

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.

Sierra Ranchos Property Owners
Association, Sabrina Brin, Tony Boggs, and
Greg Mayer,

Respondents.

Case No. 2018-1663

FILED

SEP 26 2019

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



STIPULATION AND ORDER

FOR PARTIAL SETTLEMENT OF DISCIPLINARY ACTION

Petitioner, Real Estate Division, Department of Business & Industry, State of Nevada (the "Division") through its Administrator, Sharath Chandra, and RESPONDENT SIERRA RANCHOS PROPERTY OWNERS ASSOCIATION enter into this STIPULATION AND ORDER FOR PARTIAL SETTLEMENT OF DISCIPLINARY ACTION ("Stipulation and Order") as follows.

JURISDICTION AND NOTICE

1. During the relevant times mentioned in this complaint, RESPONDENTS SABRINA BRIN, TONY BOGGS, AND GREG MAYER served as board members and/or officers of SIERRA RANCHOS PROPERTY OWNERS ASSOCIATION (the "Association"), a common-interest community located in Reno, Nevada.

2. RESPONDENTS are 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.

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4. The Association has an annual budget of \$50,880.
5. The Association submitted checks to the Division with signatures from a prior board member, Roger Seifert, and the Association's bookkeeper, Joy Marvin.

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7. Joy Marvin signed over 160 Association checks from June 2016 to June 2018 and was paid \$425 a month.

9. The Association's attorney responded to the Division saying:

The Association is self-managed and was unaware of the limitations and requirements regarding the signing of checks.

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11. The Association transferred all of its reserve funds totaling \$15,000 to its operating account in October and November 2017.

13. In 2019, the Association put \$10,672.15 in its reserve account.

1 those services.

2 15. Mr. Lingle was paid over \$90,000 in two years from June 2016 to June 2018.

3 16. The Association's financial statements do not comply with NAC 116.451.

4 **VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT**

5 17. RESPONDENTS violated NRS 116.31153(2) by allowing a former board
6 member and the Association's bookkeeper to sign over 160 Association checks.

7 18. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(3)) by
8 failing to act in good faith and in the best interests of the Association when they
9 committed multiple acts or omissions which amount to incompetence, negligence or gross
10 negligence by failing to comply with Nevada law.

11 19. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(a)) by
12 failing to act in good faith and in the best interests of the Association when they failed to
13 keep informed of laws, regulations and developments relating to common-interest
14 communities.

15 20. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(d)) by
16 failing to act in good faith and in the best interests of the Association when they failed to
17 obtain bids from reputable service providers who possess the proper licensing before
18 purchasing any service for use by the Association.

19 21. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(e)) by
20 failing to act in good faith and in the best interests of the Association when they failed to
21 consult with appropriate professionals as necessary before making any major decision
22 affecting the Association or the common elements.

23 22. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(g)) by
24 failing to act in good faith and in the best interests of the Association by failing to
25 maintain current, accurate and properly documented financial records.

26 23. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(j)) by
27 failing to act in good faith and in the best interests of the Association by failing to prepare
28 interim and annual financial statements that will allow the Division, the executive board,

1 the units' owners to determine whether the financial position of the association is fairly
2 presented in accordance with the provisions of NAC 116.451.

3 DISCIPLINE AUTHORIZED

4 Pursuant to the provisions of NRS 116.615; NRS 116.755; NRS 116.785; and NRS
5 116.790 the Commission has discretion to take any or all of the following actions:

6 1. Issue an order directing RESPONDENT to cease and desist from continuing
7 to engage in the unlawful conduct that resulted in the violation.

8 2. Issue an order directing RESPONDENT to take affirmative action to correct
9 any conditions resulting from the violation.

10 3. Impose an administrative fine of up to \$1,000 for each violation by
11 RESPONDENT.

12 4. IF RESPONDENTS ARE FOUND TO HAVE KNOWINGLY AND
13 WILLFULLY COMMITTED A VIOLATION of NRS or NAC 116 AND it is in the best
14 interest of the Association, such RESPONDENTS may be removed from his/her position
15 as a director and/or officer.

16 5. Order an audit of the ASSOCIATION, at the expense of the ASSOCIATION.

17 6. Require the BOARD MEMBERS to hire a community manager who holds a
18 certificate.

19 7. Require RESPONDENTS to pay the costs of the proceedings incurred by the
20 Division, including, without limitation, the cost of the investigation and reasonable
21 attorney's fees.

22 8. Take whatever further disciplinary action as the Commission deems
23 appropriate.

24 The Commission may order one or any combination of the discipline described
25 above. If the Commission finds that the RESPONDENTS knowingly and willfully
26 violated the provisions of NRS or NAC 116, the Commission may order that
27 RESPONDENTS be personally liable for all fines and costs imposed.
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