

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 EL PARQUE HOMEOWNERS
11 ASSOCIATION
(Entity Number C3144-1991)

12 Respondent.

Case No. 2025-217

FILED

DEC 19 2025

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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13 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

14 This matter came on for hearing before the Commission for Common-Interest Communities and
15 Condominium Hotels, State of Nevada (the "Commission") during the regular agenda on December 9,
16 2025 (the "Hearing"). Ryan T. O'Malley, with Litchfield Cavo LLP, appeared by video on behalf of El
17 Parque Homeowners Association ("RESPONDENT"), provisional community manager Leahmarie
18 "Leah" Zinni Wickline (CAM.0010301-PROV) appeared in person, and no board members in
19 attendance. Christal Park Keegan, Senior Deputy Attorney for the Nevada Real Estate Division
20 ("Division"), appeared on behalf of Petitioner.

21 Division's counsel moved the parties' documents into the record: the Division's documents
22 NRED 000001-001255, and the Respondent's 193 Exhibits of 2,405 pages.

23 Since the RESPONDENT admitted to the Division's factual allegations and violations of law in
24 its Complaint filed July 14, 2025, the parties made statements regarding the RESPONDENT'S Proposed
25 Resolution/Settlement in its Answer filed August 25, 2025.

26 **FINDINGS OF FACT**

27 Based on the preponderance of the evidence in the record, the documents admitted at the Hearing,
28 and by stipulation of the parties, the Commission accepted all the factual allegations proven:

1 **A. Failure to Conduct a Reserve Study Once Every Five Years**

2 1. At least as of May 7, 2020, the RESPONDENT has been advised of their
3 non-compliance with having a reserve study completed once every five years. *Exhibit 1, NRED 000002.*

4 2. Again, in the Division's letter dated February 7, 2025, the RESPONDENT was advised
5 of its requirement to conduct a reserve study every five years, noting its last reserve study was conducted
6 November 25, 2018, and requested its Form #609 Reserve Study Summary by February 21, 2025.
7 *Exhibit 2, NRED 000004.*

8 3. RESPONDENT failed to supply this information by the deadline, and therefore, on or
9 about March 27, 2025, the Division's Compliance Section opened its investigation. *Exhibit 11, NRED*
10 *001250–001253.*

11 4. In response, on April 9, 2025, the community manager, Leahmarie "Leah" Zinni
12 Wickline (CAM.0010301-PROV), alleged the reserve study had been in progress since the end of 2024,
13 and reported the Board just adopted the attached reserve study.¹ *Exhibit 10, NRED 001180.*

14 **B. Failure to Audit and Review Financials**

15 5. Per the RESPONDENT'S latest Annual Association Registration Form 562 filed March
16 18, 2024, their annual budgeted assessments exceeded \$150,000 (reporting \$354,048.00). *Exhibit 6,*
17 *NRED 000121.*

18 6. According to RESPONDENT'S December 2023 and December 2024 financials, Item
19 6024 Administrative Costs for Audit/Tax Service, despite budgeting \$2,000 and \$1,704, respectively,
20 \$0 of the budgeted funds were spent to have an audit completed of their financials. *Exhibit 3, NRED*
21 *000008, Exhibit 4, NRED 000040.*

22 7. Despite the Division's requests for information, RESPONDENT failed
23 to provide copies of the audits and/or engagement letters from 2022, 2023, and 2024. *Exhibit 11, NRED*

24 ¹ CAM Wickline's April 9, 2025 email appeared to blame the Division for their failure to respond
25 timely or at all was because the letters were sent to the incorrect address, when the CAM'S signature
26 block indicated a new address location effective way back in "9/16/2024", and by admission, the updated
27 Form 623 Registration Filing Addendum was not "complete[d] and remit[ted]" until the end of February
28 [2025], which by law, requires changes in contact information to be reported to the Division within 30
days (NAC 116.385). The only other Form 623 in the Investigative File is one dated October 2, 2023,
see *Exhibit 6, NRED 000123–000124*, reporting CAM Leah Wickline
as the community manager, so the failure to timely report changes is inexcusable, and
any claims the Division's letters were sent to the incorrect address are attributable to
the CAM.

001252.

C. Failure to Ensure Adequately Funded Reserves

8. Review of the RESPONDENT'S financial records over the three-year period 2023–2025, reveal no attempts to reduce the “Due to Reserves” amount of \$81,051.00, while the Reserve fund continued to reduce year over year:

- a. The Association's Reserve Account in December of 2023 reportedly held \$111,582.72, and \$81,051.00 was due to the Reserves from the Operating; *Exhibit 3, NRED 000007*;
- b. The Association's Reserve Account in December of 2024 reportedly held \$63,158.33, and \$81,051.00 was due to the Reserves from the Operating; *Exhibit 4, NRED 000039*; and
- c. The Association's Reserve Account in February of 2025 reportedly held \$53,890.56, and \$81,051.00 was due to the Reserves from the Operating. *Exhibit 5, NRED 000081*.

9. Review of the RESPONDENT'S spending practices demonstrate utilization of Reserve funds to pay for daily maintenance and repairs:

- a. The Association's January 2023 Financials demonstrate RESPONDENT was utilizing Reserve funds to pay Mayorganic Maintenance and Repair, posted under 7004 Tree Pruning, 7019 Lighting/Repair Supplies, 7011 Irrigation, 7136 General Repair and Maintenance, 7000 Landscape Contract, 7116 Janitorial, 7052 Pedestrian Gates, 7136 General Repair and Maintenance for a total of \$8,595 paid out of Reserve. *Exhibit 7, NRED 000163, and NRED 000172: “Reclass Jan 2023 Oper Exp posted to Rsv Exp”*; and
- b. The Association's December 2023 Financials demonstrate Mayorganic Maintenance and Repair posted under 7000 Landscape Contract, 7004 Tree Pruning, and also 7116 Janitorial from Operating, while Center Cut Landscape Services posted under 7330 Rsv Landscape, from Reserve. *Exhibit 3, NRED 000024–000025*.

D. Failing its Fiduciary Duties

10. The RESPONDENT'S Annual Association Registration Form 562 dated April 27, 2023, reported the following Executive Board Members: President Bob Mihaylovich, Secretary Sandie Medina, Treasurer Jesus Trani, and Dora Smith. *Exhibit 6, NRED 000120*.

11. The RESPONDENT'S Annual Association Registration Form 562 dated March 11, 2024, reported the following Executive Board Members: President Sandie Medina, Secretary Valarie

1 Salone, Treasurer Jesus Trani, Dora Smith, and Mike Pucciarelli. *Exhibit 6, NRED 000122.*

2 12. The RESPONDENT'S Registration Filing Addendum dated April 10, 2025, reported
3 Board Member Mike Pucciarelli no longer served on the Board with an end date of September 11, 2024.
4 *Exhibit 9, NRED 001098.*

5 13. Review of RESPONDENT'S December 2023 Financials report a landscaping contract in
6 place with a Mayorganic Maintenance and Repair, but was also paying Center Cut Landscape Services.
7 *Exhibit 3, NRED 000024–000025.*

8 14. Vendor Mayorganic Maintenance and Repair Nevada's business license appears to have
9 been in DEFAULT status since 2022, and for all times relevant, it is unknown if this vendor had an
10 active business license, insurance, bond, or any other necessary risk protection for the Association.²
11 *Exhibit 6, NRED 000128–000129.*

12 15. Review of RESPONDENT'S 2024 financials report weekly payments to a "Carter
13 Aramas Vouchers, for services mysteriously labeled "Community Standards", a vendor for which no
14 results were returned from the Nevada Secretary of State business license website. *Exhibit 4, NRED*
15 *000064, Exhibit 5, NRED 000104.*

16 16. Additionally, RESPONDENT'S February 2025 Financials, vendor Mayorganic
17 Maintenance Repair posted multiple billing line items appearing to skate under handyman thresholds,³
18 *see under 7000 Landscape Contract, 7008 Weed Control, 7116 Janitorial, 7136 General Repair and*
19 *Maintenance, 7070 Gate Repair, 7011 Irrigation, 7117 Light Bulbs. Exhibit 5, NRED 000104–000105.*

20 **E. Failure to Have the Signatures Required for Withdrawals of Certain Association**
21 **Funds**

22 17. The 2023 financial records reveal extensive single-signed checks, and in many instances

23 ² See Case No. 2022-651 NRED v Jose Estrada, Findings of Fact, Conclusions of Law, and
24 Order, filed December 15, 2023, Paragraph No. 16. Association [Las Brisas Apartment Homes
25 Community Association] Checks made payable to Unlimited Contracting, LLC, from June 15, 2017,
26 through October 16, 2019, showed that the Association paid approximately \$59,523.00 to Unlimited
27 Contracting, LLC during that timeframe for services ranging from hot water heater work to landscaping
services. Paragraph No. 17. On or about September 7, 2022, Unlimited Contracting, LLC informed the
Association's Manager, Michelle Tagata, that it would be changing its name to Mayorganic
Maintenance Repairs, LLC, with registered agent Claudia M. Menjivar.

28 ³ The handyman exemptions as per NRS 624.031(6), include work to repair or maintain property
valued at less than \$1,000, including labor and materials, unless certain conditions apply (e.g., building
permit required, type of work, contractor's license).

1 signed twice by the same person. *Exhibit 7, in the October 2023 Financials NRED 000590, see Check*
2 *#s 3054, 3055, 3056, 3057, 3058, 3059 signed twice by the*
3 *same signatory; in the November 2023 Financials NRED 000622, see Check #s 3052, 3053, 3060, 3061,*
4 *3062, 3063, 3064, 3065, 3066 single signed checks, or twice signed by the same person; in the December*
5 *2023 Financials NRED 000650, see Check #s Operating Account 3068, 3069, 3070, 3071, 3073, 3074,*
6 *3075, NRED 000655 Reserve Account Check #s 7000, 7001, 7002.*

7 18. The RESPONDENT'S practice of single-signing checks continued extensively into
8 2024. *Exhibit 8, in the January 2024 Financials NRED 000685, see Check #s 3076, 3078, 3079, 3080,*
9 *3081, 3082, 3083, 3084, 3085; in the February 2024 Financials NRED 000716, see Check #s 3077,*
10 *3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095; in the March 2024 Financials NRED*
11 *000748, see Check #s 3096, 3097, 3098, 3100, 3102, 3103, 3105, 3106; in the April 2024 Financials*
12 *NRED 000781–000782, see Check #s 3104, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115,*
13 *3116, 3117, 3118, 3119, 3120.*

14
15 19. Therefore, on or about May 12, 2025, despite such plain notice of continued deficiencies,
16 the Division closed its investigation due to the RESPONDENT'S failure to supply any subsequent
17 additional documentation or other evidence to support its position, and notified the RESPONDENT that
18 it intended to proceed formally before the Commission for Common-Interest Communities and
19 Condominium Hotels. *Exhibit 11, NRED 001254–001255.*

20 CONCLUSIONS OF LAW

21 Based on the foregoing uncontested factual findings and the preponderance of the evidence, the
22 Commission accepted all the following violations of law occurred:

23 20. *Violation #1.* RESPONDENT violated NRS 116.31152 as implicated by NAC
24 116.427 for failing to perform the Reserve Study once every five years.

25 21. *Violation #2.* RESPONDENT violated NRS 116.3115(2)(b) for failing to establish adequate
26 reserves, funded on a regular basis, and further, misappropriating reserves for operating
27 expenses.

28 22. *Violation #3.* RESPONDENT violated NRS 116.3103 through NAC 116.405(5) for failing

1 to comply with the Division to provide information or
2 produce documents.

3 23. *Violation #4.* RESPONDENT violated NRS 116.31144,(1)(c), (2), for failing to cause the
4 Association's financial statements to be audited as required.

5 24. *Violation #5.* RESPONDENT violated NAC 116.457,(1)(b), (1)(c) as further implicated by
6 NRS 116.31144.

7 25. *Violation #6.* RESPONDENT violated NAC 116.453 for failing to adequately present the
8 contents of interim financial statements.

9 26. *Violation #7.* RESPONDENT violated NRS 116.31153 on 68 counts for failing to have the
10 necessary signatures required for Association funds withdrawals from
11 2023–2024 on approximately 68 single-signed checks, in some instances signed twice by the
12 same signatory.

13 27. *Violation #8.* RESPONDENT violated NRS 116.3103, as evidenced by NAC 116.405(8)(a)
14 by failing its fiduciary duties for utilizing the services from a provider who failed to possess
15 the proper licensing.⁴

16 ORDER

17 The Commission, being fully apprised in premises and good cause appearing, ORDER as
18 follows:

19 1. RESPONDENT shall complete its educational training as set forth in its Answer filed
20 August 25, 2025, with proof of completion submitted to the Division by no later than March 31, 2026.

21 2. RESPONDENT shall pay the Division for the cost of its investigation, its attorney's fees,
22 and the hearing costs, in the total amount of \$10,250.61, by payment plan, to be paid over the course of
23 a 12-month period, commencing 30 days from entry of Order:

24 3. RESPONDENT shall return to the Commission's December 8-10, 2026, Meeting and
25 provide a status report on its audit and its progress towards the reserve study that has been completed,
26 with documentation in support provided to the Commission no later than ten (10) working days before
27 the meeting.

28

⁴ *Dutchess Business Services, Inc. v. Nevada State Bd. of Pharmacy*, 124 Nev. 701 (2008).

4. Pursuant to NRS 116.785, if the RESPONDENT violates any Commission order, the Commission may impose sanctions in the form of an administrative fine of not more than \$5,000 for each violation.

5. The Commission retains jurisdiction for correcting any errors that may have occurred in drafting and issuance of this document.

DATED this 19th day of December 2025.

**COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM
HOTELS, DEPARTMENT OF BUSINESS
AND INDUSTRY, STATE OF NEVADA**

By: Phyllis M. Tomasso
Phyllis M. Tomasso, Chair

Submitted by:

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NRS 233B.130 Judicial review; requirements for petition and cross-petition; statement of intent to participate; petition for rehearing or reconsideration; service; dismissal of certain agencies and persons from proceedings concerning final decision of State Contractors' Board; exclusive means.

1. Any party who is:

(a) Identified as a party of record by an agency in an administrative proceeding; and

(b) Aggrieved by a final decision in a contested case,

È is entitled to judicial review of the decision. Where appeal is provided within an agency, only the decision at the highest level is reviewable unless a decision made at a lower level in the agency is made final by statute. Any preliminary, procedural or intermediate act or ruling by an agency in a contested case is reviewable if review of the final decision of the agency would not provide an adequate remedy.

2. Petitions for judicial review must:

(a) Name as respondents the agency and all parties of record to the administrative proceeding;

(b) Be instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county where the agency proceeding occurred;

(c) Be served upon:

(1) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(2) The person serving in the office of administrative head of the named agency; and

(d) Be filed within 30 days after service of the final decision of the agency.

È Cross-petitions for judicial review must be filed within 10 days after service of a petition for judicial review.

3. The agency and any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the agency and every party within 20 days after service of the petition.

4. A petition for rehearing or reconsideration must be filed within 15 days after the date of service of the final decision. An order granting or denying the petition must be served on all parties at least 5 days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

5. The petition for judicial review and any cross-petitions for judicial review must be served upon the agency and every party within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service. If the proceeding involves a petition for judicial review or cross-petition for judicial review of a final decision of the State Contractors' Board, the district court may, on its own motion or the motion of a party, dismiss from the proceeding any agency or person who:

(a) Is named as a party in the petition for judicial review or cross-petition for judicial review; and

(b) Was not a party to the administrative proceeding for which the petition for judicial review or cross-petition for judicial review was filed.

6. The provisions of this chapter are the exclusive means of judicial review of, or judicial action concerning, a final decision in a contested case involving an agency to which this chapter applies.

(Added to NRS by 1965, 966; A 1969, 318; 1975, 495; 1977, 57; 1981, 80; 1989, 1651; 1991, 465; 2003, 1904; 2005, 1003; 2007, 558; 2015, 709)