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FILED

MAY 27 2015

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

10
11 **BEFORE THE COMMISSION FOR COMMON-INTEREST**
COMMUNITIES AND CONDOMINIUM HOTELS
12 **STATE OF NEVADA**

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

15
16 Petitioners.

17 vs.

18 LESLIE WHITE; AUDRA COLLINS; RYON
19 COLLINS,

20 Respondents,

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

OPPOSITION TO MOTION FOR
RECONSIDERATION OF
RESPONDENTS' REQUEST FOR A
HEARING CONTINUANCE

21
22 Petitioners, JOSEPH (J.D.) DECKER, Administrator, REAL ESTATE DIVISION,
23 DEPARTMENT OF BUSINESS & INDUSTRY, and STATE OF NEVADA, by and through their
24 counsel, ADAM PAUL LAXALT, Attorney General and MICHELLE D. BRIGGS, Senior Deputy
25 Attorney General, hereby oppose Respondents' Motion for Reconsideration of Respondent's
26 Request for a Hearing Continuance (the "Motion").

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

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 Respondents are all family members and licensed community managers working under
4 their company NCF Corporation, doing business as, Associated Community Management.
5 Each Respondent is under investigation by the Division in separate matters. Before this
6 Commission are four of the Division's investigations to date; two are against Leslie White
7 (2014-1505 and 2014-1491), one is against her daughter, Audra Collins (2014-4473), and one
8 is against her daughter's husband, Ryon Collins (2014-4472). Case No. 2014-1505 against
9 Leslie White was filed with this Commission on January 30, 2015 and scheduled for the
10 Commission's March meeting. Ms. White's attorney requested a continuance from the March
11 meeting due to scheduling conflicts. As is customary for each side to receive one
12 continuance, a continuance was granted by the Commission's secretary for Case No. 2014-
13 1505. The other three cases were filed for the Commission's meeting in June.

14 On behalf of Ms. White only, her attorney requested a continuance from the June
15 meeting of both cases against Ms. White (2014-1505 and 2014-1491). The Division opposed
16 another continuance of 2014-1505 and the Commission's secretary denied Ms. White's
17 request.

18 Respondents' motion to reconsider is improper and misleading as a continuance of the
19 cases against Ryon and Audra Collins was not previously requested or denied. There cannot
20 be a motion to reconsider a decision that was never made. The Division has not and would
21 not oppose Ryon and Audra Collins' first continuance request. After Ms. White's second
22 continuance request was denied by the Commission, Ms. White's counsel asked that the
23 hearings begin on the last day of the meeting scheduled for June 18. The Division agreed.
24 Respondents also request that all four matters before the Commission and all matters under
25 investigation by the Division be consolidated and brought at one hearing. A consolidation of
26 all possible cases against three different people is inefficient, time consuming, and would be
27 confusing for the Commission. Respondents' motion lacks merit and should be denied.
28

II. FACTS

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2 By letter dated June 7, 2013, the Division noticed both Leslie White and Audra Collins
3 of an investigation concerning 21 associations managed by them. Their collective failure to
4 adequately respond to the Division's requests resulted in the subpoena of bank records for
5 those 21 associations. The Division decided to separate its investigation by association to
6 make them easier for Respondents to answer to and for the Division to keep track of.
7 Respondents responded to letters and allegations throughout the investigations.

8 Case No. 2014-1505 was filed on January 30, 2015 and scheduled for the March
9 Commission meeting. Ms. White's attorney requested and received a continuance from
10 March and was told the matter would be heard at the Commission's next meeting. The
11 Commission's next regularly scheduled meeting was set for June as previously decided by the
12 Commission.

13 Cases against Leslie White (2014-1491), her daughter, Audra Collins (2014-4473), and
14 her daughter's husband, Ryon Collins (2014-4472) were filed for the Commission's June
15 meeting.

16 Respondents' counsel asked for a continuance of both matters against Ms. White set
17 for June, including the one previously continued. The request to continue Ms. White's cases
18 from June was denied. Mr. Garin then asked to move the Commission's meeting dates to
19 accommodate his schedule, but it could not be done. Mr. Garin subsequently requested and
20 the Division agreed to have the matters begin on June 18, the last day of the Commission
21 meeting.

22 No prior request to continue the matters against Mr. or Mrs. Collins has been made.
23 Respondents bring their motion to reconsider when no prior request to continue the cases
24 against Mr. and Mrs. Collins was made or denied. Respondents also request that all cases be
25 heard together, including pending investigations being conducted by the Division.

26 The Division opposes the continuance of Case No. 2014-1505 for a second time and
27 the consolidation of the four cases currently before this Commission. The Division opposes
28 any requirement on the Division to consolidate all matters being investigated into one case.

1 The Division is not opposed to the continuance of Case Nos. 2014-4473, 2014-4472, or 2014-
2 1491, as each of those cases have not received a continuance.

3 **III. ARGUMENTS**

4 **A. DUE PROCESS DOES NOT REQUIRE LESLIE WHITE RECEIVE MORE TIME TO**
5 **PREPARE FOR THE HEARING.**

6 The Division does not oppose the continuance of the three matters originally set for the
7 June Commission meeting. While the Division believes the Respondents have all had plenty
8 of time to prepare for the hearing in June, it is customary for the Commission to grant the first
9 continuance requested and each of those three cases have not yet been continued once.

10 But as to Case No. 2014-1505 against Leslie White, a prior continuance was already
11 granted. Good cause has not been shown to allow for another. Ms. White claims she has not
12 had enough time to prepare for the hearing. The complaint for Case No. 2014-1505 was filed
13 on January 30, 2015, but Leslie White was not seeing those factual allegations for the first
14 time on that date. Ms. White knew about the allegations and was asked to respond to them
15 prior to the case being referred to the Attorney General's Office. The case was originally
16 brought to Ms. White's attention in June of 2013, and throughout 2014 Ms. White was asked
17 to respond to the alleged violations. After the complaint was filed with the Commission in
18 January, one continuance was granted by the Commission's secretary. By the hearing in
19 June, Ms. White will have had nearly two years notice of the investigation and time to respond
20 to allegations. Ms. White has been afforded ample opportunity to prepare for the hearing.

21 According to the Motion, "Respondents are overwhelmed in dealing with investigative
22 letters and Complaints trickling in continuously." (Respondents' Motion at 2, I.12-13). The
23 Division is investigating Respondents' services to multiple associations. But Ms. White's
24 inability to be prepared for the hearing seems to focus more on the other associations being
25 investigated and the other complaints filed. Respondents seek to consolidate all the cases to
26 further delay adjudication of the first complaint.

1 Case No. 2014-1505 is related to only one association and Ms. White's dealings with
2 that association. The other investigations are not relevant and need not be consolidated.
3 There are no other cases against Ms. White concerning that association. The Commission
4 should hear the facts and witnesses relevant to a particular association separately from each
5 other association to keep the hearing concise. There is no need to consolidate unrelated
6 matters that would only complicate the hearing process. If the unfinished investigations reveal
7 violations of law, they will be brought to the Commission separately in the discretion of the
8 Division in consideration of any prior Commission orders. Delaying adjudication of the current
9 complaint and consolidating all possible complaints does not serve the public interest in
10 having cases heard by the Commission in a timely manner. The hearing for such a
11 consolidated matter could take several days over multiple meetings, and would be inefficient
12 and confusing for the Commission.

13 **B. AMPLE ACCOMMODATIONS HAVE BEEN MADE FOR JOE GARIN TO**
14 **REPRESENT MS. WHITE.**

15 In April, Mr. Garin notified Division counsel that he had a personal conflict with the
16 June meeting dates. Every effort was made to accommodate Mr. Garin's schedule, but the
17 Commission meeting dates could not be changed. The Commission is meeting in Carson City
18 in August and the Division did not think delaying this matter to the Commission's November
19 meeting was appropriate considering the allegations involved. After attempts to move the
20 Commission's June meeting dates could not be done, Mr. Garin asked if the Division would
21 agree to a start date of June 18 for the matters. The Division agreed to start the hearing on
22 the matters on June 18 as requested by Mr. Garin. Ms. White's motion to reconsider a
23 second continuance based on her not being able to have her attorney present is inaccurate.
24 Furthermore, as previously discussed the Division does not oppose continuing three of the
25 matters. Despite counsel's claims there is no extensive discovery and the only documents to
26 review are the documents Ms. White generated for the association or provided to the Division
27 herself.

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IV. CONCLUSION

The Division does not oppose the continuance of Case Nos. 2014-4473, 2014-4472, or 2014-1491. The Division opposes the continuance of Case No. 2014-1505 and the consolidation of all four cases before this Commission and all the unfinished investigations of the Division. Ms. White has had ample opportunity to prepare for Case No. 2014-1505 and Ms. White's attorney previously requested that the cases start on June 18, which was agreed to by the Division. Respondents' Motion lacks merit. The Division respectfully requests that Respondents' Motion be denied.

DATED this 27th day of May, 2015.

ADAM PAUL LAXALT

By: 

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