

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

MAY 09 2025

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

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

26 **JURISDICTION AND NOTICE**

27 At all times relevant to this Complaint, RESPONDENT ASSOCIATION
28 BRECCIA BAY HOMEOWNERS ASSOCIATION, Entity Number E0591622017-1, has
been a common-interest community located in North Las Vegas, Nevada, and is,
therefore, subject to the provisions of Chapter 116 of each the Nevada Revised Statutes

1 (“NRS”) and the Nevada Administrative Code (“NAC”) (hereinafter collectively referred
2 to as “NRS 116”) and are subject to the jurisdiction of the Division, and the Commission
3 for Common-Interest Communities pursuant to the provisions of NRS 116.750.

4 FACTUAL ALLEGATIONS

5 1. RESPONDENT ASSOCIATION, Entity Number E0591622017-1, consists of
6 160 single family home units in a common interest community located in North Las
7 Vegas, Nevada. **CICCH0001-0003, Exhibit 1.**

8 2. On February 24, 2025, the Division received a Statement of Fact filed by
9 complainant and unit owner Raymond C. Williams, alleging that RESPONDENT
10 ASSOCIATION, through its executive board, had improperly imposed a fine against him
11 by failing to provide evidence of the alleged violation or that he participated in or
12 authorized the violation. **CICCH0004-0014, Exhibit 2.**

13 3. Attached to the Complainant’s Statement of Fact were copies of:

- 14 a. the 1/6/2025 Notice of Hearing from Association to the Complainant,
15 **CICCH0013, Exhibit 2,**
- 16 b. Complainant’s 1/6/2025 Letter responding to the Notice of Hearing,
17 **CICCH0012, Exhibit 2,**
- 18 c. CAM Brandon Cunningham’s (CAM.009493-SUPR) 1/15/2025 emailed
19 response to Complainant with newly issued gate code, **CICCH0010-**
20 **0011, Exhibit 2,**
- 21 d. the 1/30/2025 Result of Hearing letter to Complainant; **CICCH0009,**
22 **Exhibit 2, and**
- 23 e. Complainant’s 1/31/2025 email response to CAM Cunningham regarding
24 the Result of Hearing letter, indicating that he “thought this matter was
25 resolved after our discussions and my response to the first letter.”
26 **CICCH0008, Exhibit 2.**

27 4. In Complainant’s written response to the Notice of Hearing, he denied any
28 activities at his residence that would create a nuisance and denied writing, or

1 authorizing anyone else to write, his personal gate code on the call box. **CICCH0010-**
2 **0011, Exhibit 2**

3 5. On February 28, 2025, Chief Investigator Wheaton contacted CAM
4 Cunningham via telephone to discuss the complaint and learned that each individualized
5 code is, by default, the last four digits of the resident's phone number. **CICCH0016,**
6 **Exhibit 3.**

7 6. Chief Investigator Wheaton also pointed out that the notice letter indicated
8 that the gate code was removed from the box and, if so, what was the unit owner
9 supposed to do if the violation was already fixed before the date set for hearing; CAM
10 Cunningham could not answer that question. **CICCH0016, Exhibit 3.**

11 7. On March 17, 2025, the Division sent an initial open investigation letter
12 and request for information ("RFI") to RESPONDENT ASSOCIATION, with cc: to the
13 executive board members, requesting responses to the Statement of Fact and any related
14 documents in their possession be produce by March 31, 2025. **CICCH0017-0019,**
15 **Exhibit 3.**

16 8. On March 26, 2025, CAM Cunningham provided written response on behalf
17 of the Association, which included copies of the hearing letter and a larger photo of the
18 call box. **CICCH0022-0031, Exhibit 4.**

19 9. In the written response, CAM Cunningham noted that "there is not
20 photographic evidence of the unit owner writing the gate code on the call box."
21 **CICCH0023; 0026, Exhibit 4.**

22 10. CAM Cunningham's response set forth the general timeframe by which the
23 Board, in 2021, transitioned from using a universal gate code to individual gate codes
24 that were unique to each property, and, in October of 2024, instituted a "fine for when
25 individual gate codes are found written on call boxes." **CICCH0023, Exhibit 4.**

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

1 **CICCH0024, Exhibit 4.**

2 12. On February 5, 2025, CAM Cunningham forwarded Complainant's response
3 to the 1/30/2025 Results of Hearing letter; upon review of the letter, the Board decided
4 that the fine should remain on the account. **CICCH0024, Exhibit 4.**

5 13. On March 31, 2025, the Division sent, via Certified Mail, an NRS 233B
6 letter notifying the RESPONDENTS that it would pursue disciplinary action in a
7 hearing before the Commission for potential violations of NRS 116. **CICCH0032-0034,**
8 **Exhibit 5.**

9 **VIOLATIONS OF LAW**

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

15 **DISCIPLINE AUTHORIZED**

16 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
17 116.790 the Commission has discretion to take any or all of the following actions:

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

20 2. Impose an administrative fine of up to \$1,000 for each violation by
21 Respondent.

22 3. Order the Respondent to pay the costs of the proceedings incurred by the
23 Division, including, without limitation, the cost of the investigation and reasonable
24 attorney's fees.

25 4. Approve application to a court of competent jurisdiction for the appointment
26 of a receiver for the Respondent.

27 The Commission may order one or any combination of the discipline described
28 above.

NOTICE OF HEARING

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

THE HEARING WILL TAKE PLACE at the Commission meeting(s) scheduled for June 10-12, 2025, beginning at approximately 9:00 a.m. each day, or until such time as the Commission concludes its business. The Commission meeting will be held at the Nevada State Business Center, 3300 W. Sahara Avenue, 4th Floor, Nevada Room, Las Vegas, Nevada 89102 on June 10 – 11, 2025, with videoconferencing to Department of Business & Industry, Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706. The Commission meeting will be held at the Nevada State Business Center, 3300 W. Sahara Avenue, 4th Floor, Tahoe Room, Las Vegas, Nevada 89102 on June 12, 2025, with videoconferencing to Department of Business and Industry, Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706.

STACKED CALENDAR: Your hearing is one of several hearings that may be scheduled at the same time as part of a regular meeting of the Commission that is expected to take place on June 10-12, 2025. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you need to negotiate a more specific time for your hearing in advance because of coordination with an out-of-state witness or the like, please call Maria Gallo, Commission Coordinator, at (702) 486-4074.

YOUR RIGHTS AT THE HEARING: Except as mentioned below, the hearing is an open meeting under Nevada's open meeting law and may be attended by the public.

1 After the evidence and arguments, the commission may conduct a closed meeting to
2 discuss your alleged misconduct or professional competence. You are entitled to a copy of
3 the transcript of the open and closed portions of the meeting, although you must pay for
4 the transcription. As a RESPONDENT, you are specifically informed that you have the
5 right to appear and be heard in your defense, either personally or through your counsel
6 of choice. At the hearing, the Division has the burden of proving the allegations in the
7 complaint and will call witnesses and present evidence against you. You have the right
8 to respond and to present relevant evidence and argument on all issues involved. You
9 have the right to call and examine witnesses, introduce exhibits, and cross-examine
10 opposing witnesses on any matter relevant to the issues involved.

11 You have the right to request that the Commission issue subpoenas to compel
12 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
13 you may be required to demonstrate the relevance of the witness' testimony and/or
14 evidence. Other important rights and obligations, including your obligation to answer
15 the complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
16 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC
17 116.635 and NRS Chapter 233B.

18 Note that under NAC 116.575, not less than five (5) working days before a
19 hearing, RESPONDENT must provide to the Division a copy of all reasonably available
20 documents that are reasonably anticipated to be used to support his position, and a list
21 of witnesses RESPONDENT intend to call at the time of the hearing. Failure to provide
22 any document or to list a witness may result in the document or witness being excluded
23 from RESPONDENT'S defense. The purpose of the hearing is to determine if the

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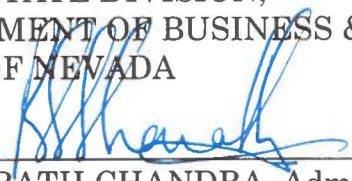
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1 RESPONDENT has violated the provisions of NRS 116, and to determine what
2 administrative penalty is to be assessed against RESPONDENT.

3 DATED this 8 day of MAY, 2025.
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5 REAL ESTATE DIVISION,
6 DEPARTMENT OF BUSINESS & INDUSTRY,
7 STATE OF NEVADA

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