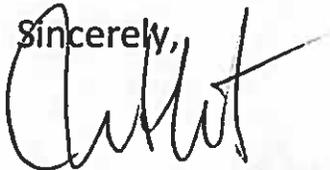


Cases 2015-3615;2015-2155;2015-3100;2015-2207

Enclosed is the ANSWER to the complaint filed against me re the above cases. I enter a denial of each and every allegation as to Violations of Law. There is one exhibit.

Sincerely,



Robert Stern



**FILED**

JAN 11 2016

NEVADA COMMISSION OF  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

Exhibit 1  
1/2

## AGREEMENT BETWEEN PARTIES

The parties listed below, by their signature, agree to the following conditions in order to proceed with appointing previously resigned Board member Jody Fassette to the vacant position on the Anthem Highlands Community Association Board of Directors for the term ending May 2016. The following stipulations are agreed to by all parties;

- 1) Once the appointment of Ms. Fassette takes place on October 28, 2015 a reorganization of officers will take place with the following positions being appointed. Once this organization is approved, all parties agree that no further re-organizations of the Board will take place until the election of May 2016 unless a resignation of the Board of Directors takes place prior to then.  
President-Jody Fassette  
V-President & Secretary-Ronnie Young  
Treasurer-Robert Stern  
Director-Charles Hernandez  
Director-Ken Brensinger
- 2) All parties agree to rescind the July 22<sup>nd</sup> motion regarding terminating the legal services of Boyack, Taylor, and Orem as general counsel of the association. As documented in the minutes and audio of the meeting, two Board members attempted under Roberts Rules of Order to reconsider the motion and claimed a point of order at the time when it was expressed that there was confusion about the motion due to the noise and discussions with homeowners present.

The President serves as legal liaison of the association and the parties agree to appoint a co-legal liaison which will either be Charles Hernandez or Ken Brensinger. This appointment will serve until the May 2016 elections and the motion will be made prior to the appointment of Ms. Fassette.

All parties agree to allow Mr. Boyack to continue to serve as general counsel for at least 6 months from October 28<sup>th</sup>, 2015 to conclude all association business he has been assigned to date. Any further legal matters assigned to Mr. Boyack will need to be approved by the Board majority.

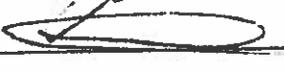
Robert Stern agrees to cease his retaliation and threats to Mr. Boyack of filing malpractice claims against him and to not attempt to contact or harass Mr. Boyack by seeking a refund of fees paid to him for Mr. Stern's opinion that the Board was improperly advised. The prior Board of Directors was fully informed of its options and takes full responsibility for the direction it provided Mr. Boyack regarding all legal matters.


Exhibit 1  
2/2

- 3) Ronnie Young and Robert Stern agree to attend the executive session of October 28<sup>th</sup> from 4:30pm-6:00pm and to participate in good faith either in person or by phone. If they do not attend the entire executive session, this agreement is void.
- 4) Charles Hernandez agrees to bring the motion to appoint Jody Fassette and the motion to re-organize when the unfinished business part of the agenda begins, but not prior to the first unfinished agenda item which will be to rescind the motion of July 22<sup>nd</sup>, 2015 regarding the legal services of Mr. Boyack .
- 5) The management contract liaison provision will not be amended. It will be the duty of President and Vice-president as co-liaisons to communicate with the Board on any information requests they may have. Any changes to the management company contract can be considered at the renewal in July of 2016.
- 6) Robert Stern agrees to cease threatening or filing Statement of Facts against the community manager as it may cause the manager to quit and leave the association in a management crisis.
- 7) Mr. Stern agrees to cease using the Nextdoor public website to send mass emails regarding Board business or his personal opinions regarding the association or individual Board members as it is an attempt to circumvent the Settlement Agreement that prohibits sending more than 5 email blasts at a time. The posting on the Nextdoor website constitutes a mass email blast of more than 450 people at one time.
- 8) Ken Brensinger, Charles Hernandez, and Ronnie Young will vote to immediately remove the approximate \$18,000 in assessments for misconduct and court costs that are currently on Robert Sterns account and agree to take actions all appropriate actions to resolve the ADR complaint 14-126. This vote will take place in executive session and announced in the open regular session.

Conditions 1-8 must be agreed upon in order for the appointment of Ms. Jody Fassette to the vacant position on the Board of Directors.

Charles Hernandez		Date	10/8/15
Ken Brensinger		Date	10/7/15
Ronnie Young	_____	Date	_____
Robert Stern	_____	Date	_____
Jody Fassette (Appointee)		Date	10/7/15

BEFORE THE COMMISSION FOR COMMON INTEREST

COMMUNITIES AND CONDOMINIUM HOTELS

**FILED**

STATE OF NEVADA

JAN 11 2016

NEVADA COMMISSION OF  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

CASES 2015-3615; 2015-2155; 2015-3100; 2015-2207

ROBERT STERN'S ANSWER to the Complaint for Disciplinary  
Action and Notice of Hearing

**FACTUAL ALLEGATIONS**

3. 1647 homes (including 98 homes in Earlstone which has an independent board and is a separate legal entity but comes under the AHCA umbrella established by the developer) would be a more accurate description.

4. This statement is incorrect. The ICA was primarily created to settle wrongful civil litigation brought by AHCA against Robert Stern without required homeowners approval. The civil suit was as an act of retaliation against Stern by board members acting outside the scope of their authority enabled wrongly by attorney Boyack. The settlement of various Intervention Affidavits were

secondary and done at the request of Ms. Jackson who facilitated and signed the ICA.

5. correct.

6. This is a very serious misstatement of fact. Context is important. Stern did not refuse to participate in the referee process . Stern objected to the wrongful filing of the ADR by Boyack representing AHCA in which in direct violation of the ICA he attempted to add on sanctions , attorneys fees and other penalties not provided by the ICA. It was AHCA's bad faith as to the process. And in accordance with the DRE counseling provision of the DRE program, at that time, both ADR coordinator, Ann Conrad, and the Ombudsman herself, Sharon Jackson, advised me through telephonic consultation that it was totally proper for me to select MEDIATION on the ADR form. The objective was to get AHCA to abide by the terms of the ICA and proceed with the referee program as intended after a responsible good faith mediation. That was the ADR process. Mr. Boyack with an assigned mediator, DEE NEWELL chosen by DRE ,refused to participate in the mediation. Ms. Newell closed the mediation. AHCA proceeded to file an unlawful civil action that required homeowners approval to which the DRE later acknowledged and filed a Letter of Instruction against

AHCA for the wrongfully filed civil action. Yet Ms. Briggs did not take any disciplinary action against the participating board members. Where's the equal justice? Ms. Briggs's selective non enforcement mode against specific responsible individuals only empowered those certain board members, especially Mr. Hernandez, to commit more wrongful actions as Puhek laughed openly about the slap on the wrist and mocked DRE on NEXTDOOR. In a sworn deposition Ms. Jackson referring to trying to get AHCA to follow the terms of the ICA for remedy quoted Boyack saying" that that is something the board would not be interested in." AHCA and Mr. Hernandez intended to cause me financial harm through wrongful actions as evidenced in his email as provided to DRE. DRE contibuted and continues to contribute to the climate by its mischaracterization of facts in this document. Mr. Hernandez through his incompetence, negligence and gross negligence and no one else is fully responsible as he has had the power and responsibility. His stated goal was to harm me financially. DRE has Intervention Affidavit 2015-5 and has chosen to ignore its legal responsibilities to prosecute Mr. Hernandez and others. DRE has failed to follow the law in other matters as well. There were requested actions to Mr. Decker under

NRS116.623 for Declaratory Relief and NRS116.795 Injunctions . Mr. Decker through Ms. Jackson called me stating that DRE did not have the budget despite the correctness of the requests and would not act. Yet they have the budget to falsely accuse me and Mr. Young.

The only remedy under the ICA should a referee determine that Stern did violate the ICA stipulation was to extend a MEMO Entry( no money ever owed) on his account for six months of each determined violation. The ICA did not provide for any financial consequences to Mr. Stern except perhaps a maximum \$500 if heard by a Referee. That memo entry was left there as an agreed cosmetic device for Mr. Romano, then AHCA President, at his request. Ms. Jackson's sworn deposition corroborates that point. And once again DRE's Ann Conrad and Sharon Jackson both blessed my selection of the Mediation box on the ADR form so for Ms. Briggs to characterize that I " refused to agree to the referee process" is a blatant lie and biased mischaracterization and characteristic of her sloppy and incomplete investigation with a predetermined objective regardless of the facts and the law. There was and is no benefit to homeowners for the AHCA filing of ADR14-126. It was retaliatory in nature and that is the context that DRE chooses to ignore. And DRE blessed the

MEDIATION selection.

7. Correct but also Boyack asked the court for attorneys fees in total contradiction to the ICA which the court referred back to the Referee Program. The matter of fraud was dismissed. The ICA specifically states , " The board further agrees to not assess any additional legal fees or legal costs pertaining to this agreement." This is direct evidence of the board and Mr. Boyack acting in bad faith documenting once again the retaliatory context of their objectives. Where is DRE's Complaint for Disciplinary Action against Mr. Hernandez and AHCA for retaliation? Case 2015-5 awaits justice.

8. Ms. Briggs fails to mention that DRE issued a Letter of Instruction stating that the board did unlawfully proceed to a civil suit against Mr. Stern in the matter regarding the Informal Conference Agreement( ICA) causing Mr. Stern to incur \$27,214.70 of legal fees and costs which are currently before a referee as to reimbursing Mr. Stern as the ICA requires. More bad faith by Mr. Boyack and AHCA board members. Where is the Disciplinary Action against AHCA? Why has not Ms. Briggs filed that action against AHCA but instead chooses to wrongly accuse me of self interest, gain, prejudice or revenge which is the language specifically from NRS116.31183( Retaliatory action

prohibited). It is not part of NRS116.3103. This clearly documents a bias from Ms. Briggs and DRE with wrongful application of law against me and Mr. Young. It is totally applicable against Mr. Hernandez and others as his own email( provided to DRE) documents his intentions. Case 2015-5 cries out for justice.

9. Correct.

10. Correct. But no disciplinary action by DRE against the perps. Favortism clearly showed to certain AHCA board members by DRE for failing to prosecute such a serious and injurious offense.

11. Correct. However the Division took no disciplinary action nor required reimbursement to AHCA for the misappropriation of funds. The matter was subsequently reopened and apparently FSR's Steven Parker, after being leaned on by Pennie Puhek, agreed to reimburse the monies as a bribe so that FSR could keep the management account as he feared Pennie Puhek's influence on the hijackers. And the other monies paid directly to Ms. Puhek by AHCA were not reimbursed by her as of my last conversation with Ms. Briggs. There again is favortism by Ms. Briggs in her pursuit of justice or lack thereof. She apparently gave Ms. Puhek a pass. Burglars are still

charged with burglary even if the stolen goods are recovered, aren't they? The bias by Ms. Briggs is evident. Where's my pass? Where's Mr. Young's pass?

12. Correct

13. - 20. N/A

21. Correct

22. Incorrect. The motion called for the President and VP to jointly approve a manager. Fassette was VP. Hernandez was President. That is an important distinction that was later violated by Hernandez and yet Ms. Briggs has mischaracterized and misstated the facts.

23. Correct

24. Correct

25. and 26. Correct

27.-32. N/A

33. Correct

34. N/A

35. Not exactly. The motion required the President and VP. That distinction is important as Hernandez violated it.

36. Correct

37. I don't recall.

38. Correct. The meeting was poorly run and rules of order were not followed as Mr. Brensinger and Mr. Hernandez were incompetent and grossly negligent.

39. It was chaotic.

40. Ms. Fassette did submit a resignation as VP on June 12.

41. Ms. Fassette did withdraw her resignation on June 18.

42. Correct without board authority.

43. How was this NEXTDOOR post verified?

44. How was this NEXTDOOR post verified? What's Ms. Briggs point? What's the implication other than I wanted to ensure safety. And I did attend the July 22 meeting. I was concerned as Mr. Hernandez had recently lost his wife and was acting irrationally. Ms. Fassette had warned me of her visit to his home and that he was talking a lot stating he didn't have much to live for. He showed her his guns. She said it was creepy and was concerned. I was worried. So what's Ms. Briggs's point? I'm not entitled to be cautious in today's environment?

45. Correct.

46. The context is humor. I am a writer and it was a metaphor based on James Lauth's "popcorn" remark at a board meeting about all the drama. The investigators didn't even ask. Ms. Briggs misues the comment as she attempts to fabricate a case without basic corroboration of facts by a skilled investigator. Very sloppy and incompetent work leading to unjustified and prejudicially speculative positions.

47. Correct.

48. Correct.

49. Correct.

50.. Correct.

51. There is clear bias in the statement. My motion was as to General Counsel as in my view Mr. Boyack was a terrible General Counsel on so many matters. While Mr. Boyack openly enabled the retaliation against me that doesn't disqualify me to protect the Community. As a board member and in accordance with NRS116.3103 it is my duty to act in good faith with the honest belief that my actions are in the best interests of homeowners. I faithfully executed that duty and for Ms. Briggs to imply otherwise shows her bias and an attempt to substitute her judgment. It's not her call. I had for years been asking for

Boyack's replacement for which I was retaliated against. And remember DRE has already established that the two civil cases filed against me were filed unlawfully by Mr. Boyack without the required homeowner approval or ratification. I got it right. To imply I had a conflict of interest is ludicrous. I was protecting the Community as Mr. Boyack and certain board members were in a conspiracy and running up legal fees to prosecute their vendetta. What's Ms. Briggs's point? Today it rained but is that relevant to this case? Absolutely not. Ms. Briggs is and has been an enabler of wrongful actions. Case 2015-5 again cries out for justice as Ms. Puhek and Mr. Hernandez are given a pass. In the Carson City misappropriation of funds case Hernandez and Puhek are given another pass. In pending Case 2015 -3660 Ms. Briggs has already stated Hernandez will get a pass. Ms. Briggs is blatantly biased and ought to be replaced. Justice is to be blind not the Senior Deputy Attorney General.

52. As did Mr. Hernandez. Ms. Briggs fails to mention that. Is it her bias again that causes her to withhold key information? Or is she just sloppy and loose with the facts and the law?

53. The motion was passed as declared by board President Hernandez. Once declared passed which is evident on the

audio recording and corroborated by eyewitnesses that Roberts Rules of Order were not followed. There is no statement of fact about Mr. Hernandez here who approved the motion. He did. Even if Ms. Briggs makes a case for Mr. Brensinger it does not change the outcome of the motion. It is not the first time Ms. Briggs has ignored facts and due process and equal protection. She gives passes when she feels like it and to those she favors. She is not impartial. Her work is clearly tainted with bias.

54. The same motion was not properly brought up. The audio clearly documents an attempt by Brensinger without being recognized for a motion to reconsider. Rules of order were ignored as the hijackers were and are incompetent and negligent as to running a meeting. His attempt to reconsider after being coached by Puhek is what failed. Then Hernandez declared a "do over" after being coached by Puhek and he stated motion failed. He instructed the person taking the minutes to falsify them. Ms. Briggs has her facts WRONG. Ms. Jill Levin and others who attended the meeting clearly refute Ms. Briggs's assertions and clearly the calibre of the investigation is poor. Ms. Briggs and DRE were provided Ms. Levin's post. Why is that not cited in the facts? Even Brensinger admitted in writing that BOYACK was terminated as

General Counsel. Hernandez wrote an email that he was going to ignore the vote. Ms. Briggs's bias or failure to correctly discover and state the relevant facts is very prejudicial and disturbing. The case against Mr. Young and myself is a travesty generated by DRE and Ms. Briggs's incompetence.

55. The motion was passed as declared by Mr. Hernandez. Ms. Briggs has left that out. The conversation that took place afterwards regarding Mr. Brensinger's vote was after the motion was declared passed by the President who was leading the meeting. And again Mr. Hernandez clearly voted yes and there is no objection in this complaint that he did otherwise. Therefore it is very clear that Mr. Boyack is not General Counsel and should not even be participating in the Commission hearing. And for Ms. Briggs to ignore the actual facts especially Mr. Hernandez's affirmative vote shows her bias in favor of Puhek/ Brensinger or outright sloppiness of DRE's investigation. Postings from homeowners who actually attended the meeting differing with Ms. Briggs account were sent to Mr. Decker and Ms. Briggs and apparently DRE chooses to create fiction. Mr. Young and myself are due an apology from DRE.

56. Ms. Briggs clearly does not understand the Rules of

Order required by the governing documents and again does a terrible service to AHCA homeowners and the State of Nevada. According to Robert's Rules of Order which are incorporated and made part of AHCA governing documents, resignations must be presented to the body to become effective by a vote. Ms. Fassette's withdrawal of her resignation on June 18( which she had a right to do under the rules) after the June 12 VP resignation required nothing to happen for her to continue serving. Ms. Briggs's failure to properly understand the applicable governing documents is unfortunate. Mr. Hernandez wrongfully allowed a wrongful agenda item on July 22 to obtain an acknowledgement of a resignation that didn't exist as it had been withdrawn. Worse he didn't even allow it for a vote which under the rules permitted Ms. Fassette to vote if it had been lawfully on the agenda which it wasn't. Mr. Brensinger openly conspired by clearly falsifying the draft minutes for which DRE and Ms. Briggs, Sharon Jackson and Chris Sewell don't seem to have an issue with as an Intervention Affidavit was filed. That evidence is there.

57. N/A

58. Correct. Ms. Briggs fails to address that the meeting was not properly noticed and that there is no obligation for anyone to attend a meeting that is not properly

noticed. Where is Ms. Briggs's fairness? She is clearly biased and presents only 1/2 truths. With no requirement for a board member to attend an improperly noticed meeting and with the intentional falsification of minutes by Mr. Brensinger and abuse of process by Mr. Hernandez at the July 22 meeting no violation by Mr. Stern nor Mr. Young took place. The charges by DRE are bogus, biased and prejudicial and should be dismissed with prejudice as the matter is now moot with the DRE requested February 1, 2016 resignations of Mr. Stern and Mr. Young submitted. Mr. Young's and Mr. Stern's resignations were offered in good faith to clear the pathway for AHCA to move forward under DRE supervision. A continuance now requires those resignations to be withdrawn in order to protect the Community from more wrongful acts by the hijackers.

Mr. Hernandez and Mr. Brensinger working with Pennie Puhek are the hijackers. Ms. Puhek, a non board member, represented AHCA at a December 1, 2015 Referee hearing along side Mr. Boyack. DRE needs to continue its efforts against these persons based on Intervention Affidavits already filed. What entitles Ms. Briggs to grant the same individuals more and more passes?

Unfortunately DRE did not do an honest investigation of

the facts and falsely accuses the innocent board members. The law should protect me and Mr. Young. DRE and Ms. Briggs have a duty to respect and follow the law and not to misuse it. She has attempted to use her prosecutorial powers to leverage a predetermined desired result inconsistent with justice and the best interests of AHCA homeowners.

59. N/A

60. Correct but in a direct conversation with Sharon Jackson she was informed of the fact that meetings were not being properly noticed. She stated notice was met and that objections were technicalities. I asked her if she actually read Bylaws 3.13 and she said no. It was clear she had a predetermined objective and the law and facts did not matter. Apparently Ms. Briggs shared the same perspective. This is so wrong and below standards that should be expected of public officials. Due process should matter and in this case DRE did not seem to think it was important and chose to ignore the Community's governing documents and chose to make false allegations. Again Mr. Young and myself are due an apology and dismissal of all charges.

61. Correct. It was an ultimatum and it clearly

acknowledged that Boyack was terminated. Exhibit 1 is provided and clearly this document executed by Brensinger and Hernandez acknowledges that Boyack was terminated and thoroughly refutes Ms. Briggs's account of that issue. See 2). Did she not read the document she clearly references? It surely looks that way as evidence of an incompetent investigation is abundant and a poorly thought out complaint created to put before the Commission.

Look at the ultimatum in 4) trading to get Boyack motion rescinded in exchange to allow Ms. Fassette to serve as a board member. That is so wrong.

What does the Senior Deputy AG call that? Ms. Briggs's bias and DRE's sloppy investigation and charges are exposed without any doubt.

According to Ms. Fassette, in discussion with Ms. Jackson, it was Ms. Jackson who urged Ms. Fassette to sign a really bad document telling her she could ignore it later. WOW!

The case has already been made that Ms. Fassette never left the board but was only wrongfully denied her seat.

And read the other points contained in the ultimatum. This is clear evidence of the hijackers Brensinger and Hernandez abusing their power to leverage matters

inconsistent with lawful behavior and wrongly attacking Mr. Stern. Again Mr. Young and Mr. Stern are due an apology from DRE and an immediate withdrawal and dismissal of all charges. Mr. Brensinger isn't even named as a respondent as DRE has wrongfully given him a pass when DRE clearly stated previously it was going after all current and recently past board members.

62. Correct.

63. Ms. Fassette by law never left the board.

64. Correct. The bias of Ms. Briggs and DRE couldn't be more evident. I was in North Carolina for October 28 and November 16 and physically unable to attend. That was known. I did not commit any offense. Those meetings again were not properly noticed. December 9 meeting was not properly noticed. No violations. DRE ought to do its homework before making false charges. Ms. Briggs in a conversation with me said it doesn't matter. Notices are just technicalities. I was shocked by her statement. I'm guilty according to her regardless of the law. She has concluded that and states that it was my duty to call at my expense without any proper notice of the meeting nor any chance of reimbursement of long distance expense from a hostile President and uncooperative Community Manager.

Ms. Briggs wrongfully imposes a burden on me inconsistent with the facts and the law. And with the unlawful behavior already exhibited by the hijackers , Ms. Briggs and DRE's bias is on full display. All of us are entitled to equal protection under the law. That's the technicality that Ms. Briggs ought to honor.

65. Partially correct. My agenda was not used. That meeting was not properly noticed either and I provided direct evidence of such to DRE and it has been apparently ignored. Ms. Jill Levin posted on Nextdoor( since Nextdoor is being quoted by Ms. Briggs) that her notice arrived December 24 for a December 28 meeting. In direct communication with Steven Parker, FSR President, he makes it clear that they cannot document actual notice date as they pass it off to a third party vendor and hope for the best . My understanding is that the Community Manager Elyssa Rammos has lied to investigators who have taken her word over any objective evidence. A proper investigation by DRE before making groundless accusations against board members would serve the State of Nevada better. And by the way, there seems to be a DRE double standard as it goes for NEXTDOOR posts . When I filed Intervention Affidavit 2015-291, I was required by Compliance Investigator Gina M. D'Alessandro

to provide direct access to my account( which I did) to verify the origin of Pennie Puhek's statements. Did DRE follow its same standard before asserting NEXTDOOR evidence in this case? Ms. Briggs and DRE without cause have acted to delay 2015-291 going before the Commission February 2-4 demonstrating further bias in favor of Puhek/ Brensinger. She claims a Referee had the matter. Not true. Isn't that just a technicality she relies on? Hypocrisy for sure. All she had to do was to ask Referee but she chose not to. More evidence of bias. More evidence of a double and arbitrary standard with a clear lack of equal protection under the law for Mr. Young and myself.

66. There have been Actions Taken Without a Meeting in accordance with the Bylaws.

67. This board member has addressed violations at the request of the President and approved certain items under BYLAWS via Action Taken Without a Meeting in order to prudently provide an audit trail and not be at risk for more fraudulent and falsification of minutes by the hijackers. I have approved certain matters as Action Taken Without a Meeting acting in good faith with the clear intentions of acting in the best interests of the Community. So Ms. Briggs's statement is again biased by

omission. Until DRE intervenes and returns integrity to the board process with honest board members and dutiful management AHCA is at risk.

Ms. Briggs and DRE have no right to impose their judgment as a replacement for a board member's and create any standard under NRS116.3103 as that is each board member's duty and judgment by law. Ms. Briggs has ignored the law attempting to substitute her judgment as the standard.

As it relates to the budget for 2016 Ms. Briggs's statement is false and misleading. I have personally addressed and proposed budget issues as has Mr. Hernandez via emails as we sought compromises. Some were reached. We simply reached an impasse requiring a fifth vote. And if a properly noticed meeting was called and all board members were allowed to participate the Community's business could have been properly conducted. The responsibility for this is clearly on the hijackers.

68. Correct.

69. Ms. Briggs and DRE are overreaching their legal authority as it relates to me on NRS 116.3103 (2) as they misstate the law. " In the performance of their duties, the

officers and members of the executive board are fiduciaries and shall act on an informed basis, in good faith and in the honest belief that their actions are in the best interest of the association." Ms. Briggs and DRE charge without any basis in fact. There is nothing in this statute that says anything about self interest ,gain, prejudice or revenge. That is language from the statute( NRS116.31183) dealing with retaliation. In my judgment (which is what the statute says) my "honest belief" is the standard. When I told Ms. Briggs in good faith that it was my honest belief that mattered under the law, she called me a liar saying in her judgment I acted in bad faith imposing her belief as the standard. That is prosecutorial misconduct folks. And besides there was no self interest, gain, prejudice or revenge. I was acting on an informed basis, in good faith and in the honest belief that my actions were in the best interest of the association. Her bias has become personal and she ought to be replaced.

70. The incompetence, negligence and gross negligence belongs to Ms. Briggs and DRE as they failed to do a proper investigation, follow the facts, follow the law and do what was in the best interests of the association. Ms. Jackson and Ms. Briggs have directly contributed by their actions and lack of actions over the years to properly

enforce the laws of the State of Nevada and thus creating a rogue environment for certain board members to abuse process. With Joseph Decker taking the reins DRE has begun to take actions and that is good but these charges against me are absurd and outside the bounds of the law. If anything ,my competence and attention to try and become part of a solution is on the record. I have even tendered my resignation at DRE's request because they see that as part of the solution. I disagree with them but nevertheless have cooperated. As a result of the continued abuse and retaliation efforts of this board, especially Mr. Hernandez as encouraged by Ms. Puhek, and DRE's failure to properly prosecute and enforce the law, it is best for me to sell my home and leave the Community. And now Mr. Hernandez with Community Manager cooperation threatens to interfere with my home sale proceeds. DRE will be called upon to go after AHCA if any formal demand for collections is made.

71. This is such a false charge against me. Mr. Hernandez and Mr. Brensinger( Secretary who is not even charged here) were to be held accountable per previous DRE communications. Between the hijackers and an incompetent Community Manager, selected wrongfully solely by Mr. Hernandez, are responsible for the

improperly noticed meetings. They were grossly negligent in noticing meetings, negligent in running meetings in accordance with rules of order and guilty of intentionally falsifying draft minutes. And it appears DRE and Ms. Briggs give them a pass. Ms. Briggs apparently believes she sets the standard for behavior and what is actionable. Her neglect of enforcing portions of the law and her empathy for Ms. Puhek and close associate Mr. Brensinger is clearly biased. Ms. Briggs's filed complaint on behalf of Mr. Decker is rife with bias and shameful and lacks the professionalism the State of Nevada should expect. There were not any properly noticed meetings. This is on the President and the Secretary and the Community Manager.

72. Absolutely a bogus statement by DRE and Ms. Briggs. This is totally on Hernandez and Brensinger. I had no power to properly notice meetings. The failure to properly notice meetings belongs to the hijackers exclusively.

73. This is on Hernandez and Brensinger. I had no power to properly notice meetings.

74. The meetings were not properly noticed. This is on Brensinger and Hernandez. As a retired CPA I have absolutely acted in good faith at July 22 meeting and

thereafter as I have reviewed the financial statements, revenues and expenses operating and reserve accounts or financial statements and have raised serious issues as to problems regarding the receivables, allowance for doubtful accounts, and the reserves as well as monitored surplus funds. I submitted my concerns in writing and indicated that I could not approve the financials because of what I considered improprieties. My concerns were not addressed. Again I am not accountable for not attending an improperly noticed meeting. DRE's ignoring the governing documents without even reading them and attempting to declare that the improper notice was only a technicality when all of the law is made up of technicalities is just dumb. Ms. Briggs does a tremendous disservice to the administration of the law by working with DRE to attempt to create a standard that the law does not impose. DRE is the first to tell a complaintant that should an Intervention Affidavit contain allegations that were not presented in a certified letter to the accused that this technicality is honored and charges cannot be brought. DRE must follow the law and all of its technicalities in protecting all homeowners including board members Robert Stern and Ronnie Young. DRE has no right to bring these false charges.

75. As a concerned board member acting in the best interests of homeowners I asked to participate early in the budgeting process. Not only was I excluded but so was Mr. Young who was on the budget committee. Mr. Hernandez acting in bad faith created a budget with Ms. Puhek and presented it as an ultimatum. Mr. Hernandez much later after push back did change his position somewhat on certain line items and some emails were exchanged in attempt in good faith by both parties to find common ground. But because of Mr. Hernandez's unlawful denial of Jody Fassette's board seat, enabled by Pennie Puhek, he created an impossible situation. He is solely accountable for the lack of properly noticed meetings and failure for the conducting of AHCA business. The charges by DRE against Mr. Young and me are totally without merit and should be immediately dismissed.

#### Discipline Authorized:

DRE had requested that all board members resign. Mr. Young and myself did effective February 1, 2016 to protect AHCA homeowners from more wrongful actions by those (Brensinger and Hernandez) who have hijacked the board's power.

Also I disclosed to DRE in 2015 prior to their filing of the complaint that I was putting my house on the market in early January and leaving the neighborhood. The house is on the market.

A continuance by the Commission has been granted and that future date is uncertain but sometime in June as I understand it. Additionally I will be in North Carolina and my personal appearance is not required. Further I am entitled to indemnification but the board under Mr. Hernandez and Ms. Puhek enabled by Boyack have failed to honor those provisions. I ask DRE and Ms. Briggs to save AHCA the needless legal expense payments and additional fighting. I am leaving the neighborhood upon sale of my home and ask Mr. Decker to allow a dismissal with prejudice as that is in the best interests of AHCA.

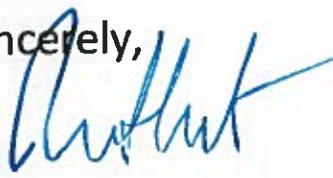
If this is not acceptable then I will want to appear before the Commission when not away in North Carolina or on trips. I will be in North Carolina beginning in April and not available until August 2016. I have withdrawn my resignation in accordance with the rules but am available for any proposed DRE solution that includes barring current board members as well as Frank Capello, Pennie Puhek and Rick Romano and their spouses from future

participation in Community committees or the board.

I reserve the right to amend this ANSWER after obtaining legal counsel at the expense of AHCA if the matter against me is not dismissed forthwith .

I will be traveling a great deal in 2016 and request that communications also be directed via email at

 and contact by cell at   
 as regular mail will be greatly delayed.

Sincerely,  


Robert Stern

