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12 Attorneys for Respondent Ryon Collins

FILED

JUN 09 2015

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

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

RYON COLLINS,

Respondent,

v.

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

Petitioner.

CASE NO.: 2014-4472

Willow Trace HOA

RESPONSE TO COMPLAINT AND
DISCIPLINARY ACTION

Date of Hearing: June 18, 2015
Time of Hearing: 9:00 a.m.

COMES NOW, RESPONDENT, Ryon Collins, by and through his attorneys of record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby responds to the Petitioner's Complaint as follows:

GENERAL ALLEGATIONS

1. Answering paragraph 1 of the Complaint, Mr. Collins admits he is a licensed community manager and subject to the jurisdiction of the Division and the provisions of NRS 116 and 116A and NAC 116 and 116A.

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ANSWERS TO FACTS ALLEGED BY THE DIVISION

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2. Admitted.

3. Admitted.

4. Admitted.

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

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

12. Mr. Collins 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. Mr. Collins 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. Mr. Collins affirmatively avers that the allegations set forth therein are a legal determination to be made by the Commission. Further, Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

15. Mr. Collins lacks information sufficient to form a belief as to the truth of

1 these allegations, and therefore, denies same in the manner and form alleged.

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

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

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

8 19. Admit to the extent that it was intended to be a community manager for
9 Willow Trace in 2013; however, that did not take place. As to remaining allegations Mr.
10 Collins lacks information sufficient to form a belief as to the truth of these allegations,
11 and therefore, denies same in the manner and form alleged.

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

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

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

18 23. Admitted.

19 24. Admitted.

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

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

24 27. Admit to the extent that two board members resigned before the
25 scheduled meeting of April 5, 2013.

26 28. Admitted.

27 29. Admitted.

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- 1 30. Mr. Collins lacks information sufficient to form a belief as to the truth of
2 these allegations, and therefore, denies same in the manner and form alleged.
- 3 31. Mr. Collins lacks information sufficient to form a belief as to the truth of
4 these allegations, and therefore, denies same in the manner and form alleged.
- 5 32. Admitted.
- 6 33. Admitted.
- 7 34. Admit to the extent that Mr. Wise asked Ms. White via email in May of
8 2014 when the first board meeting would be. As to remaining allegations Mr. Collins
9 lacks information sufficient to form a belief as to the truth of these allegations, and
10 therefore, denies same in the manner and form alleged.
- 11 35. Admitted.
- 12 36. Mr. Collins lacks information sufficient to form a belief as to the truth of
13 these allegations, and therefore, denies same in the manner and form alleged.
- 14 37. As to the allegation that automatic withdrawals from the Association's
15 account were made for Tops Software, also not authorized by a management contract,
16 Mr. Collins affirmatively avers that this is a legal determination to be made by the
17 Commission. As to remaining allegations Mr. Collins lacks information sufficient to form
18 a belief as to the truth of these allegations, and therefore, denies same in the manner
19 and form alleged.
- 20 38. Mr. Collins lacks information sufficient to form a belief as to the truth of
21 these allegations, and therefore, denies same in the manner and form alleged.
- 22 39. Mr. Collins lacks information sufficient to form a belief as to the truth of
23 these allegations, and therefore, denies same in the manner and form alleged.
- 24 40. Mr. Collins lacks information sufficient to form a belief as to the truth of
25 these allegations, and therefore, denies same in the manner and form alleged.

26 **RESPONSES TO ALLEGED VIOLATION OF LAW**

- 27 41. Mr. Collins affirmatively avers that the allegations set forth therein are a
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1 legal determination to be made by the Commission. Further, Mr. Collins lacks
2 information sufficient to form a belief as to the truth of the allegations set forth therein,
3 and therefore, denies same in the manner and form alleged.

4 42. Mr. Collins affirmatively avers that the allegations set forth therein are a
5 legal determination to be made by the Commission. Further, Mr. Collins lacks
6 information sufficient to form a belief as to the truth of the allegations set forth therein,
7 and therefore, denies same in the manner and form alleged.

8 43. Mr. Collins affirmatively avers that the allegations set forth therein are a
9 legal determination to be made by the Commission. Further, Mr. Collins lacks
10 information sufficient to form a belief as to the truth of the allegations set forth therein,
11 and therefore, denies same in the manner and form alleged.

12 44. Mr. Collins affirmatively avers that the allegations set forth therein are a
13 legal determination to be made by the Commission. Further, Mr. Collins lacks
14 information sufficient to form a belief as to the truth of the allegations set forth therein,
15 and therefore, denies same in the manner and form alleged.

16 45. Mr. Collins affirmatively avers that the allegations set forth therein are a
17 legal determination to be made by the Commission. Further, Mr. Collins lacks
18 information sufficient to form a belief as to the truth of the allegations set forth therein,
19 and therefore, denies same in the manner and form alleged.

20 46. Mr. Collins affirmatively avers that the allegations set forth therein are a
21 legal determination to be made by the Commission. Further, Mr. Collins lacks
22 information sufficient to form a belief as to the truth of the allegations set forth therein,
23 and therefore, denies same in the manner and form alleged.

24 47. Mr. Collins affirmatively avers that the allegations set forth therein are a
25 legal determination to be made by the Commission. Further, Mr. Collins lacks
26 information sufficient to form a belief as to the truth of the allegations set forth therein,
27 and therefore, denies same in the manner and form alleged.

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1 48. Mr. Collins affirmatively avers that the allegations set forth therein are a
2 legal determination to be made by the Commission. Further, Mr. Collins lacks
3 information sufficient to form a belief as to the truth of the allegations set forth therein,
4 and therefore, denies same in the manner and form alleged.

5 49. Mr. Collins affirmatively avers that the allegations set forth therein are a
6 legal determination to be made by the Commission. Further, Mr. Collins lacks
7 information sufficient to form a belief as to the truth of the allegations set forth therein,
8 and therefore, denies same in the manner and form alleged.

9 50. Mr. Collins affirmatively avers that the allegations set forth therein are a
10 legal determination to be made by the Commission. Further, Mr. Collins lacks
11 information sufficient to form a belief as to the truth of the allegations set forth therein,
12 and therefore, denies same in the manner and form alleged.

13 51. Mr. Collins affirmatively avers that the allegations set forth therein are a
14 legal determination to be made by the Commission. Further, Mr. Collins lacks
15 information sufficient to form a belief as to the truth of the allegations set forth therein,
16 and therefore, denies same in the manner and form alleged.

17 52. Mr. Collins affirmatively avers that the allegations set forth therein are a
18 legal determination to be made by the Commission. Further, Mr. Collins lacks
19 information sufficient to form a belief as to the truth of the allegations set forth therein,
20 and therefore, denies same in the manner and form alleged.

21 53. Mr. Collins affirmatively avers that the allegations set forth therein are a
22 legal determination to be made by the Commission. Further, Mr. Collins lacks
23 information sufficient to form a belief as to the truth of the allegations set forth therein,
24 and therefore, denies same in the manner and form alleged.

25 54. Mr. Collins affirmatively avers that the allegations set forth therein are a
26 legal determination to be made by the Commission. Further, Mr. Collins lacks
27 information sufficient to form a belief as to the truth of the allegations set forth therein,
28

1 and therefore, denies same in the manner and form alleged.

2 55. Mr. Collins affirmatively avers that the allegations set forth therein are a
3 legal determination to be made by the Commission. Further, Mr. Collins lacks
4 information sufficient to form a belief as to the truth of the allegations set forth therein,
5 and therefore, denies same in the manner and form alleged.

6 56. Mr. Collins affirmatively avers that the allegations set forth therein are a
7 legal determination to be made by the Commission. Further, Mr. Collins lacks
8 information sufficient to form a belief as to the truth of the allegations set forth therein,
9 and therefore, denies same in the manner and form alleged.

10 57. Mr. Collins affirmatively avers that the allegations set forth therein are a
11 legal determination to be made by the Commission. Further, Mr. Collins lacks
12 information sufficient to form a belief as to the truth of the allegations set forth therein,
13 and therefore, denies same in the manner and form alleged.

14 58. Mr. Collins affirmatively avers that the allegations set forth therein are a
15 legal determination to be made by the Commission. Further, Mr. Collins lacks
16 information sufficient to form a belief as to the truth of the allegations set forth therein,
17 and therefore, denies same in the manner and form alleged.

18 59. Mr. Collins affirmatively avers that the allegations set forth therein are a
19 legal determination to be made by the Commission. Further, Mr. Collins lacks
20 information sufficient to form a belief as to the truth of the allegations set forth therein,
21 and therefore, denies same in the manner and form alleged.

22 **DEFENSES**

23 COMES NOW, the Respondent, Ryon Collins, by and through his attorneys of
24 record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby gives notice of
25 the following defenses:

26 1. The Complaint and evidence served with the Complaint does not by a
27 preponderance of the evidence demonstrate that each of the sections identified in the
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PRAYER FOR RELIEF

Mr. Collins 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 8th day of June, 2015.

Respectfully submitted,

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



By: _____

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2015, service of the foregoing
RESPONSE TO COMPLAINT FOR DISCIPLINARY ACTION was made via electronic
mail and hand-delivery to:

Common-Interest Communities and
Condominium Hotel
2501 E. Sahara Ave. Ste. 202
Las Vegas, NV 89104
Legal Administrative Officer

Michelle D. Briggs, Esq.
Senior Deputy Attorney General
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Attorney for Real Estate Division

/s/ Darnell Lynch

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