

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,

Case No. 2024-685

8 Petitioner,

9 vs.

10 MANHATTAN HOMEOWNERS'
11 ASSOCIATION;

Respondent.

12 **STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

13 This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into
14 by and between the State of Nevada, Department of Business and Industry, Real Estate
15 Division ("Division"), through its Administrator Sharath Chandra ("Petitioner"), by and
16 through their attorney of record, Phil W. Su, and RESPONDENT Manhattan Homeowners'
17 Association ("RESPONDENT" or "RESPONDENT ASSOCIATION").

18 **JURISDICTION AND NOTICE**

19 During the relevant times mentioned in this Complaint, RESPONDENT
20 ASSOCIATION MANHATTAN HOMEOWNERS' ASSOCIATION, has been a common-
21 interest community located in Las Vegas, Nevada. RESPONDENT ASSOCIATION is
22 therefore subject to the provisions of Chapter 116 of each the Nevada Revised Statutes
23 ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter collectively referred to
24 as "NRS 116") and subject to the jurisdiction of the Division, and the Commission for
25 Common-Interest Communities pursuant to the provisions of NRS 116.750.

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1 **SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT**

2 1. RESPONDENT MANHATTAN HOMEOWNERS' ASSOCIATION is a 700-
3 unit multi-tower condominium common interest community located in Las Vegas, Nevada.

4 2. On July 28, 2024, the Division received an Intervention Affidavit form filed
5 by Complainant and unit owner Bruce Redden, alleging that RESPONDENT
6 ASSOCIATION, through its executive board, approved "Pergola/XL Landscape design
7 project," a capital improvement that included construction of new park space, including
8 walkways, paver areas, boulders, a river feature, and a shade/pergola structure, but
9 without having first held any required meetings for consideration of use of assessments for
10 capital improvements.

11 3. On September 13, 2024, the Division's Ombudsman's office transferred the
12 Intervention Affidavit to the Division's compliance section for further investigation.

13 4. On or about September 12, 2024, the Division's compliance investigator
14 Christina Pitch sent an initial open investigation letter and request for information ("RFI")
15 to RESPONDENT ASSOCIATION, requesting responses to the Intervention Affidavit and
16 any related documents in their possession be produced within ten (10) business days from
17 the date of the letter.

18 5. On September 20, 2024, Griselle Rivera-Vazquez (CAM.0009161.SUPR) of
19 Terra West Management Services, responded as the Community Association Manger and
20 on behalf of the board, clarifying that the pergola/shade structure was never constructed
21 because permits could not be obtained for it due to a manhole in the area.

22 6. CAM Rivera-Vazquez further noted that due to construction defects requiring
23 the grass area to be dug up to correct a drainage issue, the ASSOCIATION'S board opted
24 to convert the grass areas to pavers and gravel, and to submit the conversion to Southern
25 Nevada Water District for a rebate, which they subsequently received.

26 7. The Division was also provided with additional documents outlining the
27 Board's thinking in deciding to switch to drought-tolerant landscaping, including state
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mandates and policy initiatives to control water consumption that have compelled such changes to landscaping.

8. On September 30, 2024, the Division informed Complainant and the RESPONDENT ASSOCIATION that none of the evidence from the investigation was sufficient to determine that a violation had occurred, and that the case was being closed, without prejudice.

9. On January 24, 2025, the Division, in a “Compliance Demand Letter” (“CDL”) informed RESPONDENT ASSOCIATION of Complainant’s request to reopen the case, and that, upon re-examination of the evidence, the Division determined that the ASSOCIATION failed to notify unit owners of a capital improvement twenty-one (21) calendar days prior to a meeting regarding installation of pavers.

10. The CDL required the ASSOCIATION to provide to the Division, within ten (10) days of the date of the letter, notification regarding the next regularly scheduled meeting and a copy of the NRS 116.31083(5)(a) executive board minutes confirming that the violation had been brought into compliance.

11. On April 23, 2025, counsel for RESPONDENT ASSOCIATION noted that it attempted to schedule a meeting on April 24, 2025, but would not be able to make quorum, and that the next available date would be May 20, 2025.

12. On April 21, 2025, the Division re-opened its investigation on the basis that the ASSOCIATION did not comply with the Division’s instructions in its Compliance Demand Letter from January 24, 2025.

13. On April 25, 2025, the Division sent, via Certified Mail, an NRS 233B letter notifying the RESPONDENT ASSOCIATION that it would pursue disciplinary action in a hearing before the Commission for potential violations of NRS 116.

VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT

1. RESPONDENT violated NRS 116.3115(9) by failing to provide written notice to each unit’s owner of a meeting at which an action is to be taken on an

1 assessment for a capital improvement, specifically with regard to the Board's decision to
2 install pavers to replace the removed grass landscaping, at least 21 calendar days before
3 the date of the meeting.

4 2. RESPONDENT violated NRS 116.3103(a) pursuant to NAC 116.405(7) by
5 failing to comply with the Division's Compliance Demand Letter within the timeframe set
6 forth in the letter.

7 **PROPOSED SETTLEMENT AGREEMENT**

8 In an effort to avoid the time and expense of litigating these issues before the
9 Commission, the RESPONDENT ASSOCIATION/SETTLING RESPONDENT does not
10 admit, but also agrees to waive its right to contest, the above factual allegations and
11 violations as alleged in the Complaint filed in Case 2024-685. The parties desire to
12 compromise and settle the instant controversy upon the following terms and conditions:

13 1. RESPONDENT ASSOCIATION agrees to pay the Division a total amount of
14 THREE THOUSAND EIGHTY NINE DOLLARS and 60/100 cents (\$3,089.60) ("Amount
15 Due"), consisting of \$1,000.00 in administrative fines imposed by the Division, the
16 Division's pre-hearing costs and fees in the amount of \$780.00, and pre-hearing attorney's
17 fees in the amount of \$1,309.60.

18 a. The Amount Due shall be payable to the Division in full within sixty
19 (60) days of the date of the order approving this settlement.

20 b. No grace period is permitted. If the payment is not actually received by
21 the Division on or before its due date, it shall be construed as an event of
22 default by the RESPONDENT ASSOCIATION.

23 2. RESPONDENT ASSOCIATION and the Division agree that by entering into
24 this Stipulation, the Division does not concede any defense or mitigation that the
25 RESPONDENT ASSOCIATION may assert and that once this Stipulation is approved and
26 fully performed, the Division will close its file in this matter.

1 3. RESPONDENT ASSOCIATION agrees and understand that by entering into
2 this Stipulation, RESPONDENT ASSOCIATION is waiving their right to a hearing at
3 which they may present evidence in their defense, their right to a written decision on the
4 merits of the complaint, their rights to reconsideration and/or rehearing, appeal and/or
5 judicial review, and all other rights which may be accorded by the Nevada Administrative
6 Procedure Act, the Nevada Common-Interest Communities and Condominium Hotels
7 statutes and accompanying regulations, and the federal and state Constitutions.
8 RESPONDENT ASSOCIATION understands that this Agreement and other
9 documentation may be subject to public records laws. The Commission members who
10 review this matter for approval of this Stipulation may be the same members who
11 ultimately hear, consider, and decide the Complaint if this Stipulation is either not
12 approved by the Commission or is not timely performed by the RESPONDENT
13 ASSOCIATION. RESPONDENT ASSOCIATION fully understands that they have the
14 right to be represented by legal counsel in this matter at their own expense.

15 4. Each party shall bear their own attorney's fees and costs, *except* as the
16 Division's Attorney's pre-hearing costs provided above.

17 5. Approval of Stipulation. Once executed, this Stipulation will be filed with the
18 Commission and will be placed on the agenda for approval at its next public meeting. The
19 Division will recommend to the Commission approval of the Stipulation. SETTLING
20 RESPONDENT agrees that the Commission may approve, reject, or suggest amendments
21 to this Stipulation that must be accepted or rejected by SETTLING RESPONDENT before
22 any amendment is effective.

23 6. Withdrawal of Stipulation. If the Commission rejects this Stipulation or
24 suggests amendments unacceptable to the RESPONDENT ASSOCIATION, the
25 RESPONDENT ASSOCIATION may withdraw from this Stipulation, and the Division may
26 pursue its Complaint before the Commission. This Stipulation then shall become null and
27 void and unenforceable in any manner against either party.
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1 7. Release. In consideration of the execution of this Stipulation, Association and
2 RESPONDENT ASSOCIATION for itself/themselves, its/their heirs, executors,
3 administrators, successors, and assigns, hereby releases, remises, and forever discharges
4 the State of Nevada, the Department of Business and Industry, and the Division, and each
5 of their respective members, agents, employees, and counsel in their individual and
6 representative capacities, from any and all manner of actions, causes of action, suits, debts,
7 judgments, executions, claims, and demands whatsoever, known and unknown, in law or
8 equity, that RESPONDENT ASSOCIATION ever had, now has, may have, or claim to have
9 against any or all of the persons or entities named in this section, arising out of or by reason
10 of the Division's investigation of this action, this disciplinary action, and all matters related
11 thereto.

12 8. Indemnification. RESPONDENT ASSOCIATION hereby agrees to indemnify
13 and hold harmless the State of Nevada, the Department of Business and Industry,
14 Petitioner, the Division, and each of their respective members, agents, employees, and
15 counsel, in their individual and representative capacities, against any and all claims, suits,
16 and actions brought against said persons and/or entities by reason of the Division's
17 investigation, this disciplinary action, and all other matters relating thereto, and against
18 any and all expenses, damages, and costs, including court costs and attorney fees, which
19 may be sustained by the persons and/or entities named in this section as a result of said
20 claims, suits, and actions.

21 9. Default. In the event of default, the RESPONDENT ASSOCIATION agrees
22 that the RESPONDENT ASSOCIATION registration status with the Division shall be
23 immediately suspended, and the unpaid balance of the administrative fine and costs,
24 together with any attorney's fees and costs that may have been assessed, shall be due in
25 full to the Division within ten (10) calendar days of the date of default. Debt collection
26 actions for unpaid monetary assessments in this case may be instituted by the Division or
27 its assignee. RESPONDENT ASSOCIATION agrees that the foregoing suspension of the
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RESPONDENT ASSOCIATION's registration status shall continue until the unpaid monetary assessments are paid in full.

10. RESPONDENT ASSOCIATION'S executive board members have signed and dated this Stipulation only after reading and understanding all terms herein.

DATED: June ____, 2025

NEVADA DEPARTMENT OF BUSINESS
AND INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

DATED: June ____, 2025

MANHATTAN HOMEOWNERS
ASSOCIATION

By: _____
President

DATED: June ____, 2025

MANHATTAN HOMEOWNERS
ASSOCIATION

By: _____
Treasurer

DATED: June ____, 2025

MANHATTAN HOMEOWNERS
ASSOCIATION

By: _____
Secretary

DATED: June ____, 2025

MANHATTAN HOMEOWNERS
ASSOCIATION

By: _____
Board Member at Large

DATED: June ____, 2025

MANHATTAN HOMEOWNERS
ASSOCIATION

By: _____
Board Member at Large

1 DATED: June _____, 2025

MANHATTAN HOMEOWNERS
ASSOCIATION

2
3 By: _____
Board Member at Large

4 DATED: June _____, 2025

MANHATTAN HOMEOWNERS
ASSOCIATION

5
6
7 By: _____
Board Member at Large

8 DATED: June _____, 2025

MANHATTAN HOMEOWNERS
ASSOCIATION

9
10 By: _____
Board Member at Large

11 DATED: June _____, 2025

MANHATTAN HOMEOWNERS
ASSOCIATION

12
13
14 By: _____
Board Member at Large

15 **APPROVED AS TO FORM:**

16 LEACH KERN GRUCHOW SONG

17
18 By: _____
19 RYAN HASTINGS (Bar No. 12394)
20 2525 Box Canyon Dr.
Las Vegas, Nevada 89128
(702) 538-9074
21 *Attorneys for Respondent Manhattan*
Homeowners' Association

22 AARON D. FORD
23 Attorney General

24 By: /s/ Phil W. Su
25 PHIL W. SU (Bar No. 10450)
26 Senior Deputy Attorney General
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Las Vegas, Nevada 89119
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28 *Attorneys for Real Estate Division*

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Petitioner,

vs.

8 MANHATTAN HOMEOWNERS'
9 ASSOCIATION;

Respondent.

11 **ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION**

12 **IT IS ORDERED** that the foregoing Stipulation and Order for Settlement of
13 Disciplinary Action in Case No. 2024-685 is approved in full.

14 DATED: June _____, 2025

15 COMMISSION FOR COMMON-INTEREST
16 COMMUNITIES AND CONDOMINIUM
17 HOTELS, DEPARTMENT OF BUSINESS
18 AND INDUSTRY, STATE OF NEVADA

19 By: _____
 Phyllis M. Tomasso, Chair

20 Submitted by:

21 AARON D. FORD
22 Attorney General

23 By: /s/ Phil W. Su
24 PHIL W. SU (Bar No. 10450)
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