BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

Sharath Chandra, Administrator, Real Estate Division, Department of Business & Industry, State of Nevada,

Petitioner,

vs.

Lisa Tufano,

Respondent.

Case No. 2018-977

FILED

FEB 12 2020

NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

Kelly Valadez

COMPLAINT FOR DISCIPLINARY ACTION AND NOTICE OF HEARING

The Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Michelle D. Briggs, Esq., Senior Deputy Attorney General, and Karissa D. Neff, Deputy Attorney General, hereby notifies Respondent Lisa Tufano ("RESPONDENT" or "Tufano") of an administrative hearing before the Commission for Common-Interest Communities and Condominium Hotels, State of Nevada, which is to be held pursuant to Chapters 233B and Chapters 116 and 116A of the Nevada Revised Statutes ("NRS") and Chapter 116 and 116A of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if an administrative penalty will be imposed on the RESPONDENT pursuant to the provisions of NRS and NAC including, but not limited to, NAC 116A.360.

JURISDICTION AND NOTICE

1. During all relevant times mentioned in this complaint, RESPONDENT, at one time, held a temporary community manager certificate and now holds an active community manager certificate from the Division (CAM.0008712) and is, therefore, subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and 116A and NAC Chapters 116 and 116A.

2. RESPONDENT also holds a property manager permit (PM.0166259) and is a

licensed salesperson (S.0175570), said licenses currently being active.

FACTUAL ALLEGATIONS

3. On or around April 7, 2017, the Division received a letter from the Vegas Star Homeowner's Association ("Vegas Star") stating that the HOA wanted to employ RESPONDENT as its community manager.

4. On or around April 17, 2017, the Division issued RESPONDENT a temporary community manager ("TCAM") certificate from the Division that was set to expire on April 17, 2018.

5. RESPONDENT worked for Vegas Star as its TCAM from approximately April of 2017 through January of 2018, at which time her association with Vegas Star was terminated.

6. RESPONDENT failed to notify the Division that her employment with Vegas Star was terminated on or around January 31st of 2018.

7. Because RESPONDENT's employment with Vegas Star was terminated prior to her temporary certificate's expiration date, her temporary community manager certificate expired on or around January 31, 2018.

8. On or around February 1, 2018, RESPONDENT began working as a community manager with MP Association Management, managing various association.

9. On or around April 17, 2018, RESPONDENT applied for and received her full community association manager certificate ("CAM") from the Division.

10. Had the Division been informed that RESPONDENT had been working as a community manager without the proper certificate, the Division would not have issued RESPONDENT a full CAM.

11. On or around July 30, 2018, and again on August 13, 2018, the Division properly notified RESPONDENT of an investigation to determine if RESPONDENT provided community management services without holding the proper certificate while working as a community manager and requested the following documents from RESPONDENT: (1) her management agreement with Vegas Star, (2) the date

RESPONDENT notified the Division of her termination from Vegas Star, and (3) the names of associations she managed from February 1, 2018 to present.

12. On July 31, 2018, Guadulupe Peralta, a board member of Tropical Villa, called the Division to complain about RESPONDENT and claimed that she had been managing Tropical Villa since August 17, 2017.

13. In an email dated November 1, 2017, from RESPONDENT to Angelo Mastrio, a board member on Morgyn Ridge Homeowners Association, an association MP Association Management managed, RESPONDENT claimed to have left the company she was a community manager for and brought the HOAs she was managing to MP Association Management.

14. RESPONDENT was unable to produce her management agreement with Vegas Star and claimed they refused to provide her a copy.

15. RESPONDENT first represented to the Division that she first started acting as the community manager for Tropical Villas on July 25, 2017.

16. RESPONDENT later contradicted herself and stated that she was the community manager for Tropical Villas beginning in February of 2018.

17. RESPONDENT stated in a later response to the Division that she did not begin working for MP Association Management until after she had received her CAM, which was on April 17, 2018.

18. In her response to the Division, RESPONDENT also stated that in September of 2017 that she began working for MP Association Management.

19. RESPONDENT claimed that when she first started acting as a community manager for Tropical Villas through MP Association Management, she personally went to the Division to ensure that she did what she needed to do with her TCAM certificate to continue performing community management under MP Association Management and was assured by the Division that she had.

20. On September 21, 2018, the Division sent correspondence to RESPONDENT and requested that she provide copies of all written notices and forms that she submitted

to the Division regarding her change of employment to MP Association Management and also requested the names of all associations that she managed while working for MP Association Management since 2017.

21. In response to the Division, RESPONDENT stated that she did not keep copies of what she had given to the Division.

22. RESPONDENT improperly worked as a community manager without the proper certificate beginning on approximately July 25, 2017.

23. On July 3, 2019, the Division properly notified RESPONDENT that it was commencing a disciplinary action.

VIOLATIONS OF LAW

24. RESPONDENT violated NAC 116A.137(2)(b) by failing to notify the Division when her employment with Vegas Star was terminated.

25. RESPONDENT violated NAC 116A.340 by failing to give written notice to the Division of any change of address or associations.

26. RESPONDENT violated NRS 116A.630(2)(a) by failing to comply with state laws.

27. RESPONDENT violated NRS 116A.630(10) by failing to cooperate with the Division in resolving the complaint against her.

28. RESPONDENT violated NRS 116A.640(2)(b) by impeding or otherwise interfering with an investigation of the Division by providing false or misleading information to an investigator.

29. RESPONDENT violated NAC 116A.355(1)(a)(1) (through NAC 116A.355(2)(f)) by committing unprofessional conduct by failing to cooperate with the Division in the investigation of a complaint including, without limitation, failure to produce any document, book or record in the possession or control of the community manager after the Division requests the production of such document, book or record in the course of an investigation of a complaint.

30. RESPONDENT violated NAC 116A.355(1)(a)(2) (through NAC

116A.355(3)(a)) by committing professional incompetence by demonstrating a significant lack of ability, knowledge or fitness to perform a duty or obligation owed to a client.

31. RESPONDENT violated NAC 116A.355(1)(a)(2) (through NAC 116A.355(3)(b)) by committing professional incompetence by failing to exercise reasonable skill and care with respect to a duty or obligation owed to a client.

32. RESPONDENT violated NAC 116A.355(1)(a)(1) and (2) (through NAC 116A.355(4)(g)) by committing unprofessional conduct or professional incompetence by failing to act in the best interests of the Association.

DISCIPLINE AUTHORIZED

Pursuant to the provisions of NAC 116A.360 the Commission has discretion to impose discipline as it deems appropriate, including, but not limited to one or more of the following actions:

1. Revoke or suspend the certificate;
2. Refuse to renew or reinstate the certificate;
3. Place the community manager on probation;
4. Issue a reprimand or censure to the community manager;
5. Impose a fine of not more than $5,000 for each violation of a statute or regulation;
6. Require the community manager to pay restitution;
7. Require the community manager to pay the costs of the investigation and hearing;
8. Impose any administrative fine pursuant to NRS 116A.900;
9. Require the community manager to obtain additional education relating to the management of common-interest communities; and
10. Take such other disciplinary action as the Commission deems appropriate.

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

NOTICE OF HEARING

PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this

Administrative Complaint against the above-named RESPONDENT in accordance with Chapters 233B and 116 and 116A of the Nevada Revised Statutes and Chapters 116 and 116A of the Nevada Administrative Code.

THE HEARING WILL TAKE PLACE at the Commission meeting scheduled for March 17-19, 2020, beginning at approximately 9:00 a.m. each day, or until such time as the Commission concludes its business. The Commission meeting will be held on March 17-18, 2020 at the Nevada State Business Center, 3300 W. Sahara Avenue, Nevada Room, Suite 400, Las Vegas, Nevada 89102, and on March 19, 2020 at the Nevada State Business Center, 3300 W. Sahara Avenue, Tahoe Room, Suite 430, Las Vegas, Nevada 89102, with videoconferencing to Division of Insurance, 1818 E. College Parkway, Ste. 103, Carson City, Nevada 89706.

STACKED CALENDAR: Your hearing is one of several hearings that may be scheduled at the same time as part of a regular meeting of the Commission that is expected to last from March 17-19, 2020. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you need to negotiate a more specific time for your hearing in advance because of coordination with out of state witnesses or the like, please call Kelly Valadez, Commission Coordinator, at (702) 486-4606.

YOUR RIGHTS AT THE HEARING: Except as mentioned below, the hearing is an open meeting under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or professional competence. You are entitled to a copy of the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

As a RESPONDENT, you are specifically informed that you have the right to appear

and be heard in your defense, either personally or through your counsel of choice. At the hearing, the Division has the burden of proving the allegations in the complaint and will call witnesses and present evidence against you. You have the right to respond and to present relevant evidence and argument on all issues involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant to the issues involved.

You have the right to request that the Commission issue subpoenas to compel witnesses to testify and/or evidence to be offered on your behalf. In making this request, you may be required to demonstrate the relevance of the witness's testimony and/or evidence. Other important rights and obligations, including your obligation to answer the complaint, you have are listed in NAC 116A.560 through NAC 116A.655, NRS Chapter 233B, and NRS Chapters 116 and 116A and NAC 116 and 116A. Note that under NAC 116A.585, not less than five (5) working days before a hearing, RESPONDENT must provide to the Division a copy of all reasonably available documents that are reasonably anticipated to be used to support his or her position, and a list of witnesses RESPONDENT intends to call at the time of the hearing. Failure to provide any document or to list a witness may result in the document or witness being excluded from RESPONDENT'S defense.

The purpose of the hearing is to determine if the RESPONDENT has violated any of the provisions of NRS and NAC Chapters 116 and 116A, and to determine what administrative penalty is to be assessed against RESPONDENT, if any, pursuant to NAC 116A.360.

DATED: February 11th, 2020.

REAL ESTATE DIVISION,
DEPARTMENT OF BUSINESS &
INDUSTRY, STATE OF NEVADA

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