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. VIA OLIVERO SPRINGS HOMEOWNERS ASSOCIATION (Entity No. C20365-1998); Respondent.	Case No. 2024-986 FILED DEC 15 2025 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, Phil W. Su, and RESPONDENT VIA OLIVERO SPRINGS HOMEOWNERS ASSOCIATION ("Respondent") and by and through its attorney of record, Kathryn Holbert of Nevada Real Estate Law, LLC.

JURISDICTION AND NOTICE

At all times relevant to this Complaint, RESPONDENT VIA OLIVERO SPRINGS HOMEOWNERS ASSOCIATION, Entity Number C20365-1998, has been a common-interest community located in Las Vegas, 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 and Condominium Hotels pursuant to the provisions of NRS 116.750.

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FACTUAL ALLEGATIONS AS ALLEGED IN THE COMPLAINT

1. RESPONDENT ASSOCIATION, Entity Number C20365-1998, consists of nine (9) single family home units, or lots designated for such units, in a common interest community located in Las Vegas, Nevada. **CICCH0001-0004, Exhibit A.**

2. RESPONDENT ASSOCIATION first registered as a common interest community with the Division in June 2024 but has operated as an unregistered common-interest community since 1998. **CICCH0004, Exhibit A.**

3. On October 21, 2024, the Division's Office of the Ombudsman received an Intervention Affidavit filed by Complainant and unit owner Donna A. Ruthe, alleging that RESPONDENT ASSOCIATION, through its executive board, had committed 13 violations of NRS 116. **CICCH0005-0288, Exhibit B, and specifically, CICCH0009; CICCH0061; CICCH0113-0114; CICCH0167-0170; CICCH0179-0184; CICCH00236.**

4. Attached to the Intervention Affidavits was a "Letter of Representation" signed by Complainant Ruthe, authorizing Deanna Konrad, a licensed supervising community association manager, to represent her "in all matters related to the Via Olivero Springs Homeowners Association." **CICCH0006, Exhibit B.**

5. Attached to Complainant's Intervention Affidavit were copies of the following:

a. June 20, 2024, email "Invite to Via Olivero Springs HOA" from Board Member James Kinard to Deanna Konrad. **CICCH0011, Exhibit B;**

b. "Via Olivero Springs HOA Community Review and Recommendations" dated April 30, 2024, and drafted by Deanna Konrad. **CICCH0012-0026 and CICCH0027-0166, Exhibit B;**

c. Undated letter from Board Member Shiaw-Der "Steve" Su resigning from Board effective July 6, 2024; **CICCH0172, Exhibit B,**

d. April 18, 2024, emails "Via Olivero Springs HOA- Donna A. Ruthe Survivors Trust" between Board Member James Kinard and Deanna Konrad. **CICCH0173-0176, Exhibit B; and**

c. July 12, 2024, email "Via Olivero Springs Official Records Request July 12, 2024" from Deanna Konrad to Board Members. **CICCH0177-0178, Exhibit B.**

6. The following day, October 22, 2024, before the Division had issued any letter to request response or documentation from Respondent Association, the Division received the Association's Response to the Intervention Affidavit. **CICCH0290, Exhibit C; and CICCH0291-0367, Exhibit D, specifically, CICCH0310-0367.**

7. Attached to the Association's Response were copies of the following:

a. 2025 Draft Operating Fund Budget. **CICCH0317-0318. Exhibit D;**

b. Form 602 Declarations of Certification for board members Seaquett Williams, James Kinard, and Steve Su. **CICCH0320-0322. Exhibit D;**

c. Quotation for monitoring/cameras from TMG Systems. **CICCH032. Exhibit D;**

d. Email chain from June 28, 2024, to July 5, 2024, regarding board member Su's rescinding of his resignation. **CICCH0325-0327. Exhibit D;**

e. Minutes from July 29, 2024, executive board meeting; **CICCH0328-0329. Exhibit D;**

f. Meeting notification examples; **CICCH0330-0331. Exhibit D;**

g. Certificates of Insurance for Association effective Feb. 1, 2024; **CICCH0332-0333. Exhibit D;**

h. Email communications with accountant Alan Wegner to perform bookkeeping for Association. **CICCH0335-0336. Exhibit D;**

i. 2023 and 2024 Financial Statements. **CICCH0337. Exhibit D;**

j. Email communications with Complex Solutions Ltd. regarding performance of reserve study. **CICCH0338-0339. Exhibit D;**

k. 2024 Operating Fund Budget and 2025 Draft Operating Fund Budget. **CICCH0339-0342. Exhibit D;**

l. April 4-5, 2024, email exchange between Complainant and former board president Lefty Battulayan. **CICCH0343-0346. Exhibit D; and**

m. August 2, 2024, letter from the board of directors to Deanna Konrad in response to Konrad's July 12, 2024, email to the board. **CICCH0348-0366. Exhibit D.**

8. On or about October 24, 2024, the Case was referred from the Ombudsman's office to the Division's compliance section. **CICCH0290, Exhibit C.**

9. On January 13, 2025, Chief Compliance Officer Terry Wheaton sent a Compliance Demand Letter to the Association, indicating that the Division's investigation found potential violations of NRS 116 to have occurred and requesting the Association provide documentation of the following corrective actions by May 16, 2025:

a. Proof of compliance with HOA election and documentation requirements;

b. Proof of insurance documentation to be provided to Complainant;

c. Association plans for camera system, including proof of vote held;

d. Proof of compliance with HOA meeting requirements, including NRS 116.3108 and 116.31085;

e. Proof of compliance with executive board meeting requirements, including NRS 116.31083;

f. Proof of training by current board members regarding NRS 116.31175 (Association Records);

g. Proof of compliance with reserve funding and reserve study requirements, including proof of deposits into Reserve Account;

h. Proof that checks submitted for disbursement are dual-signed as required under NRS 116.31153, and that the payee not be a signer on their own reimbursement check; and

i. Plans to ensure certification of current and future board members pursuant to NRS 116.31034(19).

CICCH0369-0377, Exhibit E; specifically CICCH0376-0377.

10. Chief Wheaton further recommended that the board strongly consider temporarily retaining a lawyer, CPA and/or Community Association Manager to assist in ensuring the Association's full compliance. **CICCH0377. Exhibit E.**

11. On May 8, 2025, the board sent the Division the Association's formal response to the Compliance Demand Letter. **CICCH0381-0389. Exhibit F.**

12. Attached to the Board's narrative response dated May 6, 2025, were copies of the following:

a. Emails to unit owners regarding NRED's board member training offerings, 2025 officer election ballot and election information, and 2025 Draft Operating Fund Budget. **CICCH0392-0399, Exhibit F;**

b. Association's Certificate of Insurance (noting copy of same was forwarded to Deanna Konrad on February 25, 2025). **CICCH0400, Exhibit F;**

c. Documentation/minutes for Association Meetings and Executive Board meetings. **CICCH0401-0422, Exhibit F;**

d. Copy of the Full Reserve Study, adopted on April 8, 2025. **CICCH0416-0419; 0445-0483, Exhibit F;**

e. Form 602 Declarations of Certification for board members Seaquett Williams, James Kinard. and Steve Su. **CICCH0442-0444. Exhibit F:**

f. Reserve Budget for FY 2025 and proof of deposited funds to Reserve Account. **CICCH0425; 0433; 0484, Exhibit F;**

g. Proof of dual-signed checks; . **CICCH0485-0490, Exhibit F; and**

h. Proof of Association's adoption of new bylaws. **CICCH0434-0439, Exhibit F.**

13. On May 30, 2025, the Division sent, via Certified Mail, an NRS 233B letter notifying the RESPONDENT that it would pursue disciplinary action in a hearing before the Commission for potential violations of various sections of NRS 116. **CICCH0492-0493, Exhibit G.**

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VIOLATIONS OF LAW AS ALLEGED IN THE COMPLAINT

1. RESPONDENT violated NRS 116.31034(19) by failing to have each member of the board certify, in writing, (typically through a Form 602) within 90 days after their appointment or election, that they have read and understand the governing documents of the association and the provisions of NRS 116.

2. RESPONDENT violated NRS 116.31152 by failing, until at least October 2024, to engage a qualified professional to conduct a reserve study.

3. RESPONDENT violated NRS 116.3115(2)(b) by failing, until at least April 2025, to establish an adequate reserve fund for the repair, replacement and restoration of the common elements of the association.

4. RESPONDENT violated NRS 116.3102 pursuant to NRS 116.31152 by allowing a single board member to sign off on association checks without the required countersignature.

PROPOSED SETTLEMENT AGREEMENT

In an effort to avoid the time and expense of litigating these issues before the Commission, the RESPONDENT does not admit, but also agrees to waive its right to contest, the above factual allegations and violations of law, as alleged in the Complaint. 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 Seven Hundred Ninety Dollars and zero cents ($790.00) ("Amount Due"), consisting of zero administrative fines imposed by the Division, and only of the Division's pre-hearing costs in the amount of $790.00.

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

2. RESPONDENT agrees to retain a certified community association manager to assist it in complying with the requirements of NRS 116 and NAC 116, including, but

not limited to, completing Form 602 registrations for all board members; engaging qualified professionals, including reserve study specialists, to ensure adequate reserve funding; ensuring association checks are properly signed by the requisite number of qualified individuals/board members; and to ensure compliance with all statutory obligations, including creation and retention of necessary financial records pursuant to NRS 116.31175, et seq.

3. RESPONDENT agrees that it will require all board members who are in office as of the conclusion of the association's next board member election, to be held in January 2026, will complete six (6) hours of "CICCH/HOA Board Member and Unit Owner Training" in the relevant subject matter areas of budget and reserve study, board meeting, financial management, and/or record keeping and reporting. Training is to be completed within twelve (12) months from the date of the order approving this Stipulation, with proof of completion supplied to the Division.

4. RESPONDENT and the Division agree that by entering into this Stipulation, the Division does not concede any defense or mitigation that the RESPONDENT may have otherwise asserted 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 he might otherwise present evidence in his 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 he has the right to be represented by legal counsel in this matter at its own expense.

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

9. Release. In consideration of the execution of this Stipulation, Association and RESPONDENT for itself, its 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 of any of the above terms by RESPONDENT, the RESPONDENT agrees that the Division may, at its option, rescind this Stipulation and Order and proceed with prosecuting this Complaint before the Commission, and that, upon Default, any 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.

12. RESPONDENT, by and through the undersigned, has signed and dated this Stipulation and Order only after reading and understanding all terms herein.

DATED: December 7, 2025

By: _____
Board Member- President

DATED: December 7, 2025

By: _____
Board Member- Secretary

DATED: December 8, 2025

NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION

By: _____
SHARATH CHANDRA
Administrator

DATED: December 8, 2025

By: _____
Board Member- Treasuruer

APPROVED AS TO FORM:

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STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. VIA OLIVERO SPRINGS HOMEOWNERS ASSOCIATION (Entity No. C20365-1998); Respondent.	Case No. 2024-986

ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION

IT IS ORDERED that the foregoing Stipulation and Order for Settlement of Disciplinary Action for RESPONDENT VIA OLIVERO SPRINGS HOMEOWNERS ASSOCIATION, in Case No. 2024-986, is approved in full.

DATED: December 15th, 2025

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

By: _____
Phyllis Tomasso, Chairperson

Submitted by:

AARON D. FORD
Attorney General

By: */s/ Phil W. Su*
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