

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 HIGH NOON AT ARLINGTON RANCH
11 HOMEOWNERS ASSOCIATION,
(ENTITY NO. C8377-2004)

12 Respondent.

Case No. 2024-618

FILED

AUG 08 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

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

27 **JURISDICTION AND NOTICE**

28 During all relevant times, RESPONDENT ASSOCIATION is a common-interest

1 community located in Las Vegas, Nevada (Entity Number C8377-2004) and is, therefore,
2 subject to the provisions of Chapter 116 of each the Nevada Revised Statutes (“NRS”) and
3 the Nevada Administrative Code (“NAC”) (hereinafter collectively referred to as “NRS
4 116”) and are subject to the jurisdiction of the Division, and the Commission for Common-
5 Interest Communities pursuant to the provisions of NRS 116.750.

6 **FACTUAL ALLEGATIONS**

7 1. RESPONDENT ASSOCIATION is a common-interest community located in
8 Las Vegas, Nevada (Entity Number C8377-2004) with 342 units. CIC0001-0002.

9 2. RESPONDENTS’ current management company, as of the date of filing of
10 this Complaint, is Associa Nevada South, and its assigned community manager is Megan
11 Miller. CIC0001-0002.

12 3. RESPONDENT ASSOCIATION’S 2024 Annual Association Registration
13 form, submitted June 26, 2024, indicated that it only had two out of the three required
14 board member positions filled. CIC0001-0002.

15 4. A further review of RESPONDENT ASSOCIATION’S Annual Association
16 Registration Forms from 2018 through 2024 further shows that RESPONDENT
17 ASSOCIATION has not had three board members dating back to at least 2018. CIC0003-
18 0018.

19 5. On July 8, 2024, the Division’s Investigator, James Johnston, issued a letter
20 opening investigation to RESPONDENT ASSOCIATION’S community manager, Megan
21 Miller, via Certified Mail, with cc: to the RESPONDENT ASSOCIATION’S two current
22 board members, John Irving and Chris Banks, to inquire regarding the Association’s
23 failure to have at least three board members registered with the Division, pursuant to the
24 2024 Registration Filing Form. CIC0019-0020.

25 6. The opening investigation letter requested election documentation from 2023
26 through 2024 and an updated form 623 identifying the current community manager and
27 board members, with documentation to be provided to the Division within five business
28 days. CIC0019-0020.

1 7. On July 17, 2024, Investigator Johnston issued a second request for
2 information letter to RESPONDENT ASSOCIATION reiterating his request for
3 documents and a response. CIC0021-0023.

4 8. On July 15, 2024, Board Member Irving reminded community manager
5 Miller of Investigator Johnston's second request for information letter. CIC0025.

6 9. On July 19, 2024, community manager Miller provided Investigator Johnston
7 with an updated form 623 which indicated that the board still only had two board
8 members. CIC0026.

9 10. On July 22, 2024, the Division sent RESPONDENT ASSOCIATION, through
10 by mailing to community manager Miller, with cc: to Board Members Irving and Banks, a
11 NRS 233B letter via certified mail notifying them that it obtained sufficient evidence to
12 commence disciplinary action by filing a complaint as a result of its investigation.
13 CIC0027-0028.

14 VIOLATIONS OF LAW

15 1. RESPONDENT violated NRS 116.31034(1) by failing to elect a minimum of
16 three executive board members since February 2018 through the date of filing of this
17 Complaint.

18 DISCIPLINE AUTHORIZED

19 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
20 116.790 the Commission has discretion to take any or all of the following actions:

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

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

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

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

1 of a receiver for the Respondent.

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

4 **NOTICE OF HEARING**

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

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

15 **STACKED CALENDAR: Your hearing is one of several hearings that may**
16 **be scheduled at the same time as part of a regular meeting of the Commission**
17 **that is expected to take place on September 10-12, 2024. Thus, your hearing may**
18 **be continued until later in the day or from day to day. It is your responsibility**
19 **to be present when your case is called. If you are not present when your hearing**
20 **is called, a default may be entered against you and the Commission may decide**
21 **the case as if all allegations in the complaint were true. If you need to negotiate**
22 **a more specific time for your hearing in advance because of coordination with**
23 **an out of state witness or the like, please call Maria Gallo, Commission**
24 **Coordinator, at (702) 486-4074.**

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

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

9 You have the right to request that the Commission issue subpoenas to compel
10 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
11 you may be required to demonstrate the relevance of the witness' testimony and/or
12 evidence. Other important rights and obligations, including your obligation to answer the
13 complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
14 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC
15 116.635 and NRS Chapter 233B.

16 Note that under NAC 116.575, not less than five (5) working days before a hearing,
17 RESPONDENT must provide to the Division a copy of all reasonably available documents
18 that are reasonably anticipated to be used to support his position, and a list of witnesses
19 RESPONDENT intend to call at the time of the hearing. Failure to provide any document
20 or to list a witness may result in the document or witness being excluded from
21 RESPONDENT'S defense. The purpose of the hearing is to determine if the
22 RESPONDENT has violated the provisions of NRS 116, and to determine what
23 administrative penalty is to be assessed against RESPONDENT.

24 DATED this ___ day of August, 2024.

26 REAL ESTATE DIVISION,
27 DEPARTMENT OF BUSINESS & INDUSTRY,
28 STATE OF NEVADA

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By: 
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