BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. RIO VISTA HOMEOWNERS ASSOCIATION, (ENTITY NO. E0245962006-9) Respondent.	Case No. 2024-638 FILED DEC 10 2024 NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS Mfalls

STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION

This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into by and between the State of Nevada, Department of Business and Industry, Real Estate Division ("Division"), through its Administrator Sharath Chandra ("Petitioner"), by and through their attorney of record, Phil W. Su, and RESPONDENT Rio Vista Homeowners Association ("RESPONDENT" or "RESPONDENT ASSOCIATION").

JURISDICTION AND NOTICE

During all relevant times, RESPONDENT is a common-interest community located in Las Vegas, Nevada (Entity Number E0245962006-9) 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.

///

///

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

1. RESPONDENT is a common-interest community located in Las Vegas, Nevada (Entity Number E0245962006-9) with 298 units. CIC0001-0002.

2. At all times relevant to the Complaint, RESPONDENT'S management company was CAMCO, and its assigned community manager was Autumn Pacheco. CIC0001-0002.

3. On April 9,2024, the Division discovered, based on the RESPONDENT ASSOCIATION'S submission of its annual association registration form, that RESPONDENT ASSOCIATION did not have at least three board members registered as required by its own governing documents, with a vacancy in its President position for the executive board. CIC0002.

4. On or about July 10, 2024, the Division's Investigator, James Johnston, issued a letter opening investigation to RESPONDENT ASSOCIATION'S community manager, Autumn Pacheco, via Certified Mail, with cc: to the RESPONDENT ASSOCIATION'S two current board members, Patricia Domingo and H. Shane Burgos, to inquire regarding the Association's failure to have at least three board members per statute. CIC0003-0004.

5. 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.

6. On or about July 18, 2024, Investigator Johnston issued a second request for information letter to RESPONDENT ASSOCIATION reiterating his request for documents and a response. CIC0005-0007.

7. RESPONDENT ASSOCIATION, through community manager Pacheco, spoke with Investigator Johnston by phone on or about July 22, 2024, and confirmed that she has yet to schedule elections for RESPONDENT ASSOCIATION.

8. On July 26, 2024, the Division sent RESPONDENT ASSOCIATION, by mailing to community manager Pacheco, with cc: to Board Members Domingo and Burgos, 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. CIC0008-0009.

VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT

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

PROPOSED SETTLEMENT AGREEMENT

In an effort to avoid the time and expense of litigating these issues before the Commission, the RESPONDENT ASSOCIATION does not admit, but also agrees to waive its right to contest, the above factual allegations and violations as alleged in the Complaint filed in Case 2024-638. The parties desire to compromise and settle the instant controversy upon the following terms and conditions:

1. The RESPONDENT agrees to pay the Division a total amount of ONE THOUSAND TWO HUNDRED DOLLARS and 81/100 cents ($1,205.81) ("Amount Due"), consisting of zero administrative fine imposed by the Division, the Division's pre-hearing costs and fees in the amount of $499.13, and pre-hearing attorney's fees in the amount of $706.68.

   a. The Amount Due shall be payable to the Division in full within sixty (60) days of the date of the order approving this settlement.

   b. No grace period is permitted. If the payment is not actually received by the Division on or before its due date, it shall be construed as an event of default by the RESPONDENT.

2. RESPONDENT and the Division agree that by entering into this Stipulation, the Division does not concede any defense or mitigation that the RESPONDENT may

assert and that once this Stipulation is approved and fully performed, the Division will close its file in this matter.

3. RESPONDENT agrees and understand that by entering into this Stipulation, RESPONDENT is waiving their right to a hearing at which they may present evidence in their defense, their right to a written decision on the merits of the complaint, their rights to reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which may be accorded by the Nevada Administrative Procedure Act, the Nevada Common-Interest Communities and Condominium Hotels statutes and accompanying regulations, and the federal and state Constitutions. The RESPONDENT understands that this Agreement and other documentation may be subject to public records laws. The Commission members who review this matter for approval of this Stipulation may be the same members who ultimately hear, consider, and decide the Complaint if this Stipulation is either not approved by the Commission or is not timely performed by the RESPONDENT. The RESPONDENT fully understands that they have the right to be represented by legal counsel in this matter at their own expense.

4. Each party shall bear their own attorney's fees and costs, ***except*** as the Division's Attorney's pre-hearing costs provided above.

5. Approval of Stipulation. Once executed, this Stipulation will be filed with the Commission and will be placed on the agenda for approval at its next public meeting. The Division will recommend to the Commission approval of the Stipulation. SETTLING RESPONDENTS agree that the Commission may approve, reject, or suggest amendments to this Stipulation that must be accepted or rejected by SETTLING RESPONDENTS before any amendment is effective.

6. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests amendments unacceptable to the RESPONDENT, the RESPONDENT may withdraw from this Stipulation, and the Division may pursue its Complaint before the

Commission. This Stipulation then shall become null and void and unenforceable in any manner against either party.

7. Release. In consideration of the execution of this Stipulation, Association and RESPONDENT for itself/themselves, its/their heirs, executors, administrators, successors, and assigns, hereby releases, remises, and forever discharges the State of Nevada, the Department of Business and Industry, and the Division, and each of their respective members, agents, employees, and counsel in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that RESPONDENT ever had, now has, may have, or claim to have against any or all of the persons or entities named in this section, arising out of or by reason of the Division's investigation of this action, this disciplinary action, and all matters related thereto.

8. Indemnification. RESPONDENT hereby agrees to indemnify and hold harmless the State of Nevada, the Department of Business and Industry, Petitioner, the Division, and each of their respective members, agents, employees, and counsel, in their individual and representative capacities, against any and all claims, suits, and actions brought against said persons and/or entities by reason of the Division's investigation, this disciplinary action, and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this section as a result of said claims, suits, and actions.

9. Default. In the event of default, the RESPONDENT agrees that the RESPONDENT registration status with the Division shall be immediately suspended, and 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. Debt collection actions for unpaid monetary assessments in this case may be instituted by the Division or its assignee. RESPONDENT

agrees that the foregoing suspension of the RESPONDENT'S registration status shall continue until the unpaid monetary assessments are paid in full.

10. RESPONDENT'S executive board members have signed and dated this Stipulation only after reading and understanding all terms herein.

DATED: November 27, 2024

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

DATED: November 28, 2024

RIO VISTA HOMEOWNERS ASSOCIATION

By: _____
TYSON SPARROW
President

DATED: November 28, 2024

RIO VISTA HOMEOWNERS ASSOCIATION

By: _____
ANDREW BONE
Treasurer

DATED: November 28, 2024

RIO VISTA HOMEOWNERS ASSOCIATION

By: _____
LARA BERESTEANU
Secretary

APPROVED AS TO FORM:

AARON D. FORD
Attorney General

By: /s/ Phil W. Su
PHIL W. SU (Bar No. 10450)
Senior Deputy Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, Nevada 89119
(702) 486-3655
Attorneys for Real Estate Division

BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. RIO VISTA HOMEOWNERS ASSOCIATION, (ENTITY NO. E0245962006-9) Respondent.	Case No. 2024-638

ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION

IT IS ORDERED that the foregoing Stipulation and Order for Settlement of Disciplinary Action in Case No. 2024-638 is approved in full.

DATED: ~~November~~ December 10, 2024

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: */s/ Phil W. Su*
PHIL W. SU (Bar No. 10450)
Senior Deputy Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, Nevada 89119
(702) 486-3655
Attorneys for Real Estate Division