

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,**

Case No. 2024-592

FILED

OCT 29 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

mgallo

Petitioner,

8 vs.

9 **DAYBREAK AT SUNRISE HIGHLANDS**
10 **HOMEOWNERS ASSOCIATION,**
11 **(Entity Number E0320662013-4)**

Respondent.

12
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 Christal P. Keegan, Deputy Attorney General, hereby notifies
18 Daybreak at Sunrise Highlands Homeowners Association ("RESPONDENT") of an
19 administrative hearing before the Commission for Common-Interest Communities and
20 Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters 233B and
21 Chapters 116 of the Nevada Revised Statutes ("NRS") and Chapter 116 of the Nevada
22 Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations
23 stated below and to determine if an administrative penalty will be imposed on the
24 RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to
25 NRS 116.785 and NRS 116.790.

26 **JURISDICTION AND NOTICE**

27 During all relevant times, RESPONDENT is a common-interest community
28 comprised of approximately 81 units located in Las Vegas, Nevada (Entity Number

1 E0320662013-4) and is, therefore, subject to the provisions of Chapter 116 of each the
2 Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC")
3 (hereinafter collectively referred to as "NRS 116") and are subject to the jurisdiction of the
4 Division, and the Commission for Common-Interest Communities and Condominium
5 Hotels pursuant to the provisions of NRS 116.750.

6 **FACTUAL ALLEGATIONS**

7 1. The RESPONDENT'S executive board has failed to have a third member
8 since about June 15, 2017. Exhibit A, NRED 000011 – 000042.

9 2. As of June of 2023, the RESPONDENT'S Forms 562 Annual
10 Association Registration indicated only one board member, President Christine Ramos.
11 Exhibit A, NRED 00001 – 000012, and NRED 000023 – 000024.

12 3. Therefore, on or about July 3, 2024, the Division opened an
13 investigation against the RESPONDENT'S Executive Board, requesting a response.
14 Exhibit A, NRED 000002 – 000003.

15 4. On or about July 12, 2024, the Division sent the RESPONDENT a second
16 request for a response. Exhibit A, NRED 000004 – 000005.

17 5. On August 14, 2024, the Division made its third attempt to obtain a response
18 from the RESPONDENT. Exhibit A, NRED 000007.

19 6. On August 27, 2024, the Division made its fourth attempt to obtain a
20 response from the RESPONDENT. Exhibit B, NRED 000044.

21 7. Finally, the RESPONDENT'S supervisory community association
22 manager ("CAM"), Autumn Pacheco (CAM.0009469-SUPR), responded: "We have
23 appointed [Board President] Christine's [Ramos] husband. Still looking for other
24 members." Exhibit B, NRED 000045.

25 8. Therefore, on or about August 28, 2024, the Division closed its investigation
26 and informed the RESPONDENT that it would be bringing this matter before the
27 Commission. Exhibit A, NRED 000009 – 000010.

28 ...

1 **VIOLATIONS OF LAW**

2 9. RESPONDENT violated NRS 116.31034 for failing to elect a minimum of
3 three executive board members since June of 2017.

4 **DISCIPLINE AUTHORIZED**

5 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
6 116.790, the Commission has discretion to take any or all of the following actions:

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

9 2. Impose an administrative fine of up to \$1,000 for each violation
10 by RESPONDENT.

11 3. Order the RESPONDENT to pay the costs of the proceedings incurred by the
12 Division, including, without limitation, the cost of the investigation and reasonable
13 attorney's fees.

14 4. Approve application to a court of competent jurisdiction for the appointment
15 of a receiver for the RESPONDENT.

16 The Commission may order one or any combination of the discipline
17 described above.

18 **NOTICE OF HEARING**

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

23 **THE HEARING WILL TAKE PLACE** at the Commission meeting(s)
24 scheduled for December 3-5, 2024, beginning at approximately 9:00 a.m. each
25 day, or until such time as the Commission concludes its business. The
26 Commission meeting will be held at the Nevada State Business Center,
27 3300 W. Sahara Avenue, 4th Floor, Nevada Room, Las Vegas, Nevada 89102 on
28 December 3-4, 2024, with videoconferencing to Department of Business and

1 Industry, Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City,
2 Nevada 89706. The Commission meeting will be held at the Nevada State
3 Business Center, 3300 W. Sahara Avenue, 4th Floor, Tahoe Room, Las Vegas,
4 Nevada 89102 on December 5, 2024, with videoconferencing to Department
5 of Business and Industry, Division of Insurance, 1818 E. College Parkway,
6 Suite 103, Carson City, Nevada 89706.

7 **STACKED CALENDAR:** Your hearing is one of several hearings that may
8 be scheduled at the same time as part of a regular meeting of the Commission
9 that is expected to take place on December 3-5, 2024. Thus, your hearing may be
10 continued until later in the day or from day to day. It is your responsibility to
11 be present when your case is called. If you are not present when your hearing
12 is called, a default may be entered against you and the Commission may decide
13 the case as if all allegations in the complaint were true. If you need to negotiate
14 a more specific time for your hearing in advance because of coordination with
15 an out-of-state witness or the like, please call Maria Gallo, Commission
16 Coordinator, at (702) 486-4074.

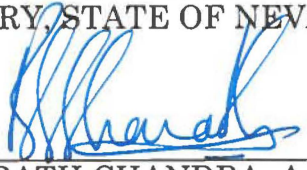
17 **YOUR RIGHTS AT THE HEARING:** Except as mentioned below, the hearing is
18 an open meeting under Nevada's Open Meeting Law and may be attended by the public.
19 After the evidence and arguments, the Commission may conduct a closed meeting to
20 discuss your alleged misconduct or professional competence. You are entitled to a copy of
21 the transcript of the open and closed portions of the meeting, although you must pay for
22 the transcription. As a RESPONDENT, you are specifically informed that you have the
23 right to appear and be heard in your defense, either personally or through your counsel of
24 choice. At the hearing, the Division has the burden of proving the allegations in the
25 complaint and will call witnesses and present evidence against you. You have the right to
26 respond and to present relevant evidence and argument on all issues involved. You have
27 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
28 witnesses on any matter relevant to the issues involved.

1 You have the right to request that the Commission issue subpoenas to compel
2 witnesses to testify and/or evidence to be offered on your behalf. In making this request,
3 you may be required to demonstrate the relevance of the witness' testimony and/or
4 evidence. Other important rights and obligations, including your obligation to answer the
5 complaint, you have are listed in NRS Chapter 116 and NAC Chapter 116, including
6 without limitation, NRS 116.770 through 116.780, and NAC 116.500 through NAC
7 116.635 and NRS Chapter 233B.

8 Note that under NAC 116.575, not less than five (5) working days before a hearing,
9 RESPONDENT must provide to the Division a copy of all reasonably available documents
10 that are reasonably anticipated to be used to support his position, and a list of witnesses
11 RESPONDENT intends to call at the time of the hearing. Failure to provide any document
12 or to list a witness may result in the document or witness being excluded from
13 RESPONDENT'S defense. The purpose of the hearing is to determine if the
14 RESPONDENT has violated the provisions of NRS 116, and to determine what
15 administrative penalty is to be assessed against RESPONDENT.

16
17 DATED this 28 day of October 2024.

18 REAL ESTATE DIVISION,
19 DEPARTMENT OF BUSINESS AND
INDUSTRY, STATE OF NEVADA

20
21 By: 
22 SHARATH CHANDRA, Administrator
23 3300 W. Sahara Avenue, Suite 350
Las Vegas, Nevada 89102
(702) 486-4033

DATED this 23rd day of October 2024.

AARON D. FORD
Attorney General

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