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. SANTA ROSA HOMEOWNERS ASSOCIATION, (Entity Number C12583-2002) Respondent.	Case No. 2023-791 FILED MAR 07 2024 NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS mgallo

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 SANTA ROSA HOMEOWNERS ASSOCIATION, (the "RESPONDENT").

JURISDICTION AND NOTICE

During all relevant times, RESPONDENT is a common-interest community located in North Las Vegas, Nevada (Entity Number C12583-2002) 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 the Complaint, the RESPONDENT'S executive board failed to have a third member. *CICC 009.*

2. Therefore, on or about September 22, 2023, the Division opened an investigation against the RESPONDENT'S Executive Board. *CICC 002.*

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3. On or about September 26, 2023, the RESPONDENT'S community manager, Amanda Flores (CAM.0008698-SUPR), informed the Division that the Association had a meeting pending for October. *CICC 012.*

4. On or about October 18, 2023, as a courtesy, the Division provided the RESPONDENT with an extension of time to November 1, 2023 in order for the meeting to occur and acquire a third board member. *CICC 010.*

5. On November 1, 2023, the RESPONDENT failed to provide proof to the Division that it had elected a minimum of three board members. *CICC 014–CICC 015.*

6. Therefore, on or about November 2, 2023, the Division closed its investigation and informed the RESPONDENT that it would be bringing this matter before the Commission. *CICC 014–CICC 015.*

7. Thereafter, the RESPONDENT submitted its Form 623 Registration Filing Addendum dated November 27, 2023 to the Division. *CICC 020–CICC 021.*

8. The Form 623 indicated a term start date of October 27, 2023 for the third board member which was not timely communicated to the Division. *CICC 020–CICC 021.*

VIOLATION OF LAW ALLEGED IN THE COMPLAINT

1. RESPONDENT violated NRS 116.31034 for 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 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. 2023-791 upon the following terms and conditions:

1. Presentation of this Stipulation for Settlement Agreement to the Commission is subject to the RESPONDENT demonstrating proof to the Division of compliance with the three board member requirement.

2. RESPONDENT shall pay to the Division a total amount of $896.91. This total amount reflects no administrative fine amounts for committing the above-stated violation of law, but $896.91 for

the Division's costs and attorney's fees, which are actual, reasonable and necessary, to be paid within 30 days of entry of order.

3. 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.

4. 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.

5. The parties hereby stipulate to the Division's exhibits, Bates Nos. *CICC 001–CICC 038.*

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

7. 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.

8. 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.

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9. 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.

10. 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.

11. 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 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.

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

DATED: February 20, 2024

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

DATED: February 16/02, 2024

SANTA ROSA HOMEOWNERS ASSOCIATION

By: Gary Maroney
GARY MARONEY
President

DATED: February 15/02, 2024

SANTA ROSA HOMEOWNERS ASSOCIATION

By: Paul Wilson
PAUL WILSON
Treasurer

DATED: February 08/02, 2024

SANTA ROSA HOMEOWNERS ASSOCIATION

By: Ken jimison
KEN JIMISON
Secretary

Approved as to form:

AARON D. FORD
Attorney General

By: epkeegan
CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
5420 Kietzke Lane, #202
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Attorney 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 AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. SANTA ROSA HOMEOWNERS ASSOCIATION, (Entity Number C12583-2002) Respondent.	Case No. 2023-791

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: March 07, 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: epkeegan
CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
5420 Kietzke Lane, #202
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ckeegan@ag.nv.gov

Attorney for Real Estate Division

Signature: Gary Maroney
Gary Maroney (Feb 16, 2024 12:49 PST)

Email: garymaroney05@gmail.com

Signature: Paul Wilson
Paul Wilson (Feb 15, 2024 00:13 PST)

Email: wpwilson@live.com

Signature:
Ken Jimison (Feb 8, 2024 06:28 PST)

Email: wooohooo222@gmail.com

StipandOrderSettlement_SantaRosa_2023-791_v1

Final Audit Report 2024-02-16

Created:	2024-02-07
By:	Amanda Flores (aflores@nevcm.com)
Status:	Signed
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Signer Paul Wilson (wpwilson@live.com) entered name at signing as Paul Wilson
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Agreement completed.
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