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. LAKE MEAD & DOLLY 20 HOMEOWNERS ASSOCIATION, (Entity Number E0420822018-0) Respondent.	Case No. 2023-827 FILED MAR 11 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 am on March 5, 2024 (the "Hearing."). No board members or unit owners of LAKE MEAD & DOLLY 20 HOMEOWNERS ASSOCIATION ("RESPONDENT") appeared. RESPONDENT'S new Community Association Manager ("CAM"), Robert J. Smith (CAM.0008941-SUPR) of Associa Nevada South, appeared. Mr. Smith confirmed that an attorney is not representing the RESPONDENT or the CAM. 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 on February 28, 2024, CAM Mr. Smith submitted a response to the Division and the State, with a six-page attachment, and moved to admit such into the record. CAM Mr. Smith stipulated to the Division's factual allegations and violations of law. Accordingly, Mrs. Keegan proceeded with presenting testimony from subpoenaed witness CAM Mr. Smith, whereby CAM Mr. Smith did not confirm that the Board had come into compliance with NRS 116.31034.

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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 116, 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, with one abstention, to find the following factual allegations were proven:

1. At all times relevant to the Complaint, the RESPONDENT'S executive board failed to have a third member. *CICC 001 – CICC 002.*

2. At all times relevant to the Complaint, the RESPONDENT was managed by Associa Nevada South, by and through its community manager William LaFrance (CAM.0008580).

3. On or about September 29, 2023, the Division opened an investigation against the RESPONDENT'S Executive Board with a Request for Information response deadline of October 16, 2023. *CICC 001 – CICC 002.*

4. On October 16, 2023, the RESPONDENT failed to respond to the Division.

5. Therefore, on or about November 13, 2023, the Division served the RESPONDENT with a Compliance Demand Letter with a due date of December 10, 2023. *CICC 003 – CICC 004.*

6. On December 10, 2023, the RESPONDENT again failed to respond to the Division. *CICC 003 – CICC 004.*

7. As of December 15, 2023, the Division received no proof of compliance with its Compliance Demand Letter.

8. Therefore, on or about December 18, 2023, the Division closed its investigation and informed the RESPONDENT that it would be bringing this matter before the Commission. *CICC 009 – CICC 010.*

CONCLUSIONS OF LAW

Based on the foregoing factual findings and the preponderance of the evidence, the Commission voted, with one abstention, that the following violations of law occurred:

9. RESPONDENT violated NRS 116.31034 for failing to elect a minimum of three executive board members.

10. RESPONDENT violated NAC 116.405(5) by and through its Executive Board and/or its community manager's failure to respond to the Division's requests.

ORDER

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

1. RESPONDENT shall pay a fine of $1,000 per violation (two (2) violations) for a total administrative fine amount of $2,000;

2. RESPONDENT shall pay the Division's and the hearing's costs, and attorney's fees, in the amount of $2,409.98 which is actual, reasonable, and necessary;

3. The total amount due is $4,409.98 and shall be paid in full within sixty (60) days of this Order;

4. 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, RESPONDENT agrees that the RESPONDENT Association's license shall be immediately suspended, and that the foregoing suspension of its license shall continue until the unpaid balance of the administrative fines and costs are paid in full. In the event of default, RESPONDENT board members President Trevor Harder and Secretary Veronica Belloso agree that they shall tender their resignation immediately. 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;

. . .

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

DATED this 11th day of March, 2023.

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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