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12 Attorneys for Respondent Audra Collins

FILED

AUG 28 2015

NEVADA COMMISSION OF  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

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

13	AUDRA COLLINS,	)	CASE NO.: 2014-2720 (La Siena)
14		)	
15	Respondent,	)	RESPONSE TO COMPLAINT FOR
16		)	DISCIPLINARY ACTION
17	v.	)	Hearing: September 22-24, 2015
18	JOSEPH (J.D.) DECKER, Administrator,	)	Time: 9:00 a.m.
19	REAL ESTATE DIVISION,	)	
20	DEPARTMENT OF BUSINESS &	)	
21	INDUSTRY, STATE OF NEVADA	)	
22		)	
23	Petitioner.	)	

RESPONSE TO COMPLAINT FOR DISCIPLINARY ACTION

24 COMES NOW, Respondent AUDRA COLLINS, by and through her counsel of  
25 record, the law firm of Lipson, Neilson, Cole, Seltzer & Garin, P.C., hereby submits this  
26 Response to Complaint for Disciplinary Action as follows:

JURISDICTION

- 27 1. As to paragraph 1 of the Complaint, Respondent admits.

ALLEGATIONS OF FACT

- 28 2. As to paragraphs 2, 29 of the Complaint, Respondent admits.

1 3. As to paragraphs 3 through 8 of the Complaint, Respondent admits to the extent  
2 that the involvement was minimal. Respondent further states she was not and is not an  
3 assigned community manager for the La Siena Association ("HOA").

4 4. As to paragraphs 9, 11 though 14, 30, 31, and 33 through 35 of the Complaint,  
5 Respondent is without knowledge or information sufficient to form a belief as to the truth  
6 of the allegations contained in this paragraph and denies same.

7 5. As to paragraphs 10, 15, 22, 27, and 32 of the Complaint, Respondent denies  
8 the allegations contained in those paragraphs as the allegations relate to individuals  
9 and/or entities other than this answering Respondent and this answering Respondent is  
10 without knowledge or information to form a belief as to the truth of the allegations.

11 6. As to paragraphs 16 through 19, 21, and 24 through 26 of the Complaint,  
12 Respondent admits only to the extent that the Division's allegations purport to recite  
13 written documents, the documents are the best evidence and speak for themselves. To  
14 the extent the allegations are inconsistent with the documents, those allegations are  
15 denied.

16 7. As to paragraph 20 of the Complaint, Respondent admits only to the extent that  
17 the contract renewed itself for a one-year term and renewed on a month-to-month basis  
18 with the condition that both parties to the contract could terminate with a thirty-day  
19 notice. As to the remaining allegations in this paragraph, Respondent denies.

20 8. As to paragraph 23 of the Complaint, Respondent admits only to the extent that  
21 the Association's bank accounts use a master signature card. As for the remaining  
22 allegations, Respondent is without knowledge or information sufficient to form a belief  
23 as to the truth of the allegations contained in this paragraph and denies same.

24 9. As to paragraph 28 of the Complaint, Respondent admits only to the extent that  
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1 she informed the Division she was never an assigned community manager for the HOA,  
2 and had no knowledge of any forgery on any document. As to remaining allegations in  
3 this paragraph, Respondent is without knowledge or information sufficient to form a  
4 belief as to the truth of the allegations contained in this paragraph and denies same.

5 **VIOLATIONS OF LAW**

6 10. As to paragraphs 36 through 60 of the Complaint, Respondent affirmatively avers  
7 that the allegations set forth therein are a legal determination to be made by the  
8 Commission. Further, Respondent lacks information sufficient to form a belief as to the  
9 truth of these allegations, and therefore, denies same in the manner and form alleged.

10 **AFFIRMATIVE DEFENSES**

11 COMES NOW, the Respondent, AUDRA COLLINS, by and through her attorneys  
12 of record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby gives notice of  
13 the following defenses:

14 1. The Complaint and evidence served with the Complaint does not by a  
15 preponderance of the evidence demonstrate that each of the sections identified in the  
16 complaint (paragraphs 36-59) have been violated.

17 2. Respondent had no intention to violate the law. In fact, she made efforts to  
18 comply and keep the Division advised of the status of La Siena Association and other  
19 HOAs. Respondent had several meetings at NRED where concerns and issues were  
20 discussed with investigators and representatives of NRED. Respondent at all times  
21 acted, or attempted to act, in conformity with verbal instructions from the Division.

22 3. The Division should be estopped from seeking enforcement of the sections  
23 identified in the complaint (paragraphs 36-59).

24 4. Respondent substantially complied with statutes and administrative code  
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1 provisions at issue.

2 5. Respondent made good faith attempts to comply with statutes and administrative  
3 code provisions at issue.

4 6. Respondent's actions are excused by necessity and were at all times for the  
5 benefit of the HOA.

6 7. Respondent's responses to the Division's requests were made in good faith,  
7 based on information believed to be correct at the time responses were submitted.  
8

9 **PRAYER FOR RELIEF**

10 Respondent respectfully requests that this matter be dismissed without discipline  
11 or that the Commission take action consistent with the authority permitted by Nevada  
12 law.

13 DATED this 27<sup>th</sup> day of August, 2015.

14  
15 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

16  
17 By: 

18 JOSEPH P. GARIN, ESQ.  
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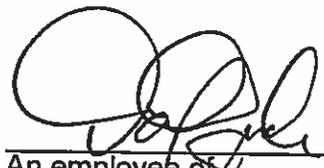
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CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of August 2015, service of the foregoing  
RESPONSE TO COMPLAINT FOR DISCIPLINARY ACTION was made upon was by  
depositing a true and correct copy of same via e-mail and Certified U.S. mail, return  
receipt requested, addressed to:

Joseph (J.D.) Decker, Administrator  
Nevada Real Estate Division  
2501 East Sahara Avenue  
Las Vegas, NV 89104-4137  
(702) 486-4033

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An employee of  
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.