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. PYRENEES AT MOUNTAINS EDGE HOMEOWNERS ASSOCIATION, (Entity Number 0896092005-0) Respondent.	Case No. 2023-826

FILED

MAR 11 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") during a regular agenda set on a three-day stack beginning at 9:00 am on March 5, 2024 (the "Hearing."). Only Board Treasurer Dink O'Neal was present, but no unit owners of PYRENEES AT MOUNTAINS EDGE HOMEOWNERS ASSOCIATION ("RESPONDENT") appeared. RESPONDENT'S community association manager ("CAM"), Janet Herrera (CAM.0009066-SUPR) of Associa Sierra South, appeared. Counsel for the RESPONDENT, John E. Leach, Esq., appeared. 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 23, 2024, RESPONDENT requested a continuance, which the Commission Secretary denied. Thereafter, on February 29, 2024, RESPONDENT filed their Answer to the Division's Complaint filed January 31, 2024, and subsequently on March 1, 2024, submitted supporting

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documentation which was the draft meeting minutes from the Emergency Meeting held on February 29, 2024. Mrs. Keegan informed the Commission that based on the RESPONDENT'S Answer filed February 29, 2024, RESPONDENT'S admitted to the Division's factual allegations and violations of law.

Attorney Leach informed the Commission that the Board had just come into compliance with NRS 116.31034.

Therefore, the Commission, having considered the evidence introduced by the parties 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, to find the following factual allegations were proven:

1. RESPONDENT'S Form 562 Annual Association Registration dated March 15, 2023, represented only one board member. *CICCH 002.*

2. On or about April 19, 2023, at the Board of Directors Meeting, the RESPONDENT appointed a second board member. *CICCH 008.*

3. Therefore, on or about September 29, 2023, the Division opened an investigation against the RESPONDENT'S Executive Board. *CICCH 006 – CICCH 007.*

4. On or about October 11, 2023, the RESPONDENT'S community manager, Janet A. Herrera (CAM.0009066-SUPR), admitted the third seat remained vacant. *CICCH 012.*

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CONCLUSIONS OF LAW

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

5. RESPONDENT violated NRS 116.31034 for 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 shall pay to the Division a total amount of $1,663.07 for the Division's and the hearing's costs, and attorney's fees, within sixty (60) days of this Order;

2. The total amount due reflects no administrative fine amounts for committing the above-stated (1) violation of law;

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, 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, 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;

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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 11th day of March, 2023.

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: 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