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. JAMIE EVANS, (CAM.0001457-SUPR - REVOKED), Respondent.	Case No. 2024-327 FILED SEP 19 2024 NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS mgallo

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 a.m. on September 10, 2024 (the "Hearing."). Jamie Evans ("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 September 4, 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 July 24, 2023, the Division initiated an audit against the Vegas Star Condominium Association, Inc. ("Association"). *Exhibit 1, CICC 000003.*

2. From about June of 2017 to April of 2023, RESPONDENT Jamie Evans was the community manager for the Association. *Exhibit 1, CICC 000003.*

3. On or before March of 2018 the Association hired the RESPONDENT and Battle Born Management Services, LLC. *Exhibit 1, CICC 000025.*

4. At all times relevant to the Complaint, Battle Born Management Services was not a management company in Division's records. *Exhibit 1, CICC 000011 – CICC 000012.*

5. At all times relevant, in addition to Battle Born Management, the Association simultaneously utilized Property Management, Inc. ("PMI"). *Exhibit 1, CICC 000025.*

6. At all times relevant to this Complaint, RESPONDENT represented to the Division she worked with PMI Henderson in 2021 and 2022. *Exhibit 1, CICC 000034 – CICC 000035.*

7. But the Division's Licensing History indicated RESPONDENT worked for various other management companies from 2017 through 2022. *Exhibit 1, CICC 000035 – CICC 000036.*

. . .

. . .

8. After the hiring of Battle Born and PMI, the Association stopped conducting meetings, did not have the required Reserve Study or CPA Audits performed, and the annual budgets were not created. *Exhibit 1, CICC 000025.*

9. The Association's bank statements for January 1, 2020, through April 30, 2023, revealed approximately 480 checks paid to the RESPONDENT totaling $576,272.51 in Association Operating funds, and $2,906.52 from the Reserve Account in 2020. *Exhibit 1, CICC 000037 – CICC 000044.*

10. Furthermore, the Operating account check images for January 1, 2020, through April 30, 2023, revealed most checks were co-signed by the RESPONDENT. *Exhibit 1, CICC 000014 – CICC 000016, and CICC 000050.*

11. Additionally, from about July 25, 2022, to April 24, 2023, 99 checks totaling $54,400 were paid to the RESPONDENT containing the signature of both the RESPONDENT and the board member, Ana Nellis, who no longer served on the board nor owned a home in the community anymore. *Exhibit 2, CICC 002188.*

12. As of April 30, 2023, the Association transferred funds from the Reserve account to the Operating account, the resulting Reserve balance was only $703.33. *Exhibit 1, CICC 000015.*

13. On or before March of 2023, the Association terminated the RESPONDENT. *Exhibit 2, CICC 002153.*

14. On or about May 1, 2023, Jamie Collins (CAM.0000212-SUPR) with Shelter Management Group, began management of the Association. *Exhibit 1, CICC 000005.*

15. RESPONDENT provided little to no help with the transition to the succeeding management company. *Exhibit 2, CICC 002152 – CICC 002153.*

16. Shelter Management Group could only identify about 280 checks payable to the RESPONDENT, which came to a total of $300,690.08. *Exhibit 2, CICC 000958.*

17. On or about June 23, 2023, CAM Collins submitted a claim to the Association's insurance for monies embezzled by the RESPONDENT. *Exhibit 2, CICC 002152.*

18. Thereafter, on or about September 18, 2023, a police report was filed against RESPONDENT with the Las Vegas Metropolitan Police Department for embezzlement. *Exhibit 2, CICC 001096 – CICC 001097.*

19. Accordingly, on or about May 27, 2024, the Division sent the RESPONDENT a letter informing her it intended to formally file the matter with the Commission for using in excess of $300,000 of Association funds for her personal use. *Exhibit 3, CICC 00222 – CICC 002223.*

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:

20. RESPONDENT violated NRS 116A.620(6) for failing to transfer and/or reconcile the documents upon her termination to the succeeding community manager.

21. RESPONDENT violated NRS 116A.630(1)(a) for failing to act as a fiduciary to the client when she embezzled funds from the Association.

22. RESPONDENT violated NRS 116A.630(1)(b) pursuant to NRS 116A.630(17) for reporting inaccurate information regarding Association management to the Division.

23. RESPONDENT violated NRS 116A.630(6)(b) for practices that led to extremely low funding in both Reserve and Operating accounts due to severe lack of internal controls and negligent money handling practices.

24. RESPONDENT violated NRS 116A.630(15) for failing to maintain internal accounting controls.

25. RESPONDENT violated NRS 116A.630(9) for failing to make the financial records of the Association available for inspection by the Division.

26. RESPONDENT violated NRS 116A.640(2)(c) for concealing facts and documents relating to the Association's business.

27. RESPONDENT violated NRS 116A.640(5) for cosigning checks, many of which were to herself, in the years 2020, 2021, 2022, and 2023.

. . .

28. RESPONDENT violated NRS 116A.640(10) for collecting amounts from her client above and beyond the agreed upon amounts specified in the management agreements.

29. RESPONDENT committed unprofessional conduct pursuant to NAC 116A.355 when she:

a. Violated NAC 116A.355(2)(i) for exceeding the authority granted to her by the management agreement; and/or

b. Violated NAC 116A.355(2)(c) for engaging in deceitful, fraudulent and/or dishonest conduct when she wrote and signed Association checks to herself.

ORDER

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

1. RESPONDENT'S licenses shall be revoked;

2. RESPONDENT'S licenses shall be refused to renew or reinstate her certificate;

3. RESPONDENT shall not be eligible for any sort of probation or educational training;

4. RESPONDENT shall pay a fine to the Division of $5,000 per violation (10 violations) for a total administrative fine amount of $50,000;

5. RESPONDENT shall pay to the Division the costs of the investigation and the hearing in the amount of $6,890.73 which are actual, reasonable, and necessary;

6. RESPONDENT shall pay restitution to the Association in the total amount of $579,179.03 ($576,272.51 in Association Operating Funds and $2,906.52 from the Reserve Account).

7. RESPONDENT shall pay the total amount due of $636,069.76 in full within thirty (30) days of entry of Order;

. . .

8. If payment is not actually received by the Division on or before its due date, it shall be a default by RESPONDENT. 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; and

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

DATED this 19th day of September, 2024.

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

By: _____
PHYLLIS TOMASSO
CHAIRWOMAN

Submitted by:

AARON D. FORD
Attorney General

By: epkeegan
CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
(775) 687-2141
ckeegan@ag.nv.gov

Attorney for Real Estate Division