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. HIGH NOON AT ARLINGTON RANCH HOMEOWNERS ASSOCIATION, (ENTITY NO. C8377-2004) Respondent.	Case No. 2024-618 FILED SEP 13 2024 NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS mgallo

STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION

This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into by and between the State of Nevada, Department of Business and Industry, Real Estate Division ("Division"), through its Administrator Sharath Chandra ("Petitioner"), by and through their attorney of record, Phil W. Su, and High Noon at Arlington Ranch Homeowners Association (the "RESPONDENT"), by and through their attorney of record, Daniel Hansen.

JURISDICTION AND NOTICE

During all relevant times, RESPONDENT ASSOCIATION is a common-interest community located in Las Vegas, Nevada (Entity Number C8377-2004) 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.

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

1. RESPONDENT ASSOCIATION is a common-interest community located in Las Vegas, Nevada (Entity Number C8377-2004) with 342 units. CIC0001-0002.

2. RESPONDENTS' current management company, as of the date of filing of this Complaint, is Associa Nevada South, and its assigned community manager is Megan Miller. CIC0001-0002.

3. RESPONDENT ASSOCIATION'S 2024 Annual Association Registration form, submitted June 26, 2024, indicated that it only had two out of the three required board member positions filled. CIC0001-0002.

4. A further review of RESPONDENT ASSOCIATION'S Annual Association Registration Forms from 2018 through 2024 further shows that RESPONDENT ASSOCIATION has not had three board members dating back to at least 2018. CIC0003-0018.

5. On July 8, 2024, the Division's Investigator, James Johnston, issued a letter opening investigation to RESPONDENT ASSOCIATION'S community manager, Megan Miller, via Certified Mail, with cc: to the RESPONDENT ASSOCIATION'S two current board members, John Irving and Chris Banks, to inquire regarding the Association's failure to have at least three board members registered with the Division, pursuant to the 2024 Registration Filing Form. CIC0019-0020.

6. The opening investigation letter requested election documentation from 2023 through 2024 and an updated form 623 identifying the current community manager and board members, with documentation to be provided to the Division within five business days. CIC0019-0020.

7. On July 17, 2024, Investigator Johnston issued a second request for information letter to RESPONDENT ASSOCIATION reiterating his request for documents and a response. CIC0021-0023.

8. On July 15, 2024, Board Member Irving reminded community manager Miller of Investigator Johnston's second request for information letter. CIC0025.

9. On July 19, 2024, community manager Miller provided Investigator Johnston with an updated form 623 which indicated that the board still only had two board members. CIC0026.

10. On July 22, 2024, the Division sent RESPONDENT ASSOCIATION, through by mailing to community manager Miller, with cc: to Board Members Irving and Banks, 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. CIC0027-0028.

VIOLATION OF LAW ALLEGED IN THE COMPLAINT

1. RESPONDENT violated NRS 116.31034(1) by failing to elect a minimum of three executive board members since February 2018 through the date of filing of this Complaint.

PROPOSED SETTLEMENT AGREEMENT

In an effort to avoid the time and expense of litigating these issues before the Commission, the RESPONDENT does not admit, but also does not contest the violations alleged, and the parties desire to compromise and settle the Division's findings of violation of law in Case No. 2024-618 upon the following terms and conditions:

1. This Stipulation for Settlement Agreement is subject to the RESPONDENT demonstrating proof to the Division of compliance with the three board member requirement, by the execution date of the Order for Settlement Action.

2. RESPONDENT shall pay to the Division a total amount of $1,166.68 ("Amount Due"). This total amount reflects no administrative fine amounts for committing the above-stated violation of law, but $460.00 for the Division's costs and $706.68 for its attorney's fees, which are actual, reasonable and necessary, to be paid within 30 days of entry of order.

3. RESPONDENT and the Division agree that by entering into this Stipulation, the Division does not concede any defense or mitigation, the RESPONDENT may assert and that once this Stipulation is approved and fully performed, the Division will close its file in this matter.

4. RESPONDENT agrees and understands that by entering into this Stipulation, RESPONDENT is waiving its right to a hearing at which it may present evidence in its defense, its right to a written decision on the merits of the complaint, its rights to reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which may be accorded by the Nevada Administrative Procedure Act, the Nevada Common-Interest Communities and Condominium Hotels statutes and accompanying regulations, and the federal and state Constitutions. The RESPONDENT understands that this Agreement and other documentation may be subject to public records laws. The Commission members who review this matter for approval of this Stipulation may be the same members who ultimately hear, consider, and decide the Complaint if this Stipulation is either not approved by the

Commission or is not timely performed by the RESPONDENT. The RESPONDENT fully understands that you have the right to be represented by legal counsel in this matter at your own expense.

5. The parties hereby stipulate to the Division's exhibits, Bates Nos. *CICC 000001 – CICC 000026.*

6. Each party shall bear their own attorney's fees and costs, ***except*** as the Division's Attorney's pre-hearing costs provided above.

7. Approval of Stipulation. Once executed, this Stipulation will be filed with the Commission and will be placed on the agenda for approval at its next public meeting. The Division will recommend to the Commission approval of the Stipulation. RESPONDENT agrees that the Commission may approve, reject, or suggest amendments to this Stipulation that must be accepted or rejected by RESPONDENT before any amendment is effective.

8. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests amendments unacceptable to the RESPONDENT, RESPONDENT may withdraw from this Stipulation, and the Division may pursue its Complaint before the Commission. This Stipulation then shall become null and void and unenforceable in any manner against either party.

9. Release. In consideration of the execution of this Stipulation, Association and RESPONDENT for itself/themselves, its/their heirs, executors, administrators, successors, and assigns, hereby releases, remises, and forever discharges the State of Nevada, the Department of Business and Industry, and the Division, and each of their respective members, agents, employees, and counsel in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that RESPONDENT ever had, now has, may have, or claim to have against any or all of the persons or entities named in this section, arising out of or by reason of the Division's investigation of this action, this disciplinary action, and all matters related thereto.

10. Indemnification. RESPONDENT hereby agrees to indemnify and hold harmless the State of Nevada, the Department of Business and Industry, Petitioner, the Division, and each of their respective members, agents, employees, and counsel, in their individual and representative capacities, against any

and all claims, suits, and actions brought against said persons and/or entities by reason of the Division's investigation, this disciplinary action, and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this section as a result of said claims, suits, and actions.

11. Default. In the event of default, RESPONDENT agrees that the RESPONDENT'S Association license shall be immediately suspended, and 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 calendar days of the date of default. Debt collection actions for unpaid monetary assessments in this case may be instituted by the Division or its assignee. RESPONDENT agrees that the foregoing suspension of its Association license shall continue until the unpaid monetary assessments are paid in full.

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12. RESPONDENT'S board members have signed and dated this Stipulation only after reading and understanding all terms herein.

DATED: September 10, 2024

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

DATED: September 9, 2024

HIGH NOON AT ARLINGTON RANCH HOA

By: John Irving
JOHN IRVING
President

DATED: September 9, 2024

HIGH NOON AT ARLINGTON RANCH HOA

By: /s/ Christopher Banks
CHRIS BANKS
Director

Approved as to form:

GIBBS GIDEN

By: /s/ Daniel M. Hansen
DANIEL HANSEN (Bar No. 14536)
7251 W. Lake Mead Blvd. Ste. 450
Las Vegas, NV 89128
(702) 836-9800
Attorney for Respondent High Noon at Arlington Ranch HOA

AARON D. FORD
Attorney General

By: /s/ Phil W. Su
PHIL W. SU (Bar No. 10450)
Senior Deputy Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, Nevada 89119
(702) 486-3655
Attorneys for Real Estate Division

BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

STATE OF NEVADA

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ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION

IT IS ORDERED that the foregoing Stipulation and Order for Settlement of Disciplinary Action is approved in full.

DATED: September 13, 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: */s/ Phil W. Su*
PHIL W. SU (Bar No. 10450)
Senior Deputy Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, Nevada 89119
(702) 486-3655
Attorneys for Real Estate Division

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Signature: John Irving
John Irving (Sep 9, 2024 14:38 PDT)

Email: johnatlv@cox.net

Signature:

Email: chrisjbanks@yahoo.com