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. YVONNE A. CULLIVER, (CAM.0007452 - Suspended) Respondent.	Case No. 2024-50 FILED JUN 20 2024 NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS mgc-110

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 June 11, 2024 (the "Hearing."). Yvonne A. Culliver ("RESPONDENT") did not appear in person, through counsel, or otherwise. Christal P. Keegan, Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division").

Mrs. Keegan informed the Commission that RESPONDENT was noticed no later than 30 days prior to the hearings, that the RESPONDENT never filed an Answer as part of the record in the proceedings, and accordingly the Division filed a Notice of Intent to Default on May 30, 2024.

Therefore, the Division proceeded with a default pursuant to NAC 116A.590. The Division's Commission Coordinator, Maria Gallo, testified regarding proper notice to the RESPONDENT. The Commission found appropriate service of the notice of the hearing, the complaint and notice thereof, the notice of documents, and all other efforts taken to inform the RESPONDENT of the matter before the Commission.

Therefore, the Commission, having considered the evidence introduced by the Division and being fully advised, enters the following Findings of Fact, Conclusions of Law, and Order. Under Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC) Chapter 116A, 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 voted, to find the following factual allegations were proven:

1. On or about September 1, 2023, new management began for the Cactus Hills East Homeowners Association ("Association"). *Exhibit 7, CICC 117.*

2. On or about September 18, 2023, the succeeding management company for the Association reached out to the former community manager, RESPONDENT of 5STRMGT, LLC, to begin the transition process. *Exhibit 1, CICC 004.*

3. Thereafter, on or about September 22, 2023, and again on October 4, 2023, counsel for the succeeding management company's requested RESPONDENT return the Association's records so that it could conduct its business. *Exhibit 1, CICC 005-006.*

4. On or about November 17, 2023, the Division's Licensing section notified RESPONDENT that her community manager certificate CAM.0007452 had been suspended for failure to comply with Commission's Order in Case No. 2023-190. *Exhibit 2, CICC 011.*

5. On or about January 17, 2024, the Division received a complaint against RESPONDENT for failing to turn over Association records to the succeeding management company after multiple requests. *Exhibit 1, CICC 002 - 003.*

6. Accordingly, on or about February 1, 2024, the Division sent the RESPONDENT its First Request for response and/or information letter with a deadline of February 15, 2024. *Exhibit 3, CICC 015 – 016.*

. . .

7. By February 15, 2024, the RESPONDENT had not responded. *Exhibit 3, CICC 017 – 018.*

8. Therefore, on or about February 21, 2024, the Division sent the RESPONDENT its Second Request for response and/or information letter with a deadline of March 6, 2024. *Exhibit 3, CICC 017 – 018.*

9. The RESPONDENT still had not responded by the second deadline.

10. Over the course of the six-month period from when the new management company took over, RESPONDENT had not responded to the succeeding management company, the Association's counsel, nor did she communicate with the Board, hold a meeting, or prepared a budget, and she did not get paid for management services. *Exhibit 4, CICC 020 – 112.*

11. Yet, on March 6, 2024, the RESPONDENT, on behalf of the Association, submitted the Form 562 Annual Association Registration to the Division reporting herself as the Community Manager. *Exhibit 5, CICC 114 - 115.*

12. Accordingly, on or about March 12, 2024, the Division sent RESPONDENT a cease-and-desist letter noting that as of November 17, 2023, her certificate remained suspended. *Exhibit 7, CICC 133-140.*

13. The Division also sent Notice of Suspension letters to all associations determined to have utilized the services of RESPONDENT. *Exhibit 8, CICC 142 – 149.*

14. To date, RESPONDENT has not complied with all terms in the Commission's Order for Case No. 2023-190 and her license remains suspended.

15. To date, there is no proof that RESPONDENT has terminated her other community management contracts, nor relinquished all association documents and financial access.

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:

. . .

16. RESPONDENT violated NRS 116A.620(6) for failing to provide records or proof thereof that within 30 days of termination such transfer of records occurred to the Succeeding Management Company.

17. RESPONDENT violated NRS 116A.630(1)(b) for failing to exercise ordinary and reasonable care in the performance of her duties by not transferring the Association record's timely or completely to the Succeeding Management Company.

18. RESPONDENT violated NRS 116A.630(2)(a) by failing to comply with state laws and regulations when she failed to provide the Division and/or the Succeeding Management Company with the requested documents.

19. RESPONDENT violated NAC 116A.355(1)(a)(1) and (3) by engaging in unprofessional conduct when she failed to provide the Association's record to the Succeeding Management Company impacting the Association's ability to administer the affairs of the Association.

20. RESPONDENT violated NRS 116A.630(10) for failing to cooperate with the Division to resolve complaints filed against her for not producing documents.

21. RESPONDENT violated NAC 116A.355(2)(f) when she failed to cooperate with the Division's requests for a response and/or production of documents.

22. RESPONDENT violated NRS 116A.640(2)(a) for impeding the Division's investigation by failing to comply with requests to provide documents.

23. RESPONDENT violated NRS 116A.640(7)(b) when she attempted to provide the Association with community management representation when her license was clearly suspended.

ORDER

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

1. RESPONDENT'S license is revoked for 10 years.

2. RESPONDENT shall pay a fine of $5,000 per violation (8 violations) for a total administrative fine amount of $40,000;

3. RESPONDENT shall pay the costs of the investigation and the hearing in the amount of $3,739.98 which are actual, reasonable, and necessary; and

4. The total amount due is $43,739.98 and RESPONDENT shall pay the Division in full within 30 days of entry of Order.

5. If payment is not actually received by the Division on or before its due date, it shall be a default by RESPONDENT, and her license shall remain revoked until all fines and fees are paid in full. 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.

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

DATED this 20th day of June, 2024.

COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS
DEPARTMENT OF BUSINESS AND INDUSTRY
STATE OF NEVADA

By: _____
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CHAIRWOMAN

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