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1	BEFORE THE COMMISSION	N FOR COMMON-INTEREST
2	COMMUNITIES AND CONDOMINIUM HOTELS STATE OF NEVADA	
3	Sharath Chandra, Administrator,	
4	Real Estate Division, Department of Business &	
5	Industry, State of Nevada, Petitioner,	Case No. 2023-35
6	vs.	FILED
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8	STANFORD SQUARE, (Entity Number C5498-1980); JOHN FRAGOLA;	MAR 2 6 2024
9	ERICH BRISACHER; and DANIEL TEPPER;	NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS
10	Respondents.	mpallo
11	FINDINGS OF FACT, CONCLU	JSIONS OF LAW, AND ORDER
12	This matter came on for hearing before	the COMMISSION FOR COMMON-INTEREST
13	COMMUNITIES AND CONDOMINIUM HOTELS STATE OF NEVADA ("Commission") on March	
14	5, 2024. (the "Hearing") RESPONDENTS ST	ANFORD SQUARE; JOHN FRAGOLA; ERICH
15	BRISACHER; and DANIEL TEPPER (hereinafte	er, "RESPONDENTS") did not appear in person,
16	through counsel, or otherwise, nor did any of those p	parties file an Answer to the Complaint. Phil W. Su,
17	Esq., Senior Deputy Attorney General with the New	vada Attorney General's Office, appeared on behalf
18	of the Real Estate Division of the Department of Bus	iness and Industry, State of Nevada (the "Division").
19	Attorney Su called Commission Coordinato	r Maria Gallo to testify regarding notices sent to the
20	RESPONDENTS and steps taken to effect proper se	rvice. The Commission found appropriate service of
21	the notice of the hearing, the complaint and notice the	hereof, the notice of documents, and all other efforts
22	taken to inform the RESPONDENTS of the matter	before the Commission. The Commission thereafter
23	took notice of the documents filed by the Division to	o substantiate the allegations within the Complaint.
24	After hearing testimony and examining the e	evidence presented in this matter, and for good cause
25	appearing, the Commission now enters its Findings	of Fact, Conclusions of Law, and Order by default
26	against the RESPONDENTS as follows:	
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1	JURISDICTION	
2	During all relevant times, RESPONDENT ASSOCIATION Stanford Square is a common-interest	
3	community located in Stateline, Nevada (Entity Number C5498-1980) and RESPONDENT BOARD	
4	MEMBERS JOHN FRAGOLA, ERICH BREISACHER, AND DANIEL TEPPER SERVED AS	
5	BOARD MEMBERS AND/OR OFFICERS OF RESPONDENT ASSOCIATION. Therefore, the	
6	RESPONDENTS are subject to the provisions of Chapter 116 of each the Nevada Revised Statutes	
7	("NRS") and the Nevada Administrative Code ("NAC") (hereinafter collectively referred to as "NRS	
8	116") and are subject to the jurisdiction of the Division, and the Commission for Common-Interest	
9	Communities pursuant to the provisions of NRS 116.750.	
10	FINDINGS OF FACT	
11	1. RESPONDENT ASSOCIATION is a common-interest community located in Stateline,	
12	Nevada (Entity Number C5498-1980) with 32 units.	
13	2. RESPONDENT ASSOCIATION has been organized as a Domestic Non-Profit	
14	Cooperative Corporation without Stock pursuant to NRS 81.	
15	3. From 2015 through November 2022, the RESPONDENT ASSOCIATION'S Community	
16	Association Management Company was Associa Sierra North, and its Community Association Managers	
17	("CAM") was Alfonso Alamillo, Jr, Debora Costa, and other miscellaneous managers.	
18	4. As of January 2023, the RESPONDENT ASSOCIATION'S Community Association	
19	Management Company has been The Management Trust, and its CAM has been Cecilia Lebel.	
20	5. At all relevant times, the RESPONDENT ASSOCIATION was governed by	
21	RESPONDENT BOARD MEMBERS John Fragola, Erich Breisacher, and Daniel Tepper.	
22	6. The Office of the Ombudsman for Owners in Common-Interest Communities and	
23	Condominium Hotels ("Ombudsman") initiated an audit ("Initial Audit") of RESPONDENT	
24	ASSOCIATION in December 2022, for which it received no response from RESPONDENT	
25	ASSOCIATION or its CAM.	
26	7. On February 21, 2023, the Ombudsman referred the Initial Audit to the Division's	
27	compliance division for further investigation, after which the investigator issued an initial investigation	
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letter to RESPONDENT ASSOCIATION by and through its registered CAM, Kera Randolph of The Management Trust.

8. On March 17, 2023, the Division issued a Request for Information letter via certified mail to the RESPONDENT ASSOCIATION'S CAM, Kera Randolph of The Management Trust, requesting response by March 26, 2023. 5

9. RESPONDENT ASSOCIATION, through its new CAM, Cecilia Lebel of The 6 7 Management Trust, sent a response dated March 23, 2023, indicating that owing to its recent acquisition of Stanford Square as an association client and the departure of the previously assigned manager, they 8 9 could account for only a portion of the records requested.

10. Per the March 23, 2023, letter, Lebel represented that the following records remained 10 unaccounted for: 11

Violation Policy; a.

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Executive Session Meeting Minutes (1/1/20-11/30/22); b.

C. Agendas and board packets (1/1/20-11/30/22);

d. CPA Audits 2020;

All financial documentation (1/1/20-11/30/22); and e.

f. 17 Invoices and receipts for disbursements from Operating and Reserves funds including Utilities (1/1/20-11/30/22). 18

11. On April 11, 2023, the Division communicated with CAM Lebel via email that the 19 20 administrative hold with the Nevada Secretary of State remained in place and inquired about status.

12. CAM Lebel indicated that she would "follow up on this and... get back to [the 21 investigator]." 22

13. On April 23, 2023, the Division issued a letter of instruction regarding the Nevada 23 Secretary of State administrative hold and requiring RESPONDENT ASSOCIATION to bring itself into 24 compliance with the Nevada Secretary of State within 60 days of the date of the letter. 25

14. The Ombudsman's audit was reopened on July 25, 2023, ("Reopened Audit") and 26 27 completed on August 2, 2023.

Page 3 of 6

The Reopened Audit identified some issues that were ultimately deemed resolved, such 15. as delinquent annual association registration (Form #562) and delinquent unit fee payment, but also identified other issues remained unresolved as of the date the audit closed, such as anomalies in reporting and an "Administrative Hold" status with the Nevada Secretary of State for unpaid unit fees to the Ombudsman's Office. 5

The Ombudsman's audit recommended referral to a Compliance Audit investigator to 16. 6 address the issues identified by the audit that remained unresolved. 7

On September 27, 2023, the Division issued a letter to the RESPONDENT 17. 8 ASSOCIATION and its executive board requesting written response within ten business days of the date 9 of that letter. 10

Among the allegations asserted in the September 27, 2023, letter, the Division requested 18. 11 confirmation if the RESPONDENT ASSOCIATION held any "meetings outside of standard business 12 hours." 13

19. On November 8, 2023, RESPONDENT ASSOCIATION, through counsel Donna Zanetti, 14 responded to the Division's letter and attached exhibits in support of those responses. 15

Among the responses asserted by the RESPONDENT ASSOCIATION through counsel, 20. 16 it acknowledged that there were no meetings held during the 2020-2022 audit period other than at 1:30 17 pm or 3:00 pm. 18

21. In its defense, the RESPONDENT ASSOCIATION noted that one of the three board 19 members resides on the east coast that would result in an evening meeting start due to time zone 20 differences, that it started its July 27, 2023, meeting at 5:00 pm and that it would hold another meeting 21 in 2023 to start at 5:00 pm as well. 22

As of the date of filing of this Complaint the entity status of RESPONDENT 22. 23 ASSOCIATION remains on "Administrative Hold" with the Nevada Secretary of State. 24

23. On January 24, 2024, the Division notified RESPONDENTS in writing that it would 25 pursue disciplinary action in a hearing before the Commission for potential violations of NRS 116. 26

CONCLUSIONS OF LAW

Based on the foregoing findings of facts by default, the Commission concludes by unanimous

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vote that RESPONDENT has committed the following violations of law by default:

RESPONDENTS violated NRS 116.3103 pursuant to NRS 116.31083 by failing to hold
 meetings of the executive board from 2020 through 2022 at least twice annually during times other than
 standard business hours.

2. RESPONDENTS violated NRS 116.3103 pursuant to NRS 116.3101 by failing to bring
the association into compliance with the requirements of its corporate status with the Nevada Secretary
of State, such that it continues to be subject to an "Administrative Hold" status.

ORDER

Based on the foregoing findings of facts and violations of law, the Commission hereby Orders:
RESPONDENTS shall pay the Division a total of \$5,672.90 ("Amount Due"), consisting of \$2,000.00
in administrative fines, plus the Division's fees and costs in the amount of \$3,672.90. The Amount Due
shall be paid to the Division within 60 days of the effective date of this Order.

13 If the Amount Due is not actually received by the Division on or before its due date, it shall be a 14 default by RESPONDENTS. In the event of default, the unpaid balance of the administrative fine and 15 costs, together with any attorney's fees and costs that may have been assessed, shall be due in full to the 16 Division within ten calendar days of the date of default, and the Division may obtain a judgment for the 17 amount owed, including collection fees and costs.

The RESPONDENTS are also hereby ordered to appear before the Commission during their June
2024 meeting for a status update regarding the correction of the violations alleged herein.

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1	The Commission retains jurisdiction for correcting any errors that may have occurred in the	
2	drafting and issuance of this document.	
3	This order shall become effective on the 26^{44} day of March, 2024.	
4	DATED this day of March, 2024.	
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6	COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS	
7	$(\cdot \cdot$	
8	By: Hells M, Males PHYLLIS TOMASSO	
9	Chairperson of the Commission	
10	Submitted by:	
11		
12	AARON D. FORD Attorney General of Nevada	
13	By:/s/ Phil W. Su	
14	PHIL W. SU, ESQ.	
15	Senior Deputy Attorney General 555 E. Washington Avenue, Suite 3900	
16	Las Vegas, Nevada 89101 (702) 486-3420	
17	Attorneys for Nevada Real Estate Division	
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	Page 6 of 6	