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13 *Attorneys for Cimarron Ridge Association,*  
14 *Richard Shinn, and Maggie Shinn*

FILED

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NEVADA COMMISSION OF  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

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

11 Sharath Chandra, Administrator, Real Estate  
12 Division, Department of Business & Industry,  
13 State of Nevada,

Case No: 2017-1368

Petitioner,

RESPONDENTS CIMARRON RIDGE,  
RICHARD SHINN, AND MAGGIE  
SHINN'S RESPONSE TO COMPLAINT  
FOR DISCIPLINARY ACTION AND  
NOTICE OF HEARING

vs.

15 Cimarron Ridge Association, Richard Shinn,  
16 Maggie Shinn, and Jason Bishop,

Respondents.

18 Respondents Cimarron Ridge Association, Richard Shinn, and Maggie Shinn (collectively  
19 referred to as "these answering Respondents") by and through the law firm of Tyson & Mendes LLP,  
20 hereby respond to the allegations in Petitioners' Complaint for Disciplinary Action as follows:

21 JURISDICTION AND NOTICE

22 1. Answering paragraph 1 of the allegations entitled "Jurisdiction and Notice" of the  
23 Complaint, these answering Respondents admit that at various times Richard Shinn ("Mr. Shinn"),  
24 Maggie Shinn ("Ms. Shinn"), and Jason Bishop ("Mr. Bishop") have all served as board members  
25 and/or officers of Cimarron Ridge Association (the "HOA"). These answering Respondents are  
26 without sufficient information to form a belief as to the truth or falsity of any remaining factual  
27 allegations contained therein and therefore, on that basis, denies the same.

28 2. Answering paragraph 2 of the allegations entitled "Jurisdiction and Notice" of the

1 Complaint, these answering Respondents assert that said paragraph contains and/or constitutes a  
2 legal conclusion, to which no response is required. To the extent said paragraph is determined to  
3 contain factual allegations, these answering Respondents are without sufficient information to form  
4 a belief as to the truth or falsity of any factual allegations contained therein and therefore, on that  
5 basis, denies the same.

### 6 **FACTUAL ALLEGATIONS**

7 3. Answering paragraph 3 of the allegations entitled "Factual Allegations" of the  
8 Complaint, these answering Respondents are without sufficient information to form a belief as to  
9 the truth or falsity of any factual allegations contained therein and therefore, on that basis, denies  
10 the same.

11 4. Answering paragraph 4 of the allegations entitled "Factual Allegations" of the  
12 Complaint, these answering Respondents admit the allegations.

13 5. Answering paragraph 5 of the allegations entitled "Factual Allegations" of the  
14 Complaint, these answering Respondents admit Mr. Shinn and Ms. Shinn are husband and wife and  
15 that for a time period Mr. Shinn and Ms. Shinn were serving on the board together. However, Ms.  
16 Shinn has not been on the board for some time.

17 6. Answering paragraph 6 of the allegations entitled "Factual Allegations" of the  
18 Complaint, these answering Respondents deny the allegations and assert the 2016 annual registration  
19 form is signed by Mr. Shinn and only lists Mr. Shinn and Mrs. Shinn as having the same address.

20 7. Answering paragraph 7 of the allegations entitled "Factual Allegations" of the  
21 Complaint, these answering Respondents admit the HOA has had multiple community management  
22 companies since 2015, but is without sufficient information to form a belief as to the truth or falsity  
23 of any remaining factual allegations contained therein and therefore, on that basis, denies the same.

24 8. Answering paragraph 8 of the allegations entitled "Factual Allegations" of the  
25 Complaint, these answering Respondents deny the allegations.

26 9. Answering paragraph 9 of the allegations entitled "Factual Allegations" of the  
27 Complaint, these answering Respondents are without sufficient information to form a belief as to  
28 the truth or falsity of any factual allegations contained therein and therefore, on that basis, denies

1 the same.

2 **VIOLATIONS OF LAW**

3 10. Answering paragraphs 10 through 13 of the allegations entitled "Violations of Law"  
4 of the Complaint, these answering Respondents assert that said paragraphs contain and/or constitute  
5 legal conclusions, to which no response is required. To the extent said paragraphs are determined  
6 to contain factual allegations, these answering Respondents deny the same.

7 **DISCIPLINE AUTHORIZED**

8 11. Answering paragraphs 1 through 8 of the allegations entitled "Discipline Authorized"  
9 of the Complaint, these answering Respondents assert that said paragraphs contain and/or constitute  
10 legal conclusions, to which no response is required. To the extent said paragraphs are determined  
11 to contain factual allegations, these answering Respondents are without sufficient information to  
12 form a belief as to the truth or falsity of any factual allegations contained therein and therefore, on  
13 that basis, denies the same.

14 **AFFIRMATIVE DEFENSES**

15 **Affirmative Defense One:** *Failure to State a Claim.* The allegations contained in the Complaint  
16 fail to state a cause of action against these answering Respondents upon which relief can be granted.

17 **Affirmative Defense Two:** *Substantial compliance.* These answering Respondents substantially  
18 complied with the administrative regulations and statutes at issue in this case.

19 **Affirmative Defense Three:** *Lack of intent.* These answering Respondents did not have any  
20 intention of violating the law and used their best efforts to comply with the law and fulfill their  
21 obligations.

22 **Affirmative Defense Four:** *Best efforts.* In all their actions in serving as board members to the  
23 HOA, Mr. Shinn and Mrs. Shinn acted in good faith in their attempts to comply with the  
24 administrative regulations and statutes at issue in this case.

25 **Affirmative Defense Five:** *Unforeseen circumstances.* These answering Respondents' actions are  
26 excused due to unforeseen circumstances and were at all relevant times taken for the benefit of the  
27 HOA.

28 **Affirmative Defense Six:** *Necessity.* These answering Respondents' actions are excused by

1 necessity and were at all relevant times performed for the benefit of the HOA.

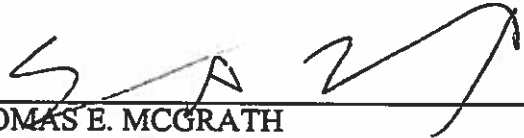
2 **PRAYER FOR RELIEF**

3 WHEREFORE, these answering Respondents prays as follows:

- 4 1. That this matter be dismissed,  
5 2. That the Commission not discipline these answering Respondents, and  
6 3. For such other and further relief as may be deemed just and proper by the  
7 Commission.

8 DATED this 6<sup>th</sup> day of November, 2017.

9 TYSON & MENDES LLP

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20 *Richard Shinn, and Maggie Shinn*  
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1 **CERTIFICATE OF SERVICE**

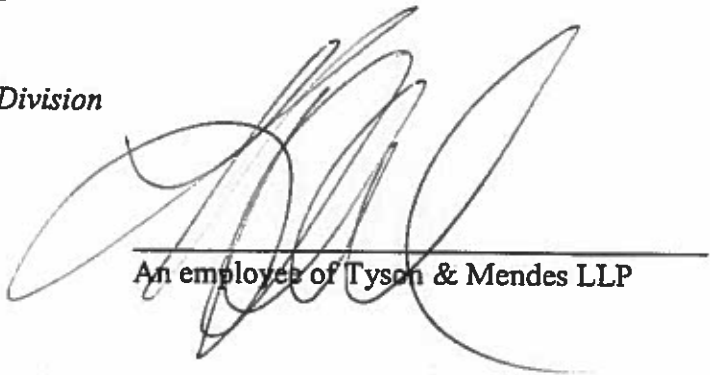
2 The undersigned, an employee of Tyson & Mendes LLP, hereby certifies that on the 6<sup>th</sup> day  
3 of November, 2017, a copy of *RESPONDENTS CIMARRON RIDGE, RICHARD SHINN, AND*  
4 *MAGGIE SHINN'S RESPONSE TO COMPLAINT FOR DISCIPLINARY ACTION AND*  
5 *NOTICE OF HEARING*, was served by U.S. Mail addressed to:

6 Sharath Chandra, Administrator  
7 Real Estate Division,  
8 Department of Business & Industry  
9 State of Nevada  
10 3300 West Sahara Avenue, Suite 350  
11 Las Vegas, NV 89102  
12 *Petitioner*

13 And was served by U.S. Mail and email, addressed to:

14 Michelle D. Briggs  
15 Senior Deputy Attorney General  
16 555 E. Washington Ave., Ste. 3900  
17 Las Vegas, NV 89101  
18 mbriggs@ag.nv.gov  
19 *Attorneys for Nevada Real Estate Division*

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An employee of Tyson & Mendes LLP