

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 BRECCIA BAY HOMEOWNERS  
11 ASSOCIATION;

12                                   Respondent.

Case No. 2025-198

**FILED**

JAN 05 2026

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

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13                                   **STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

14                                   This Stipulation for Settlement of Disciplinary Action (“Stipulation”) is entered into  
15 by and between the State of Nevada, Department of Business and Industry, Real Estate  
16 Division (“Division”), through its Administrator Sharath Chandra (“Petitioner”), by and  
17 through their attorney of record, Phil W. Su, and RESPONDENT BRECCIA BAY  
18 HOMEOWNERS ASSOCIATION (“ASSOCIATION” or “RESPONDENT ASSOCIATION”)  
19 and by and through its attorneys of record, Daniel Hansen of Gibbs Giden.

20                                   **JURISDICTION AND NOTICE**

21                                   At all times relevant to this Complaint, RESPONDENT ASSOCIATION BRECCIA  
22 BAY HOMEOWNERS ASSOCIATION, Entity Number E0591622017-1, has been a  
23 common-interest community located in North Las Vegas, Nevada, and is, therefore, subject  
24 to the provisions of Chapter 116 of each the Nevada Revised Statutes (“NRS”) and the  
25 Nevada Administrative Code (“NAC”) (hereinafter collectively referred to as “NRS 116”)  
26 and are subject to the jurisdiction of the Division, and the Commission for Common-  
27 Interest Communities pursuant to the provisions of NRS 116.750.

28                                   **FACTUAL ALLEGATIONS AS ALLEGED IN THE COMPLAINT**

1           1.       RESPONDENT ASSOCIATION, Entity Number E0591622017-1, consists of  
2 160 single family home units in a common interest community located in North Las Vegas,  
3 Nevada.

4           2.       On February 24, 2025, the Division received a Statement of Fact filed by  
5 complainant and unit owner Raymond C. Williams, alleging that RESPONDENT  
6 ASSOCIATION, through its executive board, had improperly imposed a fine against him  
7 by failing to provide evidence of the alleged violation or that he participated in or  
8 authorized the violation.

9           3.       Attached to the Complainant's Statement of Fact were copies of:

10          a.       the 1/6/2025 Notice of Hearing from Association to the Complainant,

11          b.       Complainant's 1/6/2025 Letter responding to the Notice of Hearing,

12          c.       CAM Brandon Cunningham's (CAM.009493-SUPR) 1/15/2025 emailed  
13 response to Complainant with newly issued gate code,

14          d.       the 1/30/2025 Result of Hearing letter to Complainant;, and

15          e.       Complainant's 1/31/2025 email response to CAM Cunningham regarding the  
16 Result of Hearing letter, indicating that he "thought this matter was resolved after our  
17 discussions and my response to the first letter."

18           4.       In Complainant's written response to the Notice of Hearing, he denied any  
19 activities at his residence that would create a nuisance and denied writing, or authorizing  
20 anyone else to write, his personal gate code on the call box.

21           5.       On February 28, 2025, Chief Investigator Wheaton contacted CAM  
22 Cunningham via telephone to discuss the complaint and learned that each individualized  
23 code is, by default, the last four digits of the resident's phone number.

24           6.       Chief Investigator Wheaton also pointed out that the notice letter indicated  
25 that the gate code was removed from the box and, if so, what was the unit owner supposed  
26 to do if the violation was already fixed before the date set for hearing; CAM Cunningham  
27 could not answer that question.  
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1           7.       On March 17, 2025, the Division sent an initial open investigation letter and  
2 request for information (“RFI”) to RESPONDENT ASSOCIATION, with cc: to the executive  
3 board members, requesting responses to the Statement of Fact and any related documents  
4 in their possession be produce by March 31, 2025.

5           8.       On March 26, 2025, CAM Cunningham provided written response on behalf  
6 of the Association, which included copies of the hearing letter and a larger photo of the call  
7 box.

8           9.       In the written response, CAM Cunningham noted that “there is not  
9 photographic evidence of the unit owner writing the gate code on the call box.”

10          10.       CAM Cunningham’s response set forth the general timeframe by which the  
11 Board, in 2021, transitioned from using a universal gate code to individual gate codes that  
12 were unique to each property, and, in October of 2024, instituted a “fine for when individual  
13 gate codes are found written on call boxes.”

14          11.       As to the Hearing Letter sent to Complainant and his response, CAM  
15 Cunningham admitted that he “made a mistake” and accidentally filed the email away  
16 instead of forwarding it to the Board, when he received it on January 13, 2025.

17          12.       On February 5, 2025, CAM Cunningham forwarded Complainant’s response  
18 to the 1/30/2025 Results of Hearing letter; upon review of the letter, the Board decided that  
19 the fine should remain on the account.

20          13.       On March 31, 2025, the Division sent, via Certified Mail, an NRS 233B letter  
21 notifying the RESPONDENTS that it would pursue disciplinary action in a hearing before  
22 the Commission for potential violations of NRS 116.

23                           **VIOLATIONS OF LAW AS ALLEGED IN THE COMPLAINT**

24          1.       The RESPONDENTS violated NRS 116.31031(4) by failing to specify, in detail  
25 and with adequate specificity, the details of the alleged HOA violation, including, but not  
26 limited to, providing a clear and detailed photograph of the alleged violation, and in failing  
27  
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1 to provide a reasonable opportunity to cure the alleged violation and/or to contest the  
2 alleged violation at the hearing.

### 3 **PROPOSED SETTLEMENT AGREEMENT**

4 In an effort to avoid the time and expense of litigating these issues before the  
5 Commission, the RESPONDENT does not admit, but also agrees to waive its right to  
6 contest, the above factual allegations and violations of law, as alleged in the Complaint.  
7 The parties desire to compromise and settle the instant controversy upon the following  
8 terms and conditions:

9 1. The RESPONDENT agrees to pay the Division a total amount of Seven  
10 Hundred Dollars and zero cents (\$700.00) ("Amount Due"), consisting of zero  
11 administrative fines imposed by the Division, and only of the Division's pre-hearing costs  
12 in the amount of \$700.00.

13 a. The Amount Due shall be payable to the Division within sixty (60) days  
14 after the date of the order approving this settlement.

15 2. RESPONDENT agrees that it will require each of its current board members,  
16 as of the effective date of this order, to complete three (3) hours of CICCH/HOA Board  
17 Member and Unit Owner Training offered by NRED's education section. Training is to be  
18 completed within twelve (12) months from the date of the order approving this Stipulation,  
19 with proof of completion supplied to the Division.

20 3. RESPONDENT and the Division agree that by entering into this Stipulation,  
21 the Division does not concede any defense or mitigation that the RESPONDENT may have  
22 otherwise asserted and that once this Stipulation is approved and fully performed, the  
23 Division will close its file in this matter.

24 4. RESPONDENT agrees and understands that by entering into this  
25 Stipulation, RESPONDENT is waiving its right to a hearing at which he might otherwise  
26 present evidence in his defense, its right to a written decision on the merits of the  
27 complaint, its rights to reconsideration and/or rehearing, appeal and/or judicial review, and  
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1 all other rights which may be accorded by the Nevada Administrative Procedure Act, the  
2 Nevada Common-Interest Communities and Condominium Hotels statutes and  
3 accompanying regulations, and the federal and state Constitutions. The RESPONDENT  
4 understands that this Agreement and other documentation may be subject to public records  
5 laws. The Commission members who review this matter for approval of this Stipulation  
6 may be the same members who ultimately hear, consider, and decide the Complaint if this  
7 Stipulation is either not approved by the Commission or is not timely performed by the  
8 RESPONDENT. The RESPONDENT fully understands that he has the right to be  
9 represented by legal counsel in this matter at its own expense.

10 5. Each party shall bear their own attorney's fees and costs, *except* as the  
11 Division's Attorney's pre-hearing costs and attorney's fees, as provided above.

12 6. Approval of Stipulation. Once executed, this Stipulation will be filed with the  
13 Commission and will be placed on the agenda for approval at its next public meeting. The  
14 Division will recommend to the Commission approval of the Stipulation. RESPONDENT  
15 agrees that the Commission may approve, reject, or suggest amendments to this  
16 Stipulation that must be accepted or rejected by RESPONDENT before any amendment is  
17 effective.

18 7. Withdrawal of Stipulation. If the Commission rejects this Stipulation or  
19 suggests amendments unacceptable to the RESPONDENT, the RESPONDENT may  
20 withdraw from this Stipulation, and the Division may pursue its Complaint before the  
21 Commission. This Stipulation then shall become null and void and unenforceable in any  
22 manner against either party.

23 8. Release. In consideration of the execution of this Stipulation, Association and  
24 RESPONDENT for itself, its heirs, executors, administrators, successors, and assigns,  
25 hereby releases, remises, and forever discharges the State of Nevada, the Department of  
26 Business and Industry, and the Division, and each of their respective members, agents,  
27 employees, and counsel in their individual and representative capacities, from any and all  
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1 manner of actions, causes of action, suits, debts, judgments, executions, claims, and  
2 demands whatsoever, known and unknown, in law or equity, that RESPONDENT ever  
3 had, now has, may have, or claim to have against any or all of the persons or entities named  
4 in this section, arising out of or by reason of the Division's investigation of this action, this  
5 disciplinary action, and all matters related thereto.

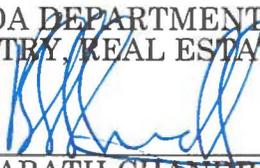
6 9. Indemnification. RESPONDENT hereby agrees to indemnify and hold  
7 harmless the State of Nevada, the Department of Business and Industry, Petitioner, the  
8 Division, and each of their respective members, agents, employees, and counsel, in their  
9 individual and representative capacities, against any and all claims, suits, and actions  
10 brought against said persons and/or entities by reason of the Division's investigation, this  
11 disciplinary action, and all other matters relating thereto, and against any and all  
12 expenses, damages, and costs, including court costs and attorney fees, which may be  
13 sustained by the persons and/or entities named in this section as a result of said claims,  
14 suits, and actions.

15 10. Default. In the event of default of any of the above terms by RESPONDENT,  
16 the RESPONDENT agrees that the Division may, at its option, rescind this Stipulation and  
17 Order and proceed with prosecuting this Complaint before the Commission, and that, upon  
18 Default, any unpaid balance of the administrative fine and costs, together with any  
19 attorney's fees and costs that may have been assessed, shall be due in full to the Division  
20 within ten (10) calendar days of the date of default. Debt collection actions for unpaid  
21 monetary assessments in this case may be instituted by the Division or its assignee.

22 11. RESPONDENT, by and through the undersigned, has signed and dated this  
23 Stipulation and Order only after reading and understanding all terms herein.

24 DATED: ~~December~~ 2, 2025  
25 January 2026

NEVADA DEPARTMENT OF BUSINESS AND  
INDUSTRY, REAL ESTATE DIVISION

26 By:   
27 SHARATH CHANDRA  
28 Administrator

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DATED: December 29, 2025

BRECCIA BAY HOMEOWNERS  
ASSOCIATION

By: *Kevin J. Hazy, Jr.*  
Kevin J. Hazy, Jr.  
President

DATED: December 12/29/2025, 2025

BRECCIA BAY HOMEOWNERS  
ASSOCIATION

By: *Janet Guerrero*  
Janet Guerrero (Dec 29, 2025 13:57:57 PST)  
Director

DATED: December \_\_\_\_\_, 2025

BRECCIA BAY HOMEOWNERS  
ASSOCIATION

By: \_\_\_\_\_  
Director

Approved as to form:

GIBBS GIDEN

AARON D. FORD  
Attorney General

By: *Daniel Hansen*  
DANIEL HANSEN (Bar No. 14536)  
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*Attorney for Respondent Breccia Bay  
Homeowners Association*

By: */s/ Phil W. Su*  
PHIL W. SU (Bar No. 10450)  
Senior Deputy Attorney General  
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(702) 486-3655  
*Attorneys for Real Estate Division*

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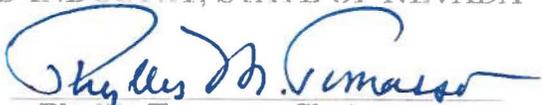
Respondent.

12                                   **ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

13                   **IT IS ORDERED** that the foregoing Stipulation and Order for Settlement of  
14 Disciplinary Action for RESPONDENT BRECCIA BAY HOMEOWNERS ASSOCIATION,  
15 in Case No. 2025-198, is approved in full.

16                   DATED: ~~December 5<sup>th</sup>, 2025~~  
17                                   January                   2026

18                   COMMISSION FOR COMMON-INTEREST  
19                   COMMUNITIES AND CONDOMINIUM  
20                   HOTELS, DEPARTMENT OF BUSINESS  
21                   AND INDUSTRY, STATE OF NEVADA

22 By:   
23                   Phyllis Tomasso, Chairperson

24 Submitted by:

25 AARON D. FORD  
26 Attorney General

27 By: /s/ Phil W. Su  
28 PHIL W. SU (Bar No. 10450)  
Attorneys for Real Estate Division