

FILED

MAR 31 2016

REAL ESTATE COMMISSION
[Signature]

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5 Attorneys for Respondent

6
7 BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

8 JOSEPH R. DECKER, Administrator,) Case No.: 2015-2627
9 REAL ESTATE DIVISION, DEPARTMENT)
10 OF BUSINESS & INDUSTRY)
STATE OF NEVADA,)

ANSWER

11 Petitioner,)

12 vs.)

13 ANTHONY SHAW,)

14 Respondent.)

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15
16 ANSWER TO COMPLAINT

17 Respondent, ANTHONY SHAW, by and through his attorney, Pamela R. Lawson,
18 Esq. of the Law Offices of Pamela R. Lawson, Answers Petitioner's Complaint as follows:

19 FACTUAL ALLEGATIONS

20 Answering Paragraphs 1, 2, 3, 6, 9, 10, 12, 13, 14, Petitioner's Complaint, Respondent
21 admits the allegations contained therein.

- 22 1. Answering Paragraph 4 of Petitioner's Complaint, Respondent denies the allegations
23 contained therein.
24 2. Answering Paragraph 5 of Petitioner's Complaint, Respondent denies that he sent
25 Mrs. Barton's June, 2015 payment late; he sent it timely, she said she did not receive
26 it, he sent a replacement check.
27 3. Answering Paragraph 7 of Petitioner's Complaint, Respondent
28

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- 1 4. Answering Paragraph 7 of Petitioner's Complaint, Respondent states that he went to
2 the Division to report he had a deficit and the business was in trouble. Respondent
3 consulted an attorney and was advised to stop all transactions and to have another
4 brokerage take over. Respondent followed his counsel's advice.
- 5 5. Answering Paragraph 8 of Petitioner's Complaint, Respondent is without sufficient
6 information or knowledge necessary to form a belief as to the truth or falsity of the
7 allegation and therefore denies Paragraph 8. Respondent, when he opened the
8 account ten years ago, designated two of the bank accounts as trust accounts, the
9 Operating Rental Account was one of them so designated. Respondent was under the
10 impression that the Operating Rental Account was a Trust Account and was surprised
11 when the Division Investigator told him it was not.
- 12 6. Answering Paragraph 10 of Petitioner's Complaint, Respondent states that he only
13 paid payments from the trust account to owners or tenants who had funds in them.
14 Respondent admits that the business began to fail at the end of 2014.
- 15 7. Answering Paragraph 11 of Petitioner's Complaint, Respondent admits that he
16 deposited rents into his business account not knowing it was a violation.
- 17 8. Answering Paragraph 15 of Petitioner's Complaint, Respondent admits that he
18 balanced the trust account funds that were in the bank account at the time matched up
19 with the selected existing clients.
- 20 9. Answering Paragraph 17 of Petitioner's Complaint, Respondent denies each and
21 every allegation contained therein.

22 VIOLATIONS

- 23 10. Answering Paragraph 18 of Petitioner's Complaint, Respondent asserts that NRS
24 645.630(1) (f) speaks for itself.
- 25 11. Answering Paragraph 19 of Petitioner's Complaint, Respondent asserts that NRS
26 645.310(4) speaks for itself.
- 27 12. Answering Paragraph 20 of Petitioner's Complaint, Respondent asserts that NRS
28 645.630(1) (h) speaks for itself.

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- 1 13. Answering Paragraph 21 of Petitioner's Complaint, Respondent asserts that NRS
2 645.630(1) (h) speaks for itself.
- 3 14. Answering Paragraph 22 of Petitioner's Complaint, Respondent asserts that NRS
4 645.630(1) (h) speaks for itself.
- 5 15. Answering Paragraph 23 of Petitioner's Complaint, Respondent asserts that NRS
6 645.630(1) (h) speaks for itself.
- 7 16. Answering Paragraph 24 of Petitioner's Complaint, Respondent denies that he
8 convert client funds for his personal use and further asserts that NRS 645.630(1) (h)
9 speaks for itself.
- 10 17. Answering Paragraph 25 of Petitioner's Complaint, Respondent asserts that he did not
11 knowingly submit false Trust Account Reconciliation reports to the Division and
12 further that NRS 645.633(1) (i) speaks for itself.

DICIPLINE AUTHORIZED

- 14 18. Answering Paragraph 26 Petitioner's Complaint, Respondent asserts that NRS
15 645.630 and NRS 645.633 speak for themselves.
- 16 19. Answering Paragraph 27 Petitioner's Complaint, Respondent asserts that NRS
17 Chapter 622 speaks for itself.
- 18 20. Answering Paragraph 28 Petitioner's Complaint, Respondent requests that the
19 Commission consider the circumstances and the fact that Respondent did not convert
20 any of his clients' monies to his own use and that he was unprepared to for the
21 consequences of the real estate downturn and the need for and understanding of
22 advanced accounting software systems.

DEFENSES

- 24 1. Respondent had no intent to violate NRS Chapter 645.
- 25 2. Respondent's intent in transferring monies from his household account to the Operating
26 Rental Account was to fulfill the obligations of Alliance Properties and to save the business.
- 27 3. Respondent sold his business, Alliance Properties, to William Rowan who is the owner
28 of Rowan Real Estate & Rentals for the consideration that Rowan will pay Alliance

1 Property's current trust account deficit. The deficit will be repaid by December 31, 2017.
 2 Rowan will administer the former accounts of Alliance Properties. The assets (books
 3 records files and outstanding business contracts of Alliance Properties were sold for \$3.00.
 4
 5 4. Respondent borrowed an additional \$60,000 and used the funds to repay as many former
 6 owners and renters deposits as he could.

7 **LAW OFFICES OF PAMELA R. LAWSON**
 8
 9 By: *Pamela R. Lawson*
 10 PAMELA R. LAWSON, ESQ.
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 12 7251 W. Lake Mead Blvd., Ste. 300
 13 Las Vegas, NV 89128
 14 Attorneys for Petitioner Anthony Shaw

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 3376

13 VERIFICATION

14 STATE OF NEVADA)
 15) ss.
 16 COUNTY OF CLARK)

17 ANTHONY SHAW, being first duly sworn, deposes and says:

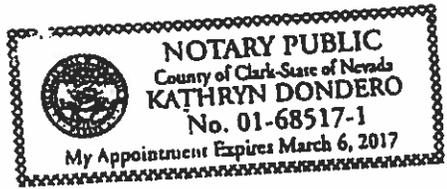
18 That I am the RESPONDENT in the above-entitled action; that I have read the
 19 foregoing ANSWER TO PETITIONER'S COMPLAINT and know the contents thereof; the
 20 same is true of my own knowledge except as to those matters therein stated on information
 21 and belief and, as to those matters, I believe them to be true.

22 *Anthony Shaw*
 23 ANTHONY SHAW

24 SUBSCRIBED AND SWORN TO before me

25 this 2nd day of March, 2016.

26 *Kathryn Dondero*
 27 NOTARY PUBLIC in and for said
 28 County and State



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CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Nevada Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of the LAW OFFICES OF PAMELA R. LAWSON and that on the 26 day of March 2016, the foregoing ANSWER TO PETITIONERS COMPLAINT was served upon those person below by depositing in the United States Mail, postage fully paid and addressed to:

Real Estate Division
Att: Legal Administrative Officer
State of Nevada
2501 East Sahara Avenue
Las Vegas, Nevada 89104-4137
Keith Rizer, Esq.
Deputy Attorney General
555 E. Washington Ave., Ste 3900
Las Vegas, NV 89101



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