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Attorneys for Respondent Audra Collins

FILED

JUN 09 2015

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

AUDRA COLLINS,

Respondent,

v.

JOSEPH (J.D.) DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA

Petitioner.

CASE NO.: 2014-4473
Willow Trace HOA

RESPONSE TO COMPLAINT AND
DISCIPLINARY ACTION

Date of Hearing: June 18, 2015
Time of Hearing: 9:00 a.m.

COMES NOW, RESPONDENT, Audra Collins, by and through her attorneys of record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby responds to the Petitioner's Complaint as follows:

GENERAL ALLEGATIONS

1. Answering paragraph 1 of the Complaint, Ms. Collins admits she is a licensed community manager and subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and 116A and NAC Chapters 116 and 116A.

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RESPONSES TO FACTS ALLEGED BY THE DIVISION

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2. Admitted.

3. Admitted.

4. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

5. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

6. Ms. Collins admits receiving a letter dated June 7, 2013 and further states that she cooperated with the Division and complied with requests from the Division in good faith. In further answer, Ms. Collins states responses to the Division's requests were made in good faith, based on information believed to be correct at the time responses were submitted. Ms. Collins lacks information sufficient to form a belief as to the truth of the allegation that the Division sent a sworn affidavit as to the alleged violations, and therefore, denies same in the manner and form alleged.

7. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

8. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

9. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

10. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

11. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

12. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

13. Ms. Collins lacks information sufficient to form a belief as to the truth of

1 these allegations, and therefore, denies same in the manner and form alleged.

2 14. Ms. Collins lacks information sufficient to form a belief as to the truth of
3 these allegations, and therefore, denies same in the manner and form alleged.

4 15. Ms. Collins affirmatively avers that the allegations set forth therein are a
5 legal determination to be made by the Commission. Further, Ms. Collins lacks
6 information sufficient to form a belief as to the truth of these allegations, and therefore,
7 denies same in the manner and form alleged.

8 16. Ms. Collins lacks information sufficient to form a belief as to the truth of
9 these allegations, and therefore, denies same in the manner and form alleged.

10 17. Ms. Collins lacks information sufficient to form a belief as to the truth of
11 these allegations, and therefore, denies same in the manner and form alleged.

12 18. Ms. Collins lacks information sufficient to form a belief as to the truth of
13 these allegations, and therefore, denies same in the manner and form alleged.

14 19. Admit to the extent that Ms. Collins was not the assigned manager for the
15 association and she had no reason to know of the alleged forgery. As to the remaining
16 allegations therein, Ms. Collins affirmatively avers that the allegations set forth therein
17 are a legal determination to be made by the Commission. In further answer, Ms. Collins
18 lacks information sufficient to form a belief as to the truth of these allegations, and
19 therefore, denies same in the manner and form alleged.

20 20. Ms. Collins lacks information sufficient to form a belief as to the truth of
21 these allegations, and therefore, denies same in the manner and form alleged.

22 21. Ms. Collins lacks information sufficient to form a belief as to the truth of
23 these allegations, and therefore, denies same in the manner and form alleged.

24 22. Ms. Collins affirmatively avers that the allegations set forth therein are a
25 legal determination to be made by the Commission. Further, Ms. Collins lacks
26 information sufficient to form a belief as to the truth of these allegations, and therefore,
27 denies same in the manner and form alleged.

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1 denies same in the manner and form alleged.

2 32. Ms. Collins affirmatively avers that the allegations set forth therein are a
3 legal determination to be made by the Commission. Further, Ms. Collins lacks
4 information sufficient to form a belief as to the truth of these allegations, and therefore,
5 denies same in the manner and form alleged.

6 33. Ms. Collins affirmatively avers that the allegations set forth therein are a
7 legal determination to be made by the Commission. Further, Ms. Collins lacks
8 information sufficient to form a belief as to the truth of these allegations, and therefore,
9 denies same in the manner and form alleged.

10 34. Ms. Collins affirmatively avers that the allegations set forth therein are a
11 legal determination to be made by the Commission. Further, Ms. Collins lacks
12 information sufficient to form a belief as to the truth of these allegations, and therefore,
13 denies same in the manner and form alleged.

14 35. Ms. Collins affirmatively avers that the allegations set forth therein are a
15 legal determination to be made by the Commission. Further, Ms. Collins lacks
16 information sufficient to form a belief as to the truth of these allegations, and therefore,
17 denies same in the manner and form alleged.

18 36. Ms. Collins affirmatively avers that the allegations set forth therein are a
19 legal determination to be made by the Commission. Further, Ms. Collins lacks
20 information sufficient to form a belief as to the truth of these allegations, and therefore,
21 denies same in the manner and form alleged.

22 37. Ms. Collins affirmatively avers that the allegations set forth therein are a
23 legal determination to be made by the Commission. Further, Ms. Collins lacks
24 information sufficient to form a belief as to the truth of these allegations, and therefore,
25 denies same in the manner and form alleged.

26 38. Ms. Collins affirmatively avers that the allegations set forth therein are a
27 legal determination to be made by the Commission. Further, Ms. Collins lacks
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1 information sufficient to form a belief as to the truth of these allegations, and therefore,
2 denies same in the manner and form alleged.

3 39. Ms. Collins affirmatively avers that the allegations set forth therein are a
4 legal determination to be made by the Commission. Further, Ms. Collins lacks
5 information sufficient to form a belief as to the truth of these allegations, and therefore,
6 denies same in the manner and form alleged.

7 40. Ms. Collins affirmatively avers that the allegations set forth therein are a
8 legal determination to be made by the Commission. Further, Ms. Collins lacks
9 information sufficient to form a belief as to the truth of these allegations, and therefore,
10 denies same in the manner and form alleged.

11 41. Ms. Collins affirmatively avers that the allegations set forth therein are a
12 legal determination to be made by the Commission. Further, Ms. Collins lacks
13 information sufficient to form a belief as to the truth of these allegations, and therefore,
14 denies same in the manner and form alleged.

15 42. Ms. Collins affirmatively avers that the allegations set forth therein are a
16 legal determination to be made by the Commission. Further, Ms. Collins lacks
17 information sufficient to form a belief as to the truth of these allegations, and therefore,
18 denies same in the manner and form alleged.

19 43. Ms. Collins affirmatively avers that the allegations set forth therein are a
20 legal determination to be made by the Commission. Further, Ms. Collins lacks
21 information sufficient to form a belief as to the truth of these allegations, and therefore,
22 denies same in the manner and form alleged.

23 44. Ms. Collins affirmatively avers that the allegations set forth therein are a
24 legal determination to be made by the Commission. Further, Ms. Collins lacks
25 information sufficient to form a belief as to the truth of these allegations, and therefore,
26 denies same in the manner and form alleged.

27 45. Ms. Collins affirmatively avers that the allegations set forth therein are a
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1 legal determination to be made by the Commission. Further, Ms. Collins lacks
2 information sufficient to form a belief as to the truth of these allegations, and therefore,
3 denies same in the manner and form alleged.

4 46. Ms. Collins affirmatively avers that the allegations set forth therein are a
5 legal determination to be made by the Commission. Further, Ms. Collins lacks
6 information sufficient to form a belief as to the truth of these allegations, and therefore,
7 denies same in the manner and form alleged.

8 47. Ms. Collins affirmatively avers that the allegations set forth therein are a
9 legal determination to be made by the Commission. Further, Ms. Collins lacks
10 information sufficient to form a belief as to the truth of these allegations, and therefore,
11 denies same in the manner and form alleged.

12 48. Ms. Collins affirmatively avers that the allegations set forth therein are a
13 legal determination to be made by the Commission. Further, Ms. Collins lacks
14 information sufficient to form a belief as to the truth of these allegations, and therefore,
15 denies same in the manner and form alleged.

16 49. Ms. Collins affirmatively avers that the allegations set forth therein are a
17 legal determination to be made by the Commission. Further, Ms. Collins lacks
18 information sufficient to form a belief as to the truth of these allegations, and therefore,
19 denies same in the manner and form alleged.

20 50. Ms. Collins affirmatively avers that the allegations set forth therein are a
21 legal determination to be made by the Commission. Further, Ms. Collins lacks
22 information sufficient to form a belief as to the truth of these allegations, and therefore,
23 denies same in the manner and form alleged.

24 51. Ms. Collins affirmatively avers that the allegations set forth therein are a
25 legal determination to be made by the Commission. Further, Ms. Collins lacks
26 information sufficient to form a belief as to the truth of these allegations, and therefore,
27 denies same in the manner and form alleged.

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1 DEFENSES

2 COMES NOW, the Respondent, Audra Collins, by and through her attorneys of
3 record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby gives notice of
4 the following defenses:

5 1. The Complaint and evidence served with the Complaint does not by a
6 preponderance of the evidence demonstrate that each of the sections identified in the
7 complaint (paragraphs 30-51) have been violated.

8 2. Ms. Collins had no intention to violate the law. In fact, she made effort to
9 comply and keep the Division advised of the status of Willow Trace and other HOAs.
10 Ms. Collins had several meetings at NRED where concerns and issues were discussed
11 with investigators and representatives of NRED. Ms. Collins at all times acted, or
12 attempted to act, in conformity with verbal instructions from the Division.

13 3. The Division should be estopped from seeking enforcement of the
14 sections identified in the complaint (paragraphs 30-51).

15 4. Ms. Collins substantially complied with statutes and administrative code
16 provisions at issue.

17 5. Ms. Collins made good faith attempts to comply with statutes and
18 administrative code provisions at issue.

19 6. Ms. Collins' actions are excused by necessity and were at all times for the
20 benefit of the HOA.

21 7. Ms. Collins' responses to the Division's requests were made in good faith,
22 based on information believed to be correct at the time responses were submitted.

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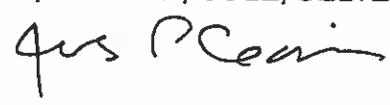
PRAYER FOR RELIEF

Ms. Collins respectfully requests that this matter be dismissed without discipline or that the Commission take action consistent with the authority permitted by Nevada law.

DATED this 8th day of June, 2015.

Respectfully submitted,

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.



By: _____

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