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. MONTARA HOMEOWNERS ASSOCIATION, (Entity Number C23190-2004) Respondent.	Case No. 2024-169 FILED SEP 24 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."). John E. Leach, with Leach Kern Gruchow Song, appeared on behalf of Montara Homeowners Association ("RESPONDENT") with provisional Community Association Manager Rhiannon Marie Rogers (CAM.0010392-PROV) and Supervision CAM Crystal Curcio (*CAM.0008956-SUPR*) 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 RESPONDENT did not contest the Division's factual allegations and violations of law in its Complaint filed August 2, 2024. The parties made statements regarding the RESPONDENT'S Proposed Resolution/Settlement in its Answer filed September 3, 2024.

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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. Since about August of 2018, the RESPONDENT'S Executive Board failed to have at least three members. *Exhibit A, CICC 000003, CICC 000008 – CICC 000009, CICC 000011 – CICC 000022, CICC 000023.*

2. Therefore, on or about February 23, 2024, the Division opened an investigation against the RESPONDENT'S Executive Board, with a request for a response and information by no later than March 28, 2024. *Exhibit A, CICC 000003 – CICC 000006.*

3. On or about June 27, 2024, the RESPONDENT'S community association manager ("CAM"), Rhiannon Marie Rogers (CAM.0010392-PROV), represented to the Division that she had been the CAM for approximately one month. *Exhibit B, CICC 000026, and Exhibit A CICC 000010, CICC 000011 – CICC 000022, and CICC 000005.*

4. The CAM also informed the Division that the last executive Board meeting was held on or about October 24, 2023. *Exhibit B, CICC 000026.*

5. The CAM also represented the last Annual Unit Owners Meeting was held on January 25th, 2022. *Exhibit B, CICC 000026.*

6. The CAM further represented the last election was held in January of 2022. *Exhibit B, CICC 000026.*

7. Therefore, on or about June 27, 2024, the Division closed its investigation and informed the RESPONDENT that it would be bringing this matter before the Commission. *Exhibit A, CICC 000023 – CICC 000024.*

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:

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

9. RESPONDENT violated NAC 116.405(8)(a), (b), and/or (c) for failing to hold frequent meetings necessary to address the affairs of the Association.

10. RESPONDENT violated NRS 116.3108(1) for failing to hold meetings of the units' owners since January 25, 2022.

11. RESPONDENT violated NRS 116.31083(1) for failing to hold the executive board meeting since approximately October 24, 2023.

12. RESPONDENT violated NRS 116.31083(7) as evidenced by the last executive board meeting was held on or about October 24, 2023.

13. RESPONDENT violated NAC 116.385 for failing to inform the Division with notices of changes to their CAM.

ORDER

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

1. RESPONDENT shall pay the costs of the investigation and the hearing in the amount of $1,815.45 which are actual, reasonable, and necessary within sixty (60) days of entry of Order;

2. 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

3. The Commission did not determine further information was needed and therefore, the Division will close its case without prejudice.

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

DATED this 24th day of September, 2024.

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

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CHAIRWOMAN

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