RESP
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FILED

APR 29 2015

NEVADA COMMISSION OF COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

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

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| JOSEPH (J.D.) DECKER, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA<br><br>Petitioner,<br><br>v.<br><br>LESLIE WHITE,<br><br>Respondent. | **CASE NO.: CIS 2014-1491**<br>**Benton Homeowners Association**<br><br>**RESPONSE TO COMPLAINT AND DISCIPLINARY ACTION** |

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

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## GENERAL ALLEGATIONS

1. Answering paragraph 1 of the Complaint, Ms. White 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 116 and 116A.

## ANSWERS TO FACTS ALLEGED BY THE DIVISION

2. Admit.

3. Admit.

4. Ms. White 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. White 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. White 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. White 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. White 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. White admits receiving a letter dated December 30, 2013 and further states that she cooperated with the Division and complied with requests from the Division in good faith.

8. Ms. White 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. White 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. White 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. Admit.

12. Ms. White 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. Admit as to Ms. White's receipt of a letter dated May 6, 2014 which alleged she was the sole signor on Association checks and through that letter, the Division requested copies of her last three signed management contracts with the Association, minutes from the last three elections for the Board of Directors, and copies of the CC&R's and Bylaws of the Association. As for Ms. White being noticed of the new case by the letter, she lacks information sufficient to form a belief as to the truth of the allegation, and therefore, denies same in the manner and form alleged.

14. Admit.

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

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

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

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

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

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

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

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

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

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

25. Admit to the extent that Ms. White stated she had "no knowledge of a contract with a forged signature" and provided a contract for period of January 30, 2015 to January 29, 2016 that shows what seems to be Jermaine Tate's signature. For all remaining allegations, Ms. White lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

26. Admitted. In further answer, Ms. White states the meeting minutes are usually approved and signed at subsequent meetings.

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

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

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

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

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

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

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

34. Admit.

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

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

**RESPONSES TO ALLEGED VIOLATION OF LAW**

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

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

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

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

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

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

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

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

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

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

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

**PRAYER FOR RELIEF**

Ms. White 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 29th day of April, 2015.

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

By: _____

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## DEFENSES

COMES NOW, the Respondent, Leslie White, by and through her attorneys of record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby gives notice of the following defenses:

1. The Complaint and evidence served with the Complaint does not by a preponderance of the evidence demonstrate that each of the sections identified in the complaint (paragraphs 37-61) have been violated.

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

3. The Division should be estopped from seeking enforcement of the sections identified in the complaint (paragraphs 37-61).

4. Ms. White substantially complied with statutes and administrative code provisions as issue.

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

6. Ms. White's actions are excused by necessity and were at all times for the benefit of the HOA.

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

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## PRAYER FOR RELIEF

Ms. White 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 29th day of April, 2015.

Respectfully submitted,

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

By: _____

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