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NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

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Breccia Bay Homeowners Association*

**BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND  
CONDOMINIUM HOTELS, STATE OF NEVADA**

SHARATH CHANDRA, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT OF  
BUSINESS & INDUSTRY, STATE OF  
NEVADA,

Petitioner,

vs.

BRECCIA BAY HOMEOWNERS  
ASSOCIATION;

Respondent.

Case No. 2025-198

**RESPONDENTS' ANSWER TO  
COMPLAINT FOR DISCIPLINARY  
ACTION**

Hearing Date: September 9-11, 2025

Hearing Time: 9:00 a.m.

**RESPONDENT'S ANSWER TO COMPLAINT**

COMES NOW, Respondent BRECCIA BAY HOMEOWNERS ASSOCIATION ("Breccia" or "Respondent"), by and through its counsel of record, Gibbs Giden Locher Turner Senet & Wittbrodt LLP, and answers the Complaint filed with the Commission for Common-Interest Communities and Condominium Hotels as follows:

**JURISDICTION AND NOTICE**

Respondent admits the allegations contained within the Jurisdiction and Notice portion of the Complaint for Disciplinary Action ("Complaint").

**FACTUAL ALLEGATIONS**

1. In answering Paragraph 1 of the Complaint, Respondent admits the allegations contained therein.

2. In answering Paragraph 2 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 2.

3. In answering Paragraph 3 of the Complaint, Respondent admits the allegations contained therein.

4. In answering Paragraph 4 of the Complaint, Respondent admits the allegations contained therein.

5. In answering Paragraph 5 of the Complaint, Respondent admits the allegations contained therein.

6. In answering Paragraph 6 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 6.

7. In answering Paragraph 7 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 7.

8. In answering Paragraph 8 of the Complaint, Respondent admits the allegations contained therein.

9. In answering Paragraph 9 of the Complaint, Respondent admits the allegations contained therein.

10. In answering Paragraph 10 of the Complaint, Respondent admits the allegations contained therein.

11. In answering Paragraph 11 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 11.

12. In answering Paragraph 12 of the Complaint, Respondent admits the allegations contained therein.

13. In answering Paragraph 13 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 13.

#### **VIOLATIONS OF LAW**

1. In answering Paragraph 1 of the Violations of Law section of the Complaint, Respondent denies the allegations contained therein.

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**DISCIPLINE AUTHORIZED**

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2           1.       Respondent requests that the Commission deny the discipline requested in the  
3 Complaint as Respondent provided the required notice, the Homeowner requested that the Respondent  
4 correct the violation, and the Homeowner was aware that a \$100 fine would result if the Respondent  
5 was required to correct the issue at the call box.

**AFFIRMATIVE DEFENSES**

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7           As affirmative defenses to the Complaint, Respondent alleges as follows:

8           1.       On April 19, 2021, the Board of Directors for Breccia held a board meeting and  
9 approved the use of unique individual gate codes for owners rather than a universal gate code.  
10 Thereafter, on May 5, 2021, the Board sent a newsletter to the owners of units in Breccia that included  
11 information about receiving unique gate codes, and advised that one of the reasons for the change was  
12 due to the universal gate code having been written on the call box many times. The Board sent  
13 newsletters to the community with similar information in September 2021, November 2021, and  
14 December 2021. On October 21, 2024, at a board meeting, the Board approved an adjustment to Rule  
15 3(c) of its rules and regulations, to include a fine for when individual gate codes are found written on  
16 call boxes. The amendment specifically stated that if a member's unique code was written in any  
17 manner on the call box, the owner would be notified and charged a \$100 fine to assist with the cost of  
18 removing the number from the call box. In November 2024, the Board sent out a newsletter advising  
19 the owners about the updated to Rule 3(c) and provided over 30 days' notice before the updated rule  
20 was implemented. On January 27, 2025, the Board approved the final verbiage for the updated Rule  
21 3(c), implementing the wording that was used in the previous newsletter. In March 2025, the Board  
22 sent out another newsletter that included the updated version of Rule 3(c) and reminded the owners  
23 about the update. Therefore, the Board of Directors provided substantial notice to all members  
24 regarding the need to keep their unique codes private, and advising owners of the fine that would be  
25 issued if their unique numbers were written on a call box.

26           2.       Section 3(c) of the Association's Rules and Regulations states:

27           Homeowners may be provided with individual vehicle gate codes that allow entry into  
28 the community. Homeowners are responsible for the safe keeping of these codes and  
to make sure that only trusted people and vendors receive these codes. If this code is  
found written, painted, etched or located on a common area, such as the call boxes, then

1 a fine of \$100 may be imposed by the Board at an executive meeting. This will help  
2 cover the cost to remove the gate code from the common area(s). the Code may then  
be removed from the call box system and the Homeowner would need to request a new  
code in writing.

3 This section makes it clear that owners are required to safeguard their codes and ensure they are not  
4 written on a call box. The purpose of the \$100 fine is to help cover the cost of the removing the gate  
5 code.

6 3. The Association is empowered to protect the community and enforce the provisions in  
7 the Governing Documents for the Association pursuant to Sections 3.1(i), 3.5, 5(b), 6.8, 8.1, 11.6, and  
8 12.6 of the CC&Rs, Sections 4.2 and 4.3(b) and (f) of the Bylaws, and Sections 3(A) and (B) of the  
9 Rules and Regulations.

10 4. On January 6, 2025, Respondent provided notice to the Raymond Williams of his  
11 violation of section 3(C) of the Rules and Regulations, as well as the violation of NRS 116.31031, and  
12 Section 11.6 of the CC&Rs. The notice of the violation also informed Mr. Williams that a hearing  
13 would be held on January 27, 2025, to address the violation. The notice also specifically identified  
14 the violation and provided a photograph of the violation to Mr. Williams. In response, on that same  
15 date, Mr. Williams sent a letter to the Association requesting that the Association remove his gate code  
16 from the call box. Mr. Williams did not attempt to cure the violation himself, and did not attend the  
17 hearing scheduled to address the violation. The Association paid a company to remove the written  
18 gate code from the call box for a cost of \$125. The hearing on the violation proceeded on January 27,  
19 2025, as notified, but Mr. Williams chose not to attend the hearing. After holding the hearing, the  
20 Board of Directors issued a fine of \$100 to Mr. Williams to help pay for the cost of removing his gate  
21 code from the call box. The Association took all required steps to notify Mr. Williams of the violation  
22 and issued a valid fine after notice and hearing.

23 5. Mr. Williams requested that the Association remove his written gate code from the call  
24 box, so he clearly had notice of the violation as required by NRS 116.31031.

25 6. Mr. Williams requested that the Association remove his written gate code from the call  
26 box rather than take any action to cure the violation himself.

27 7. NRS 116.3115(6) provides that "[i]f damage to a unit or other part of the common-  
28 interest community, or if any other common expense is caused by the willful misconduct or gross

1 negligence of any unit's owner, tenant or invitee of a unit's owner or tenant, the association may assess  
2 that expense exclusively against his or her unit, even if the association maintains insurance with respect  
3 to that damage or common expense . . . .” Therefore, the Association is permitted to charge the repair  
4 costs to Mr. Williams even if he did not directly write his gate code on the call box.

5 8. Section 8.1 of the Association's CC&Rs states that “each Member shall be liable to the  
6 Association and the Association may, after notice and Hearing, assess a Special Assessment, for any  
7 damage to Common Elements not fully reimbursed to the Association by insurance; provided, the  
8 damage is sustained as a result of the negligence, willful misconduct or unauthorized or improper use,  
9 installation or maintenance of any Improvement by the Member, the Member's Family, guests, tenants  
10 or invitees, or any other Persons deriving their right to the use and enjoyment of the Common Elements  
11 from the Member or such Member's respective Family and guests.” Therefore, the Association is  
12 permitted to charge the repair costs to Mr. Williams even if he did not directly write his gate code on  
13 the call box.

14 9. Respondent took all actions required of it under NRS 116.31031(4).

15 10. Respondent acted properly and in good faith, and in accordance with all duties imposed  
16 by law, without malice, either express or implied, and without oppression.

17 NOTE: Other affirmative defenses may be added at the time of the hearing on this matter.  
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19 DATED: September 2, 2025

GIBBS GIDEN LOCHER TURNER  
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20  
21 By: 

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**CERTIFICATE OF MAILING**

The undersigned, an employee of the law firm of GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP, hereby certifies that on September 2, 2025, he served a copy of the foregoing via personal service or through U.S. Mail to the following:

COMMISSION OF COMMON INTEREST  
COMMUNITIES AND CONDOMINIUM  
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