH CHANDRA, Administrator  
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10 Las Vegas, Nevada 89102  
11 (702) 486-4033

12 AARON D. FORD  
13 Attorney General

14 By: /s/ *Phil W. Su*  
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20 *Attorneys for Real Estate Division*