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. ST. JAMES'S VILLAGE, Respondent.	Case No. 2023-591

FILED

JUN 20 2024

NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

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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, Christal Park Keegan, and ST. JAMES'S VILLAGE, (the "RESPONDENT"), by and through their attorney of record, Douglas R. Brown.

JURISDICTION AND NOTICE

During all relevant times, RESPONDENT is a common-interest community located in the City of Reno, County of Washoe, Nevada 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. At all times relevant to this Complaint, RESPONDENT has been a homeowners' association for about thirty years. *CICC0087.*

2. During RESPONDENT'S tenure, the Declarant remained in control of the association and the Board. *CICC0008.*

3. RESPONDENT'S Second Amended and Restated Declaration of Codes, Covenants & Restrictions ("CC&Rs") restricted the time period of Declarant's control of the Association in accordance with annexation requirements. *CICC0049.*

4. In 2009, Declarant last exercised the right to annex lots and/or units. *CICC0084 – CICC0085.*

5. At all times relevant to the Complaint, Declarant has refused to relinquish control beyond the expiration of such time period. *CICC0008.*

VIOLATION OF LAW ALLEGED IN THE COMPLAINT

6. RESPONDENT violated NRS 116.31032(1)(e) by failing to surrender its declarant control since it has been over five years after its right to add new units was last exercised.

7. RESPONDENT violated NRS 116.1104 by evading the limitations of this prevailing chapter pursuant to NRS 116.11085 or the declaration.

PROPOSED SETTLEMENT AGREEMENT

In an effort to avoid the time and expense of litigating these issues before the Commission, the RESPONDENT does not contest the violations alleged, and the parties desire to compromise and settle the Division's findings of violation of law in Case No. 2023-591 upon the following terms and conditions:

1. RESPONDENT agrees to tender control of the Association to the homeowners pursuant to NRS 116.31038 through NRS 116.3104 by no later than June 1, 2024.

2. RESPONDENT further agrees to not take any actions to the detriment of the homeowners during the turnover process.

3. RESPONDENT shall pay to the Division a total amount of $3,615.80. This total amount reflects no administrative fine for the above-stated violations of law, but $3,615.80 for the Division's costs and attorney's fees, which are actual, reasonable and necessary, to be paid within thirty (30) days of entry of order.

4. RESPONDENT and the Division agree that by entering into this Stipulation, the Division does not concede any defense or mitigation, the RESPONDENT may assert and that once this Stipulation is approved and fully performed, the Division will close its file in this matter.

5. RESPONDENT agrees and understands that by entering into this Stipulation RESPONDENT is waiving its right to a hearing at which it may present evidence in its defense, its right to a written decision on the merits of the complaint, its 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 you have the right to be represented by legal counsel in this matter at your own expense.

6. The parties hereby stipulate to the Division's exhibits, Bates Nos. *CICC0001–CICC0130.*

7. Each party shall bear their own attorney's fees and costs.

8. 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. RESPONDENT agrees that the Commission may approve, reject, or suggest amendments to this Stipulation that must be accepted or rejected by RESPONDENT before any amendment is effective.

9. Withdrawal of Stipulation. If the Commission rejects this Stipulation or suggests amendments unacceptable to the RESPONDENT, 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.

10. 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.

11. 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.

12. Default. In the event of default, RESPONDENT agrees that the RESPONDENT'S Association license 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 its Association license shall continue until the unpaid monetary assessments are paid in full.

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

DATED: March 15, 2024

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

DATED: ~~February~~ March 13, 2024

ST. JAMES'S VILLAGE

By: _____
GHASSAN AL DAHLAWI
President

DATED: March 13, 2024 ST. JAMES'S VILLAGE

By: Frederick D. Woodside
FRED WOODSIDE (Developer)
Board President

DATED: _____, 2024 ST. JAMES'S VILLAGE

By: _____
ELIZABETH ELLIS (Developer)
Secretary

DATED: _____, 2024 ST. JAMES'S VILLAGE

By: _____
JOEL BLAKESLEE (Developer)
Director

Approved as to form:

AARON D. FORD
Attorney General

By: ckeegan
CHRISTAL P. KEEGAN
Deputy Attorney General
Nevada Bar No. 12725
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ckeegan@ag.nv.gov
Attorney for Real Estate Division

Approved as to form:

Lemons, Grundy & Eisenberg

By: _____
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Attorney for Association

Approved as to form:

Van Duyne Law Group

By: _____
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sheila@vanduynelawgroup.com
Attorney for HOA

DATED: _____, 2024

ST. JAMES'S VILLAGE

By: _____
FRED WOODSIDE (Developer)
Board President

DATED: February 28, 2024

ST. JAMES'S VILLAGE

By: Elizabeth Ellis
ELIZABETH ELLIS (Developer)
Secretary

DATED: _____, 2024

ST. JAMES'S VILLAGE

By: _____
JOEL BLAKESLEE (Developer)
Director

Approved as to form:

AARON D. FORD
Attorney General

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Attorney for HOA

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DATED: _____ ____, 2024 ST. JAMES'S VILLAGE

By: _____
FRED WOODSIDE (Developer)
Board President

DATED: _____ ____, 2024 ST. JAMES'S VILLAGE

By: _____
ELIZABETH ELLIS (Developer)
Secretary

DATED: _____ ____, 2024 ST. JAMES'S VILLAGE

By: Joel R Blakeslee LLC 03/01/24 10:56 AM
JOEL BLAKESLEE (Developer)
Joel R Blakeslee LLC
Director

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Attorney for HOA

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By: _____
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Board President

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By: _____
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Secretary

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By: _____
JOEL BLAKESLEE (Developer)
Director

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Attorney for HOA

DATED: _____ _____, 2024 ST. JAMES'S VILLAGE

By: _____
FRED WOODSIDE (Developer)
Board President

DATED: _____ _____, 2024 ST. JAMES'S VILLAGE

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ELIZABETH ELLIS (Developer)
Secretary

DATED: _____ _____, 2024 ST. JAMES'S VILLAGE

By: _____
JOEL BLAKESLEE (Developer)
Director

Approved as to form:

AARON D. FORD
Attorney General

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Attorney for HOA

DATED: FEB. 28, 2024

ST. JAMES'S VILLAGE

Acknowledged By: _____
RICH FRENCH
Treasurer

DATED: _____, 2024

ST. JAMES'S VILLAGE

Acknowledged By: _____
JEFFREY JANAKUS
Director

DATED: _____ ____, 2024

ST. JAMES'S VILLAGE

Acknowledged By: _____
RICH FRENCH
Treasurer

DATED: FEBRUARY 28, 2024

ST. JAMES'S VILLAGE

Acknowledged By: _____
JEFFREY JANAKUS
Director

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ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION

IT IS ORDERED that the foregoing Stipulation and Order for Settlement of Disciplinary Action is approved in full.

DATED: June 20th, 2024.

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

By: Phyllis Tomasso
Phyllis Tomasso, Chairwoman

Submitted by:

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Attorney General

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