

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

Joseph (J.D.) Decker, Administrator,  
Real Estate Division, Department  
of Business & Industry,  
State of Nevada,

Case No. 2015-291

Petitioner,

vs.

Anthem Highlands Community  
Association, Pennie Puhek, James Lauth,  
And Charles Hernandez,

Respondents.

FILED

OCT 20 2016

NEVADA COMMISSION OF  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

**ORDER**

This matter came on for hearing before the Commission for Common-Interest Communities and Condominium Hotels, Department of Business and Industry, State of Nevada (the "Commission"), during an interim meeting conference call held on October 18, 2016, at the Division of Insurance, 2501 E. Sahara Ave., Conference Room 312, Las Vegas, Nevada. The Commission members attended the meeting by telephone, along with their counsel Sarah Bradley, Senior Deputy Attorney General with the Nevada Attorney General's Office. Present in person were Respondent Pennie Puhek, representing herself; Greg Kerr, Esq., on behalf of Respondent James Lauth; and Edward Boyack, on behalf of Respondents Anthem Highlands Community Association and Charles Hernandez. Michelle D. Briggs, Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division") via telephone.

On the Commission's agenda for this meeting was Respondent Pennie Puhek's request for a prehearing conference. Ms. Puhek requested an order to depose Joseph (J.D.) Decker, former administrator for the Division, and for production of the investigative report from the investigation file. Mr. Kerr and Mr. Boyack argued in support of Ms. Puhek. The Division's counsel opposed the request for a deposition based on the Commission not having any authority to issue a subpoena for a deposition, and

1 opposed the release of the investigative report based on it being attorney/client privileged.

2 After hearing arguments from the parties, and Commission's counsel, and being  
3 fully advised, the Commission ORDERED, by unanimous vote, as follows:

4 1. Pennie Puhek's request for the investigative report in this matter is DENIED;  
5 and

6 2. Pennie Puhek's request for a subpoena to depose Joseph (J.D.) Decker is  
7 DENIED.

8 DATED this W day of October, 2016.

9 Commission for Common-Interest  
10 Communities and Condominium Hotels,  
11 Department of Business & Industry,  
12 State of Nevada

13 By:   
14 Barry Breslow, Chairman

14 Submitted by:  
15 ADAM PAUL LAXALT  
16 Attorney General

17 By:   
18 Michelle D. Briggs, Esq.  
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