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12 Attorneys for Respondent Leslie White

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

10 LESLIE WHITE,

11 Respondent,

13 v.

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

17 Petitioner.

CASE NO.: 2014-1494 (La Siena)

RESPONSE TO COMPLAINT FOR  
DISCIPLINARY ACTION

Hearing: September 22-24, 2015  
Time: 9:00 a.m.

RESPONSE TO COMPLAINT FOR DISCIPLINARY ACTION

20 COMES NOW, Respondent LESLIE WHITE, by and through her counsel of  
21 record, the law firm of Lipson, Neilson, Cole, Seltzer & Garin, P.C., hereby submits this  
22 Response to Complaint for Disciplinary Action as follows:

JURISDICTION

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

ALLEGATIONS OF FACT

- 27 2. As to paragraphs 2, and 3 of the Complaint, Respondent admits.

1 3. As to paragraphs 5 through 7, 9, 11 through 14, 25, 28, and 31 through 35 of the  
2 Complaint, Respondent is without knowledge or information sufficient to form a belief as  
3 to the truth of the allegations contained in this paragraph and denies same.

4 4. As to paragraphs 4, 8, 10, 16, 21, 22, 27, and 30 of the Complaint, Respondent  
5 denies the allegations contained in those paragraphs as the allegations relate to  
6 individuals and/or entities other than this answering Respondent and this answering  
7 Respondent is without knowledge or information to form a belief as to the truth of the  
8 allegations.

9 5. As to paragraphs 15, 17, 18, 20, 23, 26, and 29 of the Complaint, Respondent  
10 admits only to the extent that the Division's allegations purport to recite written  
11 documents, the documents are the best evidence and speak for themselves. To the  
12 extent the allegations are inconsistent with the documents, those allegations are denied.  
13 Specifically to paragraph 15, Respondent denies being noticed of any allegations  
14 contained in this Complaint through the purported letter dated May 6, 2014.

15 6. As to paragraph 19 of the Complaint, Respondent admits only to the extent that  
16 the Association's bank accounts use a master signature card. As for the remaining  
17 allegations, Respondent is without knowledge or information sufficient to form a belief  
18 as to the truth of the allegations contained in this paragraph and denies same.

19 7. As to paragraph 24 of the Complaint, Respondent admits only to the extent that  
20 the contract renewed itself for a one-year term and renewed on a month-to-month basis  
21 with the condition that both parties to the contract could terminate with a thirty-day  
22 notice. As to remaining allegations in this paragraph, Respondent denies.

23 **VIOLATIONS OF LAW**

24 8. As to paragraphs 36 through 59 of the Complaint, Respondent affirmatively avers  
25 that the allegations set forth therein are a legal determination to be made by the  
26 Commission. Further, Respondent lacks information sufficient to form a belief as to the  
27 truth of these allegations, and therefore, denies same in the manner and form alleged.  
28

AFFIRMATIVE DEFENSES

COMES NOW, Respondent, LESLIE WHITE, by and through her counsel 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 36-59) have been violated.

2. Respondent had no intention to violate the law. In fact, she made efforts to comply and keep the Division advised of the status of La Siena Association and other HOAs. Respondent had several meetings at NRED where concerns and issues were discussed with investigators and representatives of NRED. Respondent 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 36-59).

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

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

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

7. Respondent'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

Respondent 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 27<sup>th</sup> day of August, 2015.

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

By: 

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*Attorneys for Respondent Leslie White*

**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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*Attorney for Real Estate Division*



An employee of  
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