

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 VIA OLIVERO SPRINGS HOMEOWNERS  
11 ASSOCIATION (Entity No. C20365-1998);

12 Respondent.

Case No. 2024-986

**FILED**

AUG 06 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 VIA  
18 OLIVERO SPRINGS HOMEOWNERS ASSOCIATION ("RESPONDENT  
19 ASSOCIATION" or "RESPONDENT") of an administrative hearing before the  
20 Commission for Common-Interest Communities and Condominium Hotels, State of  
21 Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 of the Nevada  
22 Revised Statutes ("NRS") and Chapter 116 of the Nevada Administrative Code ("NAC").  
23 The purpose of the hearing is to consider the allegations stated below and to determine if  
24 an administrative penalty will be imposed on the RESPONDENT pursuant to the  
25 provisions of NRS and 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 VIA OLIVERO SPRINGS  
28 HOMEOWNERS ASSOCIATION, Entity Number C20365-1998, has been a common-  
interest community located in Las Vegas, Nevada, and is, therefore, subject to the  
provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada

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

#### FACTUAL ALLEGATIONS

1. RESPONDENT ASSOCIATION, Entity Number C20365-1998, consists of nine (9) single family home units, or lots designated for such units, in a common interest community located in Las Vegas, Nevada. **CICCH0001-0004, Exhibit A.**

2. RESPONDENT ASSOCIATION first registered as a common interest community with the Division in June 2024 but has operated as an unregistered common-interest community since 1998. **CICCH0004, Exhibit A.**

3. On October 21, 2024, the Division’s Office of the Ombudsman received an Intervention Affidavit filed by Complainant and unit owner Donna A. Ruthe, alleging that RESPONDENT ASSOCIATION, through its executive board, had committed 13 violations of NRS 116. **CICCH0005-0288, Exhibit B, and specifically, CICCH0009; CICCH0061; CICCH0113-0114; CICCH0167-0170; CICCH0179-0184; CICCH00236.**

4. Attached to the Intervention Affidavits was a “Letter of Representation” signed by Complainant Ruthe, authorizing Deanna Konrad, a licensed supervising community association manager, to represent her “in all matters related to the Via Olivero Springs Homeowners Association.” **CICCH0006, Exhibit B.**

5. Attached to Complainant’s Intervention Affidavit were copies of the following:

- a. June 20, 2024, email “Invite to Via Olivero Springs HOA” from Board Member James Kinard to Deanna Konrad. **CICCH0011, Exhibit B;**
- b. “Via Olivero Springs HOA Community Review and Recommendations” dated April 30, 2024, and drafted by Deanna Konrad. **CICCH0012-0026 and CICCH0027-0166, Exhibit B;**
- c. Undated letter from Board Member Shiaw-Der “Steve” Su resigning from Board effective July 6, 2024; **CICCH0172, Exhibit B,**

- 1
- 2 d. April 18, 2024, emails "Via Olivero Springs HOA- Donna A. Ruthe
- 3 Survivors Trust" between Board Member James Kinard and Deanna
- 4 Konrad. **CICCH0173-0176, Exhibit B; and**
- 5 e. July 12, 2024, email "Via Olivero Springs- Official Records Request – July
- 6 12, 2024" from Deanna Konrad to Board Members. **CICCH0177-0178,**
- 7 **Exhibit B.**

8 6. The following day, October 22, 2024, before the Division had issued any letter

9 to request response or documentation from Respondent Association, the Division received

10 the Association's Response to the Intervention Affidavit. **CICCH0290, Exhibit C; and**

11 **CICCH0291-0367, Exhibit D, specifically, CICCH0310-0367.**

12 7. Attached to the Association's Response were copies of the following:

- 13 a. 2025 Draft Operating Fund Budget. **CICCH0317-0318. Exhibit D;**
- 14 b. Form 602 Declarations of Certification for board members Seaquett
- 15 Williams, James Kinard, and Steve Su. **CICCH0320-0322. Exhibit D;**
- 16 c. Quotation for monitoring/cameras from TMG Systems. **CICCH032.**
- 17 **Exhibit D;**
- 18 d. Email chain from June 28, 2024, to July 5, 2024, regarding board
- 19 member Su's rescinding of his resignation. **CICCH0325-0327. Exhibit**
- 20 **D;**
- 21 e. Minutes from July 29, 2024, executive board meeting; **CICCH0328-**
- 22 **0329. Exhibit D;**
- 23 f. Meeting notification examples; **CICCH0330-0331. Exhibit D;**
- 24 g. Certificates of Insurance for Association effective Feb. 1, 2024;
- 25 **CICCH0332-0333. Exhibit D;**
- 26 h. Email communications with accountant Alan Wegner to perform
- 27 bookkeeping for Association. **CICCH0335-0336. Exhibit D;**
- 28 i. 2023 and 2024 Financial Statements. **CICCH0337. Exhibit D;**

- j. Email communications with Complex Solutions Ltd. regarding performance of reserve study. **CICCH0338-0339. Exhibit D;**
- k. 2024 Operating Fund Budget and 2025 Draft Operating Fund Budget. **CICCH0339-0342. Exhibit D;**
- l. April 4-5, 2024, email exchange between Complainant and former board president Lefty Battulayan. **CICCH0343-0346. Exhibit D; and**
- m. August 2, 2024, letter from the board of directors to Deanna Konrad in response to Konrad's July 12, 2024, email to the board. **CICCH0348-0366. Exhibit D.**

8. On or about October 24, 2024, the Case was referred from the Ombudsman's office to the Division's compliance section. **CICCH0290, Exhibit C.**

9. On January 13, 2025, Chief Compliance Officer Terry Wheaton sent a Compliance Demand Letter to the Association, indicating that the Division's investigation found potential violations of NRS 116 to have occurred and requesting the Association provide documentation of the following corrective actions by May 16, 2025:

- a. Proof of compliance with HOA election and documentation requirements;
- b. Proof of insurance documentation to be provided to Complainant;
- c. Association plans for camera system, including proof of vote held;
- d. Proof of compliance with HOA meeting requirements, including NRS 116.3108 and 116.31085;
- e. Proof of compliance with executive board meeting requirements, including NRS 116.31083;
- f. Proof of training by current board members regarding NRS 116.31175 (Association Records);
- g. Proof of compliance with reserve funding and reserve study requirements, including proof of deposits into Reserve Account;
- h. Proof that checks submitted for disbursement are dual-signed as required under NRS 116.31153, and that the payee not be a signer on their own



1 reimbursement check; and

- 2 i. Plans to ensure certification of current and future board members  
3 pursuant to NRS 116.31034(19).

4 **CICCH0369-0377, Exhibit E; specifically CICCH0376-0377.**

5 10. Chief Wheaton further recommended that the board strongly consider  
6 temporarily retaining a lawyer, CPA and/or Community Association Manager to assist in  
7 ensuring the Association's full compliance. **CICCH0377. Exhibit E.**

8 11. On May 8, 2025, the board sent the Division the Association's formal  
9 response to the Compliance Demand Letter. **CICCH0381-0389. Exhibit F.**

10 12. Attached to the Board's narrative response dated May 6, 2025, were copies of  
11 the following:

- 12 a. Emails to unit owners regarding NRED's board member training  
13 offerings, 2025 officer election ballot and election information, and 2025  
14 Draft Operating Fund Budget. **CICCH0392-0399, Exhibit F;**
- 15 b. Association's Certificate of Insurance (noting copy of same was forwarded  
16 to Deanna Konrad on February 25, 2025). **CICCH0400, Exhibit F;**
- 17 c. Documentation/minutes for Association Meetings and Executive Board  
18 meetings. **CICCH0401-0422, Exhibit F;**
- 19 d. Copy of the Full Reserve Study, adopted on April 8, 2025. **CICCH0416-**  
20 **0419; 0445-0483, Exhibit F;**
- 21 e. Form 602 Declarations of Certification for board members Seaquett  
22 Williams, James Kinard, and Steve Su. **CICCH0442-0444, Exhibit F;**
- 23 f. Reserve Budget for FY 2025 and proof of deposited funds to Reserve  
24 Account. **CICCH0425; 0433; 0484, Exhibit F;**
- 25 g. Proof of dual-signed checks; . **CICCH0485-0490, Exhibit F; and**
- 26 h. Proof of Association's adoption of new bylaws. **CICCH0434-0439,**  
27 **Exhibit F.**

28 13. On May 30, 2025, the Division sent, via Certified Mail, an NRS 233B letter

1 notifying the RESPONDENT that it would pursue disciplinary action in a hearing before  
2 the Commission for potential violations of various sections of NRS 116. **CICCH0492-**  
3 **0493, Exhibit G.**

#### 4 **VIOLATIONS OF LAW**

5 1. RESPONDENT violated NRS 116.31034(19) by failing to have each member  
6 of the board certify, in writing, (typically through a Form 602) within 90 days after their  
7 appointment or election, that they have read and understand the governing documents of  
8 the association and the provisions of NRS 116.

9 2. RESPONDENT violated NRS 116.31152 by failing, until at least October  
10 2024, to engage a qualified professional to conduct a reserve study.

11 3. RESPONDENT violated NRS 116.3115(2)(b) by failing, until at least April  
12 2025, to establish an adequate reserve fund for the repair, replacement and restoration of  
13 the common elements of the association.

14 4. RESPONDENT violated NRS 116.3103 pursuant to NRS 116.31153 by  
15 allowing a single board member to sign off on association checks without the required  
16 countersignature.

#### 17 **DISCIPLINE AUTHORIZED**

18 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS  
19 116.790 the Commission has discretion to take any or all of the following actions:

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

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

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

27 4. Approve application to a court of competent jurisdiction for the appointment  
28 of a receiver for the Respondent.

1 The Commission may order one or any combination of the discipline described  
2 above.

### 3 NOTICE OF HEARING

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

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

18 STACKED CALENDAR: Your hearing is one of several hearings that may  
19 be scheduled at the same time as part of a regular meeting of the Commission  
20 that is expected to take place on September 9-11, 2025. Thus, your hearing may  
21 be continued until later in the day or from day to day. It is your responsibility  
22 to be present when your case is called. If you are not present when your hearing  
23 is called, a default may be entered against you and the Commission may decide  
24 the case as if all allegations in the complaint were true. If you need to negotiate  
25 a more specific time for your hearing in advance because of coordination with  
26 an out-of-state witness or the like, please call Maria Gallo, Commission  
27 Coordinator, at (702) 486-4074.

28 YOUR RIGHTS AT THE HEARING: Except as mentioned below, the hearing is

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

12 You have the right to request that the Commission issue subpoenas to compel  
13 witnesses to testify and/or evidence to be offered on your behalf. In making this request,  
14 you may be required to demonstrate the relevance of the witness' testimony and/or  
15 evidence. Other important rights and obligations, including your obligation to answer the  
16 complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including  
17 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC  
18 116.635 and NRS Chapter 233B.

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

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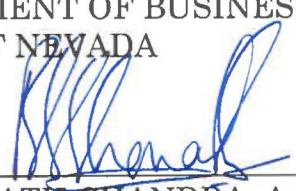
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1 RESPONDENT has violated the provisions of NRS 116, and to determine what  
2 administrative penalty is to be assessed against RESPONDENT.

3  
4 DATED this 5th day of August, 2025.

5 REAL ESTATE DIVISION,  
6 DEPARTMENT OF BUSINESS & INDUSTRY,  
7 STATE OF NEVADA

8 By:   
9 SHARATH CHANDRA, Administrator  
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13 AARON D. FORD  
14 Attorney General

15 By: /s/ *Phil W. Su*  
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