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SEP 03 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mgallo

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10 Attorneys for Respondent

11 **BEFORE THE COMMISSION FOR COMMON-INTEREST**
12 **COMMUNITIES AND CONDOMINIUM HOTELS**
13 **STATE OF NEVADA**

14 SHARATH CHANDRA, Administrator,
15 REAL ESTATE DIVISION,
16 DEPARTMENT OF BUSINESS AND
17 INDUSTRY, STATE OF NEVADA,

Case No.: 2023-169

Petitioner,

vs.

18 MONTARA HOMEOWNERS
19 ASSOCIATION,
20 (Entity Number C23190-2004)

Respondent.

21 **ANSWER TO COMPLAINT FOR DISCIPLINARY**
22 **ACTION AND NOTICE OF HEARING**

23 The Respondent, MONTARA HOMEOWNERS ASSOCIATION (“Respondent”),
24 submits this Answer to the Real Estate Division of the Department of Business and Industry,
25 State of Nevada (“Division”) Complaint for Disciplinary Action and Notice of Hearing
26 (“Complaint”).

27 **JURISDICTION AND NOTICE**

28 1. Respondent acknowledges that the Division and the Commission for Common-
Interest Communities and Condominium Hotels (“Commission”) have jurisdiction over this
matter.

FACTUAL ALLEGATIONS

2. Respondent generally acknowledges and admits the factual allegations set forth in
Paragraphs 1 through 7, inclusive, of the Complaint.

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2 VIOLATIONS OF LAW

3 3. The Board acknowledges that by not having three (3) Board members and,
4 therefore there was a technical violation of NRS 116.31034(1). However, the fact that it did not
5 elect a minimum of three (3) members was a function of a lack of candidates to run for the
6 Board. On August 29, 2024, the Board filled the vacancy on the Board by appointing Floresita
7 Yazmin Roman to serve on the Board until the next election. The action was taken by unanimous
8 consent of the Board outside a meeting. A copy of the Unanimous Consent is attached hereto as
9 **Exhibit 1**.

10 4. Respondent acknowledges that it has failed to hold a sufficient number of Board
11 meetings. As is more fully set forth below, the Association has noticed a Board meeting
12 scheduled for September 9, 2024 and a membership meeting scheduled for September 23, 2024.

13 5. Respondent acknowledges that it failed to hold an annual meeting in 2023. The
14 election, which is the most important part of the annual meeting, was completed by acclimation
15 because there were not enough candidates. Respondent originally noticed a membership meeting
16 to be held on September 9, 2023. However, Respondent discovered that the agenda for the
17 membership meeting was not included with the Notice, as required by NRS 116.3108(3).
18 Attached hereto as **Exhibit 2** is a copy of the revised Notice and agenda for the membership
19 meeting scheduled for September 23, 2024.

20 6. The Board acknowledges that it has not held a Board meeting for an extended
21 period of time. Attached hereto as **Exhibit 3** is a copy of the Notice of the Board meeting
22 scheduled for September 9, 2024.

23 7. Respondent acknowledges its failure to timely inform the Division of the identity
24 of its new community manager. Attached hereto as **Exhibit 4** is a copy of the 623 Form that was
25 filed with the NRED identifying the new community manager.

26 DISCIPLINE AUTHORIZED

27 8. Concerning the "Discipline Authorized," the Respondent acknowledges that the
28 Commission has the authority to impose the sanctions set forth therein.

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1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), the undersigned, an employee of LEACH KERN GRUCHOW
3 SONG, hereby certified that on the 3rd day of September, 2024, she served a true and correct
4 copy of the foregoing, ANSWER TO COMPLAINT FOR DISCIPLINARY ACTION AND
5 NOTICE OF HEARING, by:

- 6 _____ Depositing for mailing, in a sealed envelope, U.S. postage prepaid, at Las Vegas,
7 Nevada
8 _____ Personal Delivery
9 _____ Facsimile
10 _____ Federal Express/Airborne Express/Other Overnight Delivery
11 _____ Las Vegas Messenger Service
12 X Electronic Service – via E-mail

13 addressed as follows:

14 Aaron D. Ford, Esq.
15 Attorney General
16 Christal P. Keegan, Esq.
17 Deputy Attorney General
18 5420 Kietzke Lane, Suite 202
19 Reno, NV 89511
20 Via Email: ckeegan@ag.nv.gov

Maria Gallo, Commission Coordinator
Common-Interest Communities
and Condominium Hotels
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102
Via Email: mgallo@red.nv.gov

21 _____
22 /s/ Merlin Calimpong
23 An employee of LEACH KERN GRUCHOW
24 SONG
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