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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. VIA VALENCIA / VIA VENTURA HOMEOWNERS ASSOCIATION, (Entity Number E0493382005-8) Respondent.	Case No. 2024-624

FILED
SEP 13 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 Via Valencia / Via Ventura Homeowners Association (the "RESPONDENT").

JURISDICTION AND NOTICE

During all relevant times, RESPONDENT is a common-interest community comprised of approximately 330 units located in Las Vegas, Nevada (Entity Number E0493382005-8) 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 and Condominium Hotels pursuant to the provisions of NRS 116.750.

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

1. At all times relevant, the RESPONDENT'S executive board failed to have a third member. *Exhibit A, CICC 000002 – CICC 000013.*

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2. The RESPONDENT'S Annual Association Registration Form 532 dated April 22, 2023, only indicated two board members, President Michael Brewer and Treasurer Adolph Tsang. *Exhibit A, CICC 000011.*

3. Therefore, on or about July 9, 2024, the Division opened an investigation against the RESPONDENT'S Executive Board, requesting a response. *Exhibit A, CICC 000006 – CICC 000007.*

4. On July 15, 2024, Board Treasurer Tsang, responded to the Division with only its 2023 election documentation and nomination forms. *Exhibit B, CICC 000015.*

5. On or about July 17, 2024, the Division sent the RESPONDENT its second request for a response. *Exhibit A, CICC 000003 – CICC 000005.*

6. On July 19, 2024, RESPONDENT'S community association manager ("CAM"), Felicia Norris (CAM.0009126), responded to the Division that it was supplying the election documentation, to include nomination forms for "2023/ 2024", and an updated Form 623. *Exhibit B, CICC 000016.*

7. But the documents supplied by the CAM did not include any nomination forms for 2024. *Exhibit B, CICC 000017 – CICC 000026.*

8. The "updated" Registration Filing Addendum Form 623 dated July 19, 2024, reported only two current board members. *Exhibit B, CICC 000026.*

9. Therefore, on or about July 22, 2024, the Division closed its investigation and informed the RESPONDENT that it would be bringing this matter before the Commission. *Exhibit A, CICC 000008 – CICC 000009.*

VIOLATION OF LAW ALLEGED IN THE COMPLAINT

10. 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. 2024-624 upon the following terms and conditions:

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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 $1,058.16 ("Amount Due"). This total amount reflects no administrative fine amounts for committing the above-stated violation of law, but $430.00 for the Division's costs and $628.16 for its 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 000001 – CICC 000026.*

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

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.

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

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the foregoing suspension of its Association license shall continue until the unpaid monetary assessments are paid in full.

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

DATED: September 4, 2024

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

DATED: August 8/26/2024, 2024

VIA VALENCIA / VIA VENTURA HOMEOWNERS ASSOCIATION

By: _____
MICHAEL BREWER
President

DATED: August 8/29/2024, 2024

VIA VALENCIA / VIA VENTURA HOMEOWNERS ASSOCIATION

By: _____
ADOLPH TSANG
Treasurer

DATED: August 8/26/2024, 2024

VIA VALENCIA / VIA VENTURA HOMEOWNERS ASSOCIATION

By: _____
STEPHANIE BREWER
Secretary

Approved as to form:

AARON D. FORD
Attorney General

By: _____
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

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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: September 13, 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: ckeegan
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