

Lipson, Neilson, Cole, Seltzer & Garin, P.C.
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(702) 382-1500

1 **RESP**
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.
2 JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
3 9900 Covington Cross Drive, Suite 120
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4 (702) 382-1500
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5 igarin@lipsonneilson.com

6 *Attorney for Respondent Leslie White*

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

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11 LESLIE WHITE,

Respondent,

CASE NO.: 2014-1505

v.

**RESPONSE TO COMPLAINT AND
DISCIPLINARY ACTION**

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

Petitioner.

FILED

MAR 02 2015

COMMISSION FOR COMMON-INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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23 COMES NOW, the Respondent, Leslie White, by and through her attorneys of
24 record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby responds to the
25 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 provisions of NRS 116 and 116A and NAC 116 and 116A.

ANSWERS TO FACTS ALLEGED BY THE DIVISION

2. Admitted.

3. Ms. White denies these allegations in the manner and form alleged. She is not performing services of a community manager for Willow Trace Association ("WTA"). She has performed such services in the past through NCF Corporation d/b/a, Associated Community Management.

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

7. 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.

8. Admitted. In further answer, she cooperated with the Division and complied with requests from the Division.

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. 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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12. Admitted. In further answer, she cooperated with the Division and complied with requests from the Division.

13. 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.

14. Admitted. In further answer, she cooperated with the Division and complied with requests from the Division including verbal instructions to sign checks.

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. Admitted.

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.

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

4 26. Ms. White admits that various documents were provided to the Division. All
5 responses were made in good faith, based on information believed to be correct at the time
6 responses were submitted.

7 27. Ms. White admits that various documents were provided to the Division. All
8 responses were made in good faith, based on information believed to be correct at the time
9 responses were submitted.

10 28. Ms. White lacks information sufficient to form a belief as to the truth of these
11 allegations, and therefore, denies same in the manner and form alleged. In further answer,
12 Ms. White at all times acted in good faith and consistent with verbal instructions from the
13 Division.

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

16 30. Ms. White lacks information sufficient to form a belief as to the truth of these
17 allegations, and therefore, denies same in the manner and form alleged. Nevertheless, Ms.
18 White admits signing checks in good faith, consistent with verbal instructions from the
19 Division.

20 31. Ms. White lacks information sufficient to form a belief as to the truth of these
21 allegations, and therefore, denies same in the manner and form alleged. Nevertheless, Ms.
22 White admits signing checks in good faith, consistent with verbal instructions from the
23 Division.

24 **RESPONSES TO ALLEGED VIOLATION OF LAW**

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

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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. 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.

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.

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.

39. 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.

40. 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.

41. 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.

42. 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.

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.

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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46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

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.

52. 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.

53. 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.

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.

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.

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1 DATED this 2nd day of March, 2015.
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3

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

5 *Joseph P. Garin*
6

7 By: _____

8 JOSEPH P. GARIN, ESQ. (Bar No. 6653)
9 9900 Covington Cross Drive, Suite 120
10 Las Vegas, Nevada 89144
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13 *Attorney for Respondent Leslie White*

14 **DEFENSES**

15 COMES NOW, the Respondent, Leslie White, by and through her attorneys of record,
16 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby gives notice of the following
17 defenses:
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19 1. The Complaint and evidence served with the Complaint does not by a
20 preponderance of the evidence demonstrate that each of the sections identified in the
21 complaint (paragraphs 32-54) have been violated.

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

27 3. The Division should be estopped from seeking enforcement of the sections
28 identified in the complaint (paragraphs 32-54).

4. Ms. White substantially complied with statutes and administrative code

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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.

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 2nd day of March, 2015.

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



By: _____

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