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. HIGHLANDS RANCH NORTH LANDSCAPE MAINTENANCE CORPORATION, A NEVADA NON-PROFIT CORPORATION (ENTITY NO. C26944-2004) Respondent.	Case No. 2024-636

FILED

OCT 15 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, September 11, 2024. (the "Hearing") Respondent HIGHLAND RANCH NORTH LANDSCAPE MAINTENACE CORPORATION, A NEVADA NON-PROFIT CORPORATION ("RESPONDENT ASSOCIATION") appeared by and through their community manager, Felicia Norris. 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 is in compliance with the statutory board member requirement as of August 17, 2024.

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:

JURISDICTION AND NOTICE

During all relevant times, RESPONDENT ASSOCIATION is a common-interest community located in Las Vegas, Nevada (Entity Number C26944-2004) 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.

FACTUAL ALLEGATIONS

1. RESPONDENT ASSOCIATION is a common-interest community located in Las Vegas, Nevada (Entity Number C26944-2004) with 278 units. CIC0001-0002.

2. At all times relevant to the Complaint, RESPONDENT'S management company was FirstService Residential, and its assigned community manager was Felicia Norris. CIC0001-0002.

3. RESPONDENT ASSOCIATION'S 2023 Annual Association Registration form, submitted November 13, 2023, indicated that it only had two out of the three required board member positions filled.

4. RESPONDENT ASSOCIATION subsequently filed a Registration Filing Addendum, which indicated that it lost its third board, Tameika Ortiz, as of April 17, 2023. CIC0006-0007.

5. On July 10, 2024, the Division's Investigator, James Johnston, issued a letter opening investigation to RESPONDENT ASSOCIATION'S community manager Felicia Norris, via Certified Mail, with cc: to the RESPONDENT ASSOCIATION'S two current board members, Jennilyn Chiu and Ha Tran, to inquire regarding the Association's failure to have at least three board members registered with the Division, pursuant to the Registration Filing Addendum. CIC0003-0004.

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 by July 17, 2024. CIC0003-0004.

7. On or about July 19, 2024, community manager Norris sent Investigator Johnston an emailed response with election documentation, including an updated form 623 and nomination forms issued to homeowners in February and March 2024. CIC0005-0016.

8. Board Member Chiu also inquired of community manager Norris about the investigation and was informed by community manager Norris that she has responded and was cooperating with the Division investigation on RESPONDENT ASSOCIATION'S behalf. CIC0017-0020.

9. On July 26, 2024, the Division sent RESPONDENT ASSOCIATION, through community manager Norris, and with cc: to Board Members Chiu and Tran, 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. CIC0021-0022.

CONCLUSIONS OF LAW

Based on the foregoing factual findings and upon a preponderance of the evidence, the Commission hereby finds that the following violation of law occurred:

1. 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 ASSOCIATION shall pay to the Division a total amount of $1,215.81, 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 15th day of October, 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

By: /s/ Phil W. Su
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