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. CHESTNUT HILL AT PROVIDENCE COMMUNITY ASSOCIATION, (ENTITY NO. E0596952007-3) Respondent.	Case No. 2024-154

FILED

JUL 25 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, June 12, 2024. (the "Hearing") Respondent Association Chestnut Hill at Providence Community Association ("RESPONDENT ASSOCIATION") appeared by and through their community manager, Katie Austin, and board member Lisa Sweeney. 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 appointed their third board member after the Complaint was filed with the Division and updated their 623 Form with the Division on May 16, 2024. Community Manager Austin also informed the Commission that the Association had experienced repeated changes in community managers over the past couple of years, resulting in the inadvertent dearth of board members.

FINDINGS OF FACT

Based on a preponderance of the evidence in therecord and the documents admitted

at the Hearing, the Commission hereby finds that the following factual allegations were proven:

JURISDICTION AND NOTICE

During all relevant times, RESPONDENT ASSOCIATION is a common-interest community located in Las Vegas, Nevada (Entity Number E0596952007-3) 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 E0596952007-3) with 189 units.

2. At all times relevant to the Complaint, RESPONDENT ASSOCIATION'S management company was Associa Nevada South.

3. In January 2024, 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 February 16, 2024, the Division's Investigator, Ashley Thompson, issued a letter opening investigation to RESPONDENT ASSOCIATION'S Community Association Manager, Crystal Kaufman, and the RESPONDENT ASSOCIATION'S two current board members, Jonathan Rudd and Lisa Sweeney, via Certified Mail, to inquire regarding the Association's failure to have at least three board members per statute.

5. The opening investigation letter requested election documentation from 2022 through 2024 and an updated form 623 once the third board member was appointed, with documentation to be provided to the Division by March 18, 2024.

6. RESPONDENT ASSOCIATION, through its board member Lisa Sweeney, emailed a response dated March 18, 2024, indicating that they have attempted to recruit

additional board members through their December 2023 community newsletter, and that the existing board members remained committed to transparency and recruiting additional board members.

7. On April 2, 2024, Board Member Sweeney confirmed to the Division that RESPONDENT ASSOCIATION remained without a third board member.

8. On April 16, 2024, the Division sent RESPONDENT ASSOCIATION'S Community Association Manager, Crystal Kaufman, and Board Members Sweeney and Rudd, a NRS 233B letter via certified mail notifying them that it obtained sufficient evidence to commence disciplinary action by filing a complaint as a result of its investigation.

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:

VIOLATIONS OF LAW

1. RESPONDENT ASSOCIATION 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 ASSOCIATION shall pay to the Division a total amount of $1,961.13, 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 25th day of July, 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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