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. MESA VERDE COMMUNITY ASSOCIATION, (Entity No. E0390302014-7) Respondent.	Case No. 2024-112

FILED

SEP 19 2024

NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

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."). The current Community Association Manager ("CAM") Kellea E. Smith (CAM.0007543-SUPR) of Nevada Community Management, appeared on behalf of Mesa Verde Community Association ("RESPONDENT") with no board members present. 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").

The CAM did not contest the Division's factual allegations and violations of law in its Complaint filed July 31, 2024. Mrs. Keegan informed the Commission that the RESPONDENT has since satisfactorily demonstrated it has resolved the three (3) member issue by way of its Forms 562 and 623 dated August 7, 2024. Additional information was provided by the CAM regarding the adoption of the outstanding reserve study.

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FINDINGS OF FACT

Based on a preponderance of the evidence in the record, the documents admitted at the Hearing, and by stipulation of the parties, the Commission voted, to find all the following factual allegations were proven:

1. At all times relevant to the Complaint, the RESPONDENT was managed by Nevada Community Management, by and through its community association manager (CAM) Amanda Flores (CAM.0008698-SUPR). *Exhibit A, CICC 000005.*

2. The RESPONDENT'S Annual Registration Form 562 dated July 26, 2022, technically demonstrated only two executive board members. *Exhibit A, CICC 000005.*

3. Therefore, on or about February 6, 2024, the Division opened an investigation against the RESPONDENT. *Exhibit A, CICC 000006 – CICC 000008.*

4. RESPONDENT'S CAM admitted attempts to get people on the Board failed. *Exhibit B, CICC 000015 – CICC 000018.*

5. Yet, the RESPONDENT'S Registration Filing Addendum Form 623 dated April 5, 2024, continued to report only two executive board members. *Exhibit A, CICC 000003.*

6. Further, the RESPONDENT'S Annual Registration Form, represented its site reserve study was conducted on September 14, 2016. *Exhibit A, CICC 000005.*

7. On or about February 23, 2024, RESPONDENT'S CAM admitted the Association was past the reserve study required due date. *Exhibit B, CICC 000014 – CICC 000015.*

8. On or about June 5, 2024, the Division informed the RESPONDENT it would refer this matter to the Commission. *Exhibit A, CICC 000010 – CICC 000011.*

CONCLUSIONS OF LAW

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

9. RESPONDENT violated NRS 116.31034(1) for failing to elect a minimum of three executive board members.

10. RESPONDENT violated NRS 116.31152(1) by failing to conduct the reserve study prior to the 5-year expiration date.

ORDER

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

1. RESPONDENT shall provide a status report at the December 3-5, 2024 Commission Meeting and verify the reserve study has been completed and adopted;

2. RESPONDENT shall pay the costs of the investigation and the hearing in the amount of $2,005.45 which are actual, reasonable, and necessary within thirty (30) days of entry of Order;

3. 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

4. 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

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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