

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,

8 Petitioner,

9 vs.

10 MADISON COLONY AT PROVIDENCE
11 HOMEOWNERS ASSOCIATION,
12 (Entity Number E0051682008-3)

13 Respondent.

Case No. 2024-858

FILED

DEC 20 2024

NEVADA COMMISSION FOR
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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14 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

15 This matter came on for hearing before the Commission for Common-Interest
16 Communities and Condominium Hotels, State of Nevada (the "Commission") during a
17 regular agenda set on a three-day stack beginning at 9:00 a.m. on December 3, 2024 (the
18 "Hearing"). Association Attorney Anna Heshmati, with Boyack Orme & Murdy for lead
19 attorney Edward "Ted" D. Boyack, appeared on behalf of Mesa Verde Community
20 Association ("RESPONDENT"), with the Community Association Manager ("CAM")
21 Mitchell Fu (CAM.0010400) present and board member Michael Pearl present. Christal
22 Park Keegan, Deputy Attorney General ("DAG") with the Nevada Attorney General's
23 Office, appeared on behalf of the Real Estate Division of the Department of Business and
24 Industry, State of Nevada (the "Division").

25 The RESPONDENT did not contest the Division's factual allegations and violations
26 of law in its Complaint filed October 29, 2024. The parties stipulated admission of the
27 Division's documents Exhibits A-B, bate stamped pages NRED 000001-000137, and the
28 Respondent did not file an Answer as required pursuant to NRS 116.770(5), but their most
recent Forms 623 and 602 filed November 27, 2024, and Board of Director Meeting

1 Minutes November 21, 2024, were admitted. DAG Keegan informed the Commission it
2 appeared the RESPONDENT has since demonstrated a third (3) member of close relation
3 under NRS 116.31034(10)(a)(1), and otherwise per NRS 116.31034(12)(a), a temporary
4 solution since this Community has 168 units.

5 **FINDINGS OF FACT**

6 Based on a preponderance of the evidence in the record, the documents admitted at
7 the Hearing, and by stipulation of the parties, the Commission voted, to find all the
8 following factual allegations were proven:

9 1. The RESPONDENT'S executive board has failed to have a third member
10 since about December 7, 2017. Exhibit A, NRED 000008 – NRED 000026.

11 2. Therefore, on or about September 18, 2024, the Division opened an
12 investigation against the RESPONDENT'S Executive Board, requesting a response.
13 Exhibit A, NRED 000003 – NRED 000005.

14 3. On September 23, 2024, the RESPONDENT supplied its Registration
15 Filing Addendum Form 623 completed by Community Association Manager
16 ("CAM"), Mitchell Fu (CAM.0010400), still reporting only two board members.
17 Exhibit B, NRED 000030 – NRED 000031.

18 4. RESPONDENT also furnished the Division with election
19 documentation representing "0 nomination forms." Exhibit B, NRED 000028, and
20 NRED 000032 – NRED 000137.

21 5. RESPONDENT represented the next board meeting is scheduled for
22 November 24, 2024, and otherwise no change in its efforts to obtain a third board member.
23 Exhibit B, NRED 000028.

24 6. Therefore, on or about September 23, 2024, the Division closed its
25 investigation and informed the RESPONDENT that it would be bringing this matter
26 before the Commission. Exhibit A, NRED 000006 – NRED 000007.

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1 **CONCLUSIONS OF LAW**

2 Based on the foregoing factual findings and the preponderance of the evidence, the
3 Commission voted, that all the following violations of law occurred:

4 7. RESPONDENT violated NRS 116.31034 for failing to elect a minimum of
5 three executive board members.

6 **ORDER**

7 The Commission, being fully apprised in the premises and good cause appearing,
8 ORDERS as follows:

9 1. RESPONDENT shall return to the March 11-13, 2025 Commission Meeting
10 with a status update regarding the third board member;

11 2. RESPONDENT shall pay to the Division a total amount of Two Thousand
12 Six Hundred Sixty-Two Dollars and Fifty-Eight Cents (\$2,662.58) within sixty (60) days
13 of entry of Order. This total amount reflects no administrative fine amounts for
14 committing the above-stated violation of law, but the costs of the investigation, the
15 attorney's fees, and the hearing;

16 3. If payment is not actually received by the Division on or before its due date,
17 it shall be a default by RESPONDENT. In the event of default, the unpaid balance of the
18 administrative fine and costs, together with any attorney's fees and costs that may have
19 been assessed, shall be due in full to the Division within ten (10) calendar days of the date
20 of default, and the Division may obtain a judgment for the amount owed, including
21 collection fees and costs;

22 4. RESPONDENT is on notice that if it violates any order by the Commission,
23 the Commission may impose an administrative fine of not more than \$1,000 for each
24 violation; and

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