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Attorneys for Respondent Debra A. Warner

FILED
APR 28 2015
REAL ESTATE COMMISSION
BY

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

GAIL J. ANDERSON, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA, Petitioner, vs. DEBRA A. WARNER, Respondent.	CASE NO. : REN 11-03-03-054 **ANSWER TO COMPLAINT**

Respondent, DEBRA A. WARNER, by and through her counsel of record, ERICKSON, THORPE & SWAINSTON, LTD. and JOHN A. ABERASTURI, ESQ., hereby responds to Claimants' Complaint and Notice of Hearing, as follows:

IN RESPONSE TO "JURISDICTION"

Respondent admits that DEBRA A. WARNER fka DEBRA A. SMITH, was a salesperson under the referenced license number and permit number and subject to jurisdiction.

IN RESPONSE TO "FACTUAL ALLEGATIONS"

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Respondent admits that the referenced charge account was opened, and further this answering respondent is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations

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contained in said paragraph and, therefore, denies each, every and all of the same.

6. Admit.

7. Respondent admits that the referenced charge account was opened, and further this answering respondent is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in said paragraph and, therefore, denies each, every and all of the same.

8. Respondent denies the allegations contained in Paragraph 8 in that Real Estate Venture, LLC (hereinafter "REV"), did authorize the opening of accounts necessary to perform management work.

9. Respondent admits that charge accounts were used to purchase items for other properties, but REV was never required to pay any of the charges.

10. Respondent admits that Walter Neal did file a Statement of Fact, and further this answering respondent is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in said paragraph and, therefore, denies each, every and all of the same.

11. Deny.

IN RESPONSE TO "VIOLATIONS"

12. Deny.

13. Deny.

IN RESPONSE TO "DISCIPLINE AUTHORIZED"

14. Respondent denies that the Commission is empowered to impose sanctions identified as there is no basis for such sanctions.

15. Respondent denies that the Commission is authorized to impose the costs identified as there is no basis for an award of costs.

16. No response is required.

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FIRST AFFIRMATIVE DEFENSE

Petitioner's Complaint fails to state a claim upon which relief or sanction can be imposed.

SECOND AFFIRMATIVE DEFENSE

The charge accounts referenced were opened with the knowledge of the principal of the client and all expenses were reported on a monthly and annual basis with specific reference to those accounts.

THIRD AFFIRMATIVE DEFENSE

The client company was never charged for purchases for items of properties not owned by the client company.

FOURTH AFFIRMATIVE DEFENSE

There is no basis for allegations of gross negligence.

FIFTH AFFIRMATIVE DEFENSE

There was no material misrepresentation or deceitful conduct. The client principal was specifically informed that accounts would be opened in the name of his business and used for purchase of limited maintenance items. The total maintenance items purchased that are the subject of the allegations are well less than $1,500.00 over a period of more than four years.

WHEREFORE, respondent, DEBRA A. WARNER, prays the Complaint on file herein be dismissed with prejudice, and that no sanctions or costs be awarded against this respondent.

DATED this 22 day of April, 2015.

ERICKSON, THORPE & SWAINSTON, LTD.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE & SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the attached document by Federal Express to:

REAL ESTATE DIVISION
STATE OF NEVADA
Attn: Legal Administrative Officer
2501 East Sahara Avenue
Las Vegas, NV 89104-4137

and by United States Postal Service to:

Kimberly A. Arguello
Senior Deputy Attorney General
555 E. Washington Avenue, Ste. 3900
Las Vegas, NV 89101

DATED this 24th day of April, 2015.

Louise M. Ligouri

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