

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 OF
6 BUSINESS & INDUSTRY, STATE OF NEVADA,

7 Petitioner,

8 vs.

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

11 Respondent.

Case No. 2024-986

FILED

OCT 20 2025

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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12 **RESPONDENT'S ANSWER TO COMPLAINT FOR DISCIPLINARY ACTION**

13 VIA OLIVERO SPRINGS HOMEOWNERS ASSOCIATION (Entity No. C20365-1998), and
14 through its counsel, Kathryn Holbert, Esq. with Nevada Real Estate Law, LLC, hereby responds to and
15 answers the allegations stated below.

16 **JURISDICTION AND NOTICE**

17 Respondent VIA OLIVERO SPRINGS HOMEOWNERS ASSOCIATION, Entity Number
18 C20365-1998, ADMITS that is has been a common-interest community located in Las Vegas, Nevada,
19 and is, therefore, subject to the provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS")
20 and the Nevada Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and
21 further ADMITS that is subject to the jurisdiction of the Division, and the Commission for Common-
22 Interest Communities and Condominium Hotels pursuant to the provisions of NRS 116.750.

23 **FACTUAL ALLEGATIONS**

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

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

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

9 4. RESPONDENT ASSOCIATION ADMITS that attached to the Intervention Affidavits
10 was a "Letter of Representation" signed by Complainant Ruthe, authorizing Deanna Konrad, a licensed
11 supervising community association manager, to represent her "in all matters related to the Via Olivero
12 Springs Homeowners Association." **CICCH0006, Exhibit B.**

13 5. RESPONDENT ASSOCIATION ADMITS that attached to Complainant's Intervention
14 Affidavit were copies of the following:

- 15 a. June 20, 2024, email "Invite to Via Olivero Springs HOA" from Board Member
16 James Kinard to Deanna Konrad. **CICCH0011, Exhibit B;**
- 17 b. "Via Olivero Springs HOA Community Review and Recommendations" dated April
18 30, 2024, and drafted by Deanna Konrad. **CICCH0012-0026 and CICCH0027-
19 0166, Exhibit B;**
- 20 c. Letter dated June 28, 2024, from Board Member Shiaw-Der "Steve" Su resigning
21 from Board effective July 6, 2024; **CICCH0172, Exhibit B,**
- 22 d. April 18, 2024, emails "Via Olivero Springs HOA- Donna A. Ruthe Survivors Trust"
23 between Board Member James Kinard and Deanna Konrad. **CICCH0173-0176,
24 Exhibit B; and**
- 25 e. July 12, 2024, email "Via Olivero Springs- Official Records Request – July 12, 2024"
26 from Deanna Konrad to Board Members. **CICCH0177-0178, Exhibit B.**

27 6. RESPONDENT ASSOCIATION ADMITS that the following day, October 22, 2024,
28 before the Division had issued any letter to request response or documentation from Respondent

1 Association, the Division received the Association's Response to the Intervention Affidavit.
2 **CICCH0290, Exhibit C; and CICCH0291-0367, Exhibit D, specifically, CICCH0310-0367.**

3 7. RESPONDENT ASSOCIATION ADMITS that attached to the Association's Response
4 were copies of the following:

- 5 a. 2025 Draft Operating Fund Budget. **CICCH0317-0318. Exhibit D;**
- 6 b. Form 602 Declarations of Certification for board members Seaquett Williams,
7 James Kinard, and Steve Su. **CICCH0320-0322. Exhibit D;**
- 8 c. Quotation for monitoring/cameras from TMG Systems. **CICCH032. Exhibit D;**
- 9 d. Email chain from June 28, 2024, to July 5, 2024, regarding board member Su's
10 rescinding of his resignation. **CICCH0325-0327. Exhibit D;**
- 11 e. Minutes from July 29, 2024, executive board meeting; **CICCH0328-0329. Exhibit**
12 **D;**
- 13 f. Meeting notification examples; **CICCH0330-0331. Exhibit D;**
- 14 g. Certificates of Insurance for Association effective Feb. 1, 2024; **CICCH0332-0333.**
15 **Exhibit D;**
- 16 h. Email communications with accountant Alan Wegner to perform bookkeeping for
17 Association. **CICCH0335-0336. Exhibit D;**
- 18 i. 2023 and 2024 Financial Statements. **CICCH0337. Exhibit D;**
- 19 j. Email communications with Complex Solutions Ltd. regarding performance of
20 reserve study. **CICCH0338-0339. Exhibit D;**
- 21 k. 2024 Operating Fund Budget and 2025 Draft Operating Fund Budget.
22 **CICCH0339-0342. Exhibit D;**
- 23 l. April 4-5, 2024, email exchange between Complainant and former board president
24 Lefty Battulayan. **CICCH0343-0346. Exhibit D; and**
- 25 m. August 2, 2024, letter from the board of directors to Deanna Konrad in response to
26 Konrad's July 12, 2024, email to the board. **CICCH0348-0366. Exhibit D.**

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1 8. RESPONDENT ASSOCIATION ADMITS that on or about October 24, 2024, the Case
2 was referred from the Ombudsman's office to the Division's compliance section. **CICCH0290, Exhibit**
3 **C.**

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

- 8 a. Proof of compliance with HOA election and documentation requirements;
- 9 b. Proof of insurance documentation to be provided to Complainant;
- 10 c. Association plans for camera system, including proof of vote held;
- 11 d. Proof of compliance with HOA meeting requirements, including NRS 116.3108 and
12 116.31085;
- 13 e. Proof of compliance with executive board meeting requirements, including NRS
14 116.31083;
- 15 f. Proof of training by current board members regarding NRS 116.31175 (Association
16 Records);
- 17 g. Proof of compliance with reserve funding and reserve study requirements, including
18 proof of deposits into Reserve Account;
- 19 h. Proof that checks submitted for disbursement are dual-signed as required under NRS
20 116.31153, and that the payee not be a signer on their own reimbursement check; and
- 21 i. Plans to ensure certification of current and future board members pursuant to NRS
22 116.31034(19).

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

24 10. RESPONDENT ASSOCIATION ADMITS that Chief Wheaton further recommended
25 that the board strongly consider temporarily retaining a lawyer, CPA and/or Community Association
26 Manager to assist in ensuring the Association's full compliance. **CICCH0377. Exhibit E.**

27 RESPONDENT ASSOCIATION HEREBY INFORMS THE COMMISSION THAT
28 IT HAS HEADED CHIEF WHEATON'S ADVICE AND HAS RETAINED AN ATTORNEY TO

1 REPRESENT IN REGARDING THIS COMPLAINT AND IS IN THE PROCESS OF RETAINING
2 A PROFESSIONAL, LICENSED COMMUNITY MANAGEMENT COMPANY TO ENSURE
3 THAT RESPONDENT ASSOCIATION MAINTAINS FULL COMPLAINEE.

4 11. RESPONDENT ASSOCIATION ADMITS that On May 8, 2025, the board sent the
5 Division the Association's formal response to the Compliance Demand Letter. **CICCH0381-0389.**
6 **Exhibit F.**

7 12. RESPONDENT ASSOCIATION ADMITS that attached to the Board's narrative
8 response dated May 6, 2025, were copies of the following:

- 9 a. Emails to unit owners regarding NRED's board member training offerings, 2025
10 officer election ballot and election information, and 2025 Draft Operating Fund
11 Budget. **CICCH0392-0399, Exhibit F;**
- 12 b. Association's Certificate of Insurance (noting copy of same was forwarded to Deanna
13 Konrad on February 25, 2025). **CICCH0400, Exhibit F;**
- 14 c. Documentation/minutes for Association Meetings and Executive Board meetings.
15 **CICCH0401-0422, Exhibit F;**
- 16 d. Copy of the Full Reserve Study, adopted on April 8, 2025. **CICCH0416-0419; 0445-**
17 **0483, Exhibit F;**
- 18 e. Form 602 Declarations of Certification for board members Seaquett Williams,
19 James Kinard, and Steve Su. **CICCH0442-0444, Exhibit F;**
- 20 f. Reserve Budget for FY 2025 and proof of deposited funds to Reserve Account.
21 **CICCH0425; 0433; 0484, Exhibit F;**
- 22 g. Proof of dual-signed checks; **CICCH0485-0490, Exhibit F; and**
- 23 h. Proof of Association's adoption of new bylaws. **CICCH0435-0439, Exhibit F.**

24 13. RESPONDENT ASSOCIATION ADMITS on May 30, 2025, the Division sent, via
25 Certified Mail, an NRS 233B letter notifying the RESPONDENT that it would pursue disciplinary action
26 in a hearing before the Commission for potential violations of various sections of NRS 116.
27 **CICCH0492-0493, Exhibit G.**

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VIOLATIONS OF LAW

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

AFFIRMATIVE DEFENSE: RESPONDENT ASSOCIATION ASSERTS THAT ITS VIOLATION OF THIS STATUTE WAS INADVERTENT AND HAS BEEN CORRECTED. See, Exhibit A, Form 602, signed by the current board members.

2. RESPONDENT ASSOCIATION ADMITS that it violated NRS 116.31152 by failing, until at least October 2024, to engage a qualified professional to conduct a reserve study.

AFFIRMATIVE DEFENSE: RESPONDENT ASSOCIATION ASSERTS THAT ITS VIOLATION OF THIS STATUTE WAS INADVERTENT AND HAS BEEN CORRECTED. See, Exhibit B, Reserve Study.

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

AFFIRMATIVE DEFENSE: RESPONDENT ASSOCIATION ASSERTS THAT ITS VIOLATION OF THIS STATUTE WAS INADVERTENT AND HAS BEEN CORRECTED. See, Exhibit C, Reserve Fund, Statement of Account.

4. RESPONDENT ASSOCIATION ADMITS that it violated NRS 116.3103 pursuant to NRS 116.31153 by allowing a single board member to sign off on association checks without the required countersignature.

AFFIRMATIVE DEFENSE: RESPONDENT ASSOCIATION ASSERTS THAT ITS VIOLATION OF THIS STATUTE WAS INADVERTENT AND HAS BEEN CORRECTED. See, Exhibit D, dual signature checks.

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1 **DISCIPLINE AUTHORIZED**

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

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

6 AFFIRMATIVE DEFENSE: RESPONDENT ASSOCIATION ASSERTS THAT ITS
7 VIOLATION OF THE ABOVE STATUTES HAS ALREADY BEEN CORRECTED.

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

9 AFFIRMATIVE DEFENSE: GIVEN THAT RESPONDENT ASSOCIATION'S
10 VIOLATIONS WERE INADVERTENT COUPLED WITH RESPONDENT ASSOCIATION'S
11 TIMELY AND DILIGENT ACTIONS TO CORRECT THE VIOLATIONS, RESPONDENT
12 ASSOCIATION ASSERTS THAT ADMINISTRATIVE FINES ARE NOT APPROPRIATE IN
13 THIS CASE.

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

16 4. Approve application to a court of competent jurisdiction for the appointment of a receiver
17 for the Respondent.

18 AFFIRMATIVE DEFENSE: GIVEN THAT RESPONDENT ASSOCIATION HAS VOTED
19 TO RETAIN A PROFESSIONAL, LICENSED COMMUNITY MANAGEMENT COMPANY AND
20 IS IN THE PROCESS OF RETAINING SUCH COMPANY, THE APPOINTMENT OF A
21 RECEIVER FOR THE RESPONDENT ASSOCIATION IS NOT NECESSARY OR APPROPRIATE
22 IN THIS CASE.

23 Dated this 20th day of October, 2025.

NEVADA REAL ESTATE LAW, LLC

24 by: /s/ Kathryn Holbert, Esq.

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28 Attorney for Respondent, VIA OLIVERO

SPRINGS HOMEOWNERS ASSOCIATION