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

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. BRIAR HILL PARK HOMEOWNERS ASSOCIATION, (ENTITY NO. C23725-1998) Respondent.	Case No. 2024-156

FILED

OCT 15 2024

NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came on for hearing before the Commission for Common-Interest Communities and Condominium Hotels, State of Nevada (the "Commission") on Wednesday, September 11, 2024. (the "Hearing") Respondent BRIAR HILL PARK HOME OWNERS ASSOCIATION ("RESPONDENT ASSOCIATION") appeared by and through their community manager, Crystal Kaufman. Phil W. Su, Senior Deputy Attorney General, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

The parties agreed to stipulate to the facts and legal violations as set forth in the Complaint. Attorney Su further noted that RESPONDENT ASSOCIATION filed its Form 562 Annual Association Registration with the Division on August 13, 2024, identifying their third board member after the Complaint was filed with the Division.

FINDINGS OF FACT

Based on a preponderance of the evidence in the record and the documents admitted at the Hearing, the Commission hereby finds that the following factual allegations were proven:

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JURISDICTION AND NOTICE

During all relevant times, RESPONDENT ASSOCIATION is a common-interest community located in Las Vegas, Nevada (Entity Number C23725-1998) and is, therefore, subject to the provisions of Chapter 116 of each the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and are subject to the jurisdiction of the Division, and the Commission for Common-Interest Communities pursuant to the provisions of NRS 116.750.

FACTUAL ALLEGATIONS

1. RESPONDENT ASSOCIATION is a common-interest community located in Las Vegas, Nevada (Entity Number C23725-1998) with 162 units. CIC001-002.

2. At all times relevant to the Complaint, RESPONDENT'S management company was Associa Nevada South, and its assigned community manager was Crystal Kaufman, and previously, Kimberly R. Snyder. CIC001-008.

3. RESPONDENT ASSOCIATION'S Annual Association Registration forms from February 1, 2022, and from February 2, 2024, and its Registration Filing Addendum indicate that it only had two out of the three required board member positions filled for years 2022 and 2024.[1] CIC001-002; 005-008.

4. On February 16, 2024, the Division's Investigator, Ashley Thompson, issued a letter opening investigation to RESPONDENT ASSOCIATION via Certified Mail, inquiring regarding the Association's failure to have at least three board members registered with the Division, and regarding RESPONDENT ASSOCIATION'S failure to file its Form 609 Reserve Study Summary Form with the Division pursuant to the five-year deadline. CIC009-011.

5. The opening investigation letter requested election documentation from 2023 through 2024, an updated form 623 identifying the current community manager and board members, and an updated form 609 reserve study summary by March 18, 2024. CIC009-

[1] The RESPONDENT ASSOCIATION'S March 22, 2023, Annual Association Registration Form indicated three board members, but an addendum filed on May 23, 2022,

011.

6. On April 3, 2024, community manager Crystal Kaufman provided documents responsive to the Division's request for information addressed to follow-up Administrative Assistant II, Jasmine Pryce, with copies of the RESPONDENT ASSOCIATION'S 2023 reserve study, and nomination forms with ballots sent on November 30, 2022; January 11, 2023; March 8, 2023; December 27, 2023; January 27, 2024; and March 6, 2024. CIC013-034.

7. On April 16, 2024, Investigator Vanessa Ward followed up with request for additional documentation, regarding the RESPONDENT ASSOCIATION'S reserve balances, as represented in its form 562 and form 609 filed with the Division on 02/02/24 and 03/18/24, respectively. CIC035-037.

8. On April 29, 2024, the Division sent RESPONDENT ASSOCIATION, through by mailing to community manager Kaufman, an NRS 233B letter via certified mail notifying the Association that the Division has obtained sufficient evidence to commence disciplinary action by filing a complaint as a result of its investigation. CIC038-039.

CONCLUSIONS OF LAW

Based on the foregoing factual findings and upon a preponderance of the evidence, the Commission hereby finds that the following violation of law occurred:

1. RESPONDENT violated NRS 116.31034(1) by failing to elect a minimum of three executive board members in registration years 2022 and 2024.

ORDER

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

1. RESPONDENT ASSOCIATION shall pay to the Division a total amount of $1,158.70, which entirely consists of the Division's prehearing costs and attorney's fees. The total amount is payable within thirty (30) days of the effective date of this Order.

2. The total amount due reflects that no administrative fine has been assessed

by the Commission to RESPONDENT ASSOCIATION for committing the above-stated violation of law.

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

4. The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting and issuance of this document.

DATED this 15th day of October, 2024.

COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

By: _____
PHYLLIS TOMASSO
Chairperson of the Commission

Submitted by:

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Attorney General of Nevada

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