

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,

Case No. 2024-624

FILED

AUG 02 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mgallo

Petitioner,

8 vs.

9 VIA VALENCIA / VIA VENTURA
10 HOMEOWNERS ASSOCIATION,
(Entity Number E0493382005-8)

11 Respondent.

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

14 The Real Estate Division of the Department of Business and Industry, State of
15 Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of
16 the State of Nevada, and Christal P. Keegan, Deputy Attorney General, hereby notifies
17 Via Valencia / Via Ventura Homeowners Association ("RESPONDENT") of an
18 administrative hearing before the Commission for Common-Interest Communities and
19 Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters 233B and
20 Chapters 116 of the Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada
21 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations
22 stated below and to determine if an administrative penalty will be imposed on the
23 RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to
24 NRS 116.785 and NRS 116.790.

25 **JURISDICTION AND NOTICE**

26 During all relevant times, RESPONDENT is a common-interest community
27 comprised of approximately 330 units located in Las Vegas, Nevada (Entity Number
28 E0493382005-8) 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. At all times relevant, the RESPONDENT’S executive board failed to have a
7 third member. *Exhibit A, CICC 000002 – CICC 000013.*

8 2. The RESPONDENT’S Annual Association Registration Form 562 dated April
9 22, 2024, only indicated two board members, President Michael Brewer and Treasurer
10 Adolph Tsang. *Exhibit A, CICC 000011.*

11 3. Therefore, on or about July 9, 2024, the Division opened an investigation
12 against the RESPONDENT’S Executive Board, requesting a response. *Exhibit A, CICC*
13 *000006 – CICC 000007.*

14 4. On July 15, 2024, Board Treasurer Tsang, responded to the Division with
15 only its 2023 election documentation and nomination forms. *Exhibit B, CICC 000015.*

16 5. On or about July 17, 2024, the Division sent the RESPONDENT its second
17 request for a response. *Exhibit A, CICC 000003 – CICC 000005.*

18 6. On July 19, 2024, RESPONDENT’S community association manager
19 (“CAM”), Felicia Norris (CAM.0009126), responded to the Division that it was supplying
20 the election documentation, to include nomination forms for “2023/ 2024”, and an updated
21 Form 623. *Exhibit B, CICC 000016.*

22 7. But the documents supplied by the CAM did not include any nomination
23 forms for 2024. *Exhibit B, CICC 000017 – CICC 000026.*

24 8. The “updated” Registration Filing Addendum Form 623 dated July 19, 2024,
25 reported only two current board members. *Exhibit B, CICC 000026.*

26 9. Therefore, on or about July 22, 2024, the Division closed its investigation and
27 informed the RESPONDENT that it would be bringing this matter before the Commission.
28 *Exhibit A, CICC 000008 – CICC 000009.*

1 **VIOLATIONS OF LAW**

2 10. RESPONDENT violated NRS 116.31034 for failing to elect a minimum of
3 three executive board members.

4 **DISCIPLINE AUTHORIZED**

5 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
6 116.790, the Commission has discretion to take any or all of the following actions:

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

9 2. Impose an administrative fine of up to \$1,000 for each violation
10 by RESPONDENT.

11 3. Order the RESPONDENT to pay the costs of the proceedings incurred by the
12 Division, including, without limitation, the cost of the investigation and reasonable
13 attorney's fees.

14 4. Approve application to a court of competent jurisdiction for the appointment
15 of a receiver for the RESPONDENT.

16 The Commission may order one or any combination of the discipline
17 described above.

18 **NOTICE OF HEARING**

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

23 **THE HEARING WILL TAKE PLACE** at the Commission meeting(s)
24 scheduled for September 10-12, 2024, beginning at approximately 9:00 a.m. each
25 day, or until such time as the Commission concludes its business. The
26 Commission meeting will be held at the Nevada State Business Center, 3300 W.
27 Sahara Avenue, 4th Floor, Nevada Room, Las Vegas, Nevada 89102 on September
28 10-12, 2024, with videoconferencing to Department of Business and Industry,

1 Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City,
2 Nevada 89706.

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

13 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is
14 an open meeting under Nevada's Open Meeting Law and may be attended by the public.
15 After the evidence and arguments, the commission may conduct a closed meeting to
16 discuss your alleged misconduct or professional competence. You are entitled to a copy of
17 the transcript of the open and closed portions of the meeting, although you must pay for
18 the transcription. As a RESPONDENT, you are specifically informed that you have the
19 right to appear and be heard in your defense, either personally or through your counsel of
20 choice. At the hearing, the Division has the burden of proving the allegations in the
21 complaint and will call witnesses and present evidence against you. You have the right to
22 respond and to present relevant evidence and argument on all issues involved. You have
23 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
24 witnesses on any matter relevant to the issues involved.

25 You have the right to request that the Commission issue subpoenas to compel
26 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
27 you may be required to demonstrate the relevance of the witness' testimony and/or
28 evidence. Other important rights and obligations, including your obligation to answer the

1 complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
2 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC
3 116.635 and NRS Chapter 233B.

4 Note that under NAC 116.575, not less than five (5) working days before a hearing,
5 RESPONDENTS must provide to the Division a copy of all reasonably available
6 documents that are reasonably anticipated to be used to support his position, and a list of
7 witnesses RESPONDENTS intend to call at the time of the hearing. Failure to provide
8 any document or to list a witness may result in the document or witness being excluded
9 from RESPONDENTS' defense. The purpose of the hearing is to determine if the
10 RESPONDENTS have violated the provisions of NRS 116, and to determine what
11 administrative penalty is to be assessed against RESPONDENTS.

12
13 DATED this 1 day of August 2024.

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

14
15
16 By: 

SHARATH CHANDRA, Administrator
3300 W. Sahara Ave. Ste 350
Las Vegas, Nevada 89102
(702) 486-4033

17
18
19 DATED this 31st day of July 2024.

AARON D. FORD
Attorney General

20
21
22 By: 

CHRISTAL P. KEEGAN
Deputy Attorney General
Nevada State Bar No. 12725
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
(775) 687-2141
ckeegan@ag.nv.gov

Attorney for Real Estate Division