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. CARMEL COVE HOMEOWNERS ASSOCIATION, INC., (Entity Number E0013012006-6) Respondent.	Case No. 2023-603

FILED

MAR 26 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") during a regular agenda set on a three-day stack beginning at 9:00 am on March 5, 2024, (the "Hearing"). Community Association Manager Frankie Stevenson was present via videoconference for the hearing but no unit owners of CARMEL COVE HOMEOWNERS ASSOCIATION, INC., ("RESPONDENT") appeared. 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").

Mr. Su informed the Commission that the parties stipulated as to the factual and legal allegations set forth in the Complaint. Ms. Stevenson agreed that the association did not challenge the Complaint's allegations but noted that the RESPONDENT association came into compliance with NRS 116.31034 in January 2024 and was presently compliant. Mr. Su stated that the only task before the Commission was to deliberate whether, and if so, to what extent, discipline should be applied against the RESPONDENT association and, if so, the specific extent of that discipline.

The Commission, having considered the evidence introduced by the parties and

being fully advised that the parties have stipulated the validity of these allegations, hereby enters the following Findings of Fact, Conclusions of Law, and Order. Under Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapter 116, the Commission has legal jurisdiction and authority over this matter.

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:

1. RESPONDENT is a common-interest community located in Las Vegas, Nevada (Entity Number E0013012006-6) with 60 units.

2. At all times relevant to the Complaint, the Respondent's management company was PINNACLE COMMUNITY ASSOCIATION MANAGEMENT.

3. On June 28, 2023, the Division discovered that Respondent association did not have at least three board members registered according to Respondent's Form 562 Annual Association Registration.

4. On or about June 28, 2023, the Division's Investigator, Vanessa Ward, left a voicemail with the Community Association Manager ("CAM") for Respondent association, Francesca Stevenson CAM.0000274-SUPR, to inquire regarding the shortage of board members.

5. On or about July 28, 2023, the Division opened an investigation against Respondent association and sent an open investigation letter to the Respondent and its CAM with request for information seeking response by August 14, 2023.

6. The Respondent, through its CAM, sent a response dated August 14, 2023, indicating that one of the board members, Thomas Boer, sold his unit on April 17, 2023, and that although Respondent had sent out several notices to recruit candidates to replace Boer, none have submitted a candidacy form yet.

7. On October 4, 2023, the Division sent a letter addressed to the Respondent's

Executive board, care of its CAM, that it needed to comply with the three-board member requirement per NRS 116.31034, and to remedy the issue by October 9, 2023.

8. On November 3, 2023, the CAM emailed the Division's investigator with an update, that "The Association's annual election will be scheduled in December."

9. On November 15, 2023, the Division sent, via certified mail, a "Compliance demand letter- extension provided" indicating that the Respondent had until December 29, 2023, to bring itself into compliance.

10. On December 29, 2023, the CAM emailed the Division's investigator stating that the annual meeting and election would now be held on January 12, 2024.

CONCLUSIONS OF LAW

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

11. RESPONDENT violated NRS 116.31034(1) by failing to elect a minimum of three executive board members.

ORDER

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

1. RESPONDENT shall pay to the Division a total amount of $3,104.60 for the Division's and the hearing's costs, and attorney's fees, within sixty (60) days of this Order.

2. The total amount due reflects that no administrative fine has been assessed by the Commission to RESPONDENT for committing the above-stated violation of law.

3. If payment 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 26th day of March, 2024.

COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

By: _____
PHYLLIS TOMASSO
Chairperson of the Commission

Submitted by:

AARON D. FORD
Attorney General of Nevada

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