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FILED

MAY 20 2015

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS



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

LESLIE WHITE; AUDRA COLLINS;
RYON COLLINS,

Respondents,

v.

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

Petitioner.

CASE NOS.: 2014-1491
2014-1505
2014-4473
2014-4472

**MOTION FOR RECONSIDERATION OF
RESPONDENTS' REQUEST FOR A
HEARING CONTINUANCE**

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

Respondents LESLIE WHITE, RYON COLLINS, and AUDRA COLLINS
(collectively "Respondents") by and through their counsel of record, Lipson, Neilson, Cole,
Seltzer & Garin, P.C., hereby submit their Motion for Reconsideration of Respondents'
request for a Hearing Continuance.

This Motion is based upon the following Memorandum of Points and Authorities,
the papers and pleadings on file, and any oral arguments the Commission may entertain.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Respondents respectfully request the Commission to reconsider its previous decision to deny the request for a hearing continuance in the above-mentioned matters. Respondents show good cause for a continuance of the hearing because due process requires (1) Respondents' right to effective counsel of their choice; (2) sufficient time to effectively investigate years of work that three Respondents did for various HOAs, answer complaints, prepare for hearing, and provide documents and witness list to the Division by at least five working days prior to the hearing.

Furthermore, the Nevada Attorney General's Office ("AG's Office") have been steadily filing complaints since the Respondents retained me in February 2015. Respondents are overwhelmed in dealing with investigative letters and Complaints trickling in continuously. Respondents request that the Commission reschedule a hearing at a later session and require the Nevada Attorney General's Office ("The AG's Office") to consolidate and bring all claims and matters at once.

If the hearing proceeds as scheduled, the Commission's resources will be wasted because the AG's Office will continuously file Complaints that will ultimately implicate at least ten more HOAs that Respondents allegedly managed. Continuing the hearing will more likely result in a more efficient, consolidated hearing.

II. FACTS

The above-mentioned matters are disciplinary actions against community managers of Associated Community Management ("ACM"): Leslie White, Audra Collins, and Ryon Collins. The four matters are scheduled to be heard by the Commission at a hearing scheduled between June 16 and June 18, 2015. Although the hearing is currently scheduled to deal with only two Homeowners Associations ("HOAs"), Respondents anticipate that at least ten additional HOAs will be implicated. With the additional ten HOAs to account for and respond to, Respondents are dealing with a total of

1 approximately twenty matters in various stages with varying charges against all three
2 Respondents. This is extremely overwhelming to Respondents who have only had notice
3 of the Complaint since it was filed. In contrast, the Real Estate Division has had more
4 than a year to investigate and prepare the existing claim. Respondents request that the
5 Commission schedule a hearing at a later session and require the Nevada Attorney
6 General's Office ("The AG's Office") to consolidate and bring all claims and matters at
7 once. This trickling effect also causes an inefficient use the Commission's resources by
8 having to hold multiple hearings for the matters instead of one consolidated hearing.
9 Despite the existing hardship, Respondents have been cooperative with the investigative
10 process of NRED and have been coordinating with the AG's Office. Respondents fully
11 intend on continuing their active participation in the defense of these matters.

12 **II. ARGUMENTS**

13 **Standard of Review: Good Cause**

14 Reported Nevada cases examining "good cause" for a continuance are "not
15 amenable to a bright-line rule. The ... court must review the totality of the circumstances
16 to determine whether 'good cause' has been shown." *State v. Nelson*, 118 Nev. 399, 46
17 P.3d 1232, 1235 (2002).

18 **Due Process Requires the Commission to Allow Respondents Sufficient Time to Prepare**
19 **for the Hearing**

20 On May 8, 2015, the AG's Office filed two new Complaints against Audra Collins
21 and Ryon Collins with the same hearing dates. To date, Respondents will have only until
22 June 8, 2015 to respond, which is less than 14 work days away. In addition, June 8, 2015
23 is 5 working days before the hearing, which also is the due date for Respondents to
24 provide documents and witness lists to the Division. This will cause Respondents undue
25 hardship if the Commission requires Respondents to, within 14 work days, answer the
26 Complaints alleged against them, which involves subpoenaing documents, witnesses,
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1 and conducting a thorough investigation regarding years of work that three individuals
2 completed for various HOA's.

3 This hearing has all three Respondents' licenses, hence their livelihoods, at stake.
4 These Complaints deserve a thorough investigation, and verification, especially because
5 the allegations have a fraudulent overtone. It will be extremely difficult to prepare a
6 thorough defense in such a short amount of time. The AG's Office has already been
7 afforded ample time to investigate and prosecute Respondents before the Complaints
8 were filed. As a matter of due process guaranteed by law, Respondents should be
9 afforded sufficient time to conduct investigations to verify allegations and obtain
10 admissible evidence, including but not limited to documents and witnesses that must be
11 subpoenaed. In addition, a continuance allows for efficiency by affording Respondents
12 time to communicate with the AG's Office in an attempt to resolve some, if not all, of the
13 matters without resorting to a hearing. The Commission should allow Respondents
14 sufficient time to prepare for the hearing by continuing the hearing.

15 Due Process Requires the Commission to Afford Respondents the Right to Effective
16 Counsel of Their Choice

17 The Commission should afford Respondents a right to effective representation by
18 counsel of choice. Respondents choose and intend on having Joseph P. Garin, Esq.
19 appear at the hearing on behalf of Respondents. However, due to Respondents' counsel
20 having a court appearance out of state, he is not available for the hearing scheduled for
21 June 16-18, 2015. Respondents do not have the resources or other attorneys to take
22 over the matters with such little amount of time left until the hearing. Especially in light of
23 the extensive discovery and document review these matters require, Respondents greatly
24 fear that they will not be afforded effective representation and be subject to extreme
25 hardship and prejudice, including deprivation of due process, if the hearing proceeds as
26 scheduled. As such, Respondents respectfully requested the Commission to reconsider
27 its previous decision and grant a hearing continuance.

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III. CONCLUSION

Respondents respectfully submit this Motion based on the foregoing and that it constitutes a good cause to continue the hearing. Hence, Respondents request the Commission to reconsider Respondents' previous request and ultimately grant a continuance of hearing.

DATED this 19th day of May, 2015.

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

By: 

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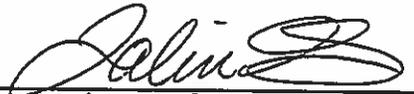
*Attorneys for Respondents Leslie White,
Audra Collins and Ryon Collins*

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2015, service of the foregoing
**MOTION FOR RECONSIDERATION OF RESPONDENTS' REQUEST FOR A
HEARING CONTINUANCE** was delivered to:

Michelle D. Briggs, Esq.
Senior Deputy Attorney General
and
Joseph (J.D.) Decker, Administrator
2501 East Sahara Avenue
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An employee of
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