

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 AND INDUSTRY,
7 STATE OF NEVADA,

8 Petitioner,

9 vs.

10 MONTARA HOMEOWNERS
11 ASSOCIATION,
12 (Entity Number C23190-2004)

13 Respondent.

Case No. 2024-169

FILED

AUG 02 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 Christal P. Keegan, Deputy Attorney General, hereby notifies
19 Montara Homeowners Association ("RESPONDENT") of an administrative hearing before
20 the Commission for Common-Interest Communities and Condominium Hotels, State of
21 Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 of the Nevada
22 Revised Statutes ("NRS") and Chapter 116 of the Nevada Administrative Code ("NAC").
23 The purpose of the hearing is to consider the allegations stated below and to determine if
24 an administrative penalty will be imposed on the RESPONDENT pursuant to the
25 provisions of NRS and NAC including, but not limited to NRS 116.785
26 and NRS 116.790.

27 **JURISDICTION AND NOTICE**

28 During all relevant times, RESPONDENT is a common-interest community
comprised of approximately 105 units located in Las Vegas, Nevada (Entity Number
C23190-2004) and is, therefore, subject to the provisions of Chapter 116 of each the

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

5 **FACTUAL ALLEGATIONS**

6 1. Since about August of 2018, the RESPONDENT’S executive board failed to
7 have at least three members. *Exhibit A, CICC 000003, CICC 000008 – CICC 000009,*
8 *CICC 000011 – CICC 000022, CICC 000023.*

9 2. Therefore, on or about February 23, 2024, the Division opened an
10 investigation against the RESPONDENT’S Executive Board, with a request for a response
11 and information by no later than March 28, 2024. *Exhibit A, CICC 000003 – CICC 000006.*

12 3. On or about June 27, 2024, the RESPONDENT’S community association
13 manager (“CAM”), Rhiannon Marie Rogers (CAM.0010392-PROV), represented to the
14 Division that she had been the CAM for approximately one month. *Exhibit B, CICC*
15 *000026, and Exhibit A CICC 000010, CICC 000011 – CICC 000022, and CICC 000005.*

16 4. The CAM also informed the Division that the last executive Board meeting
17 was held on or about October 24, 2023. *Exhibit B, CICC 000026.*

18 5. The CAM also represented the last Annual Unit Owners Meeting was held
19 on January 25th, 2022. *Exhibit B, CICC 000026.*

20 6. The CAM further represented the last election was held in January of 2022.
21 *Exhibit B, CICC 000026.*

22 7. Therefore, on or about June 27, 2024, the Division closed its investigation
23 and informed the RESPONDENT that it would be bringing this matter before the
24 Commission. *Exhibit A, CICC 000023 – CICC 000024.*

25 **VIOLATIONS OF LAW**

26 8. RESPONDENT violated NRS 116.31034 for failing to elect a minimum of
27 three executive board members.

1 **NOTICE OF HEARING**

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

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

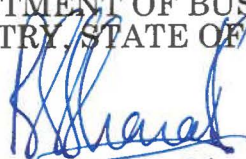
15 Note that under NAC 116.575, not less than five (5) working days before a hearing,
16 RESPONDENTS must provide to the Division a copy of all reasonably available
17 documents that are reasonably anticipated to be used to support his position, and a list of
18 witnesses RESPONDENTS intend to call at 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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22 ...
23 ...
24 ...

1 RESPONDENTS have violated the provisions of NRS 116, and to determine what
2 administrative penalty is to be assessed against RESPONDENTS.

3
4 DATED this 1 day of August 2024.

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

5
6
7 By: 
SHARATH CHANDRA, Administrator
3300 W. Sahara Ave. Ste 350
Las Vegas, Nevada 89102
8 (702) 486-4033
9

10 DATED this 31st day of July 2024.

AARON D. FORD
Attorney General

11
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