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DEC 18 2017

REAL ESTATE COMMISSION  
BY *Rebecca Hark*

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5 *Attorneys for Respondent Tod A. Wever*

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7 **BEFORE THE REAL ESTATE COMMISSION**

8 **STATE OF NEVADA**

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10 SHARATH CHANDRA, Administrator,  
REAL ESTATE DIVISION, DEPARTMENT  
11 OF BUSINESS & INDUSTRY, STATE OF  
NEVADA,

Case No: 2016-3017

12 Petitioner,

**ANSWER**

13 vs.

14 TOD A. WEVER,

15 Respondent.  
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18 Respondent TOD A. WEVER ("Respondent") hereby answers and responds to  
19 Petitioner's Complaint as follows:

20 **JURISDICTION**

21 Respondent admits that at all relevant times related to the allegations in the Complaint, he  
22 was licensed by the Real Estate Division of the Department of Business and Industry of the State  
23 of Nevada ("Division") as a salesperson under license number BS.0144020 MGR until licensed  
24 by the Division as a broker under license number B.0144020.LLC, and as a property manager  
25 under permit number PM.0163809.BKR.  
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**FACTUAL ALLEGATIONS**

1  
2 1. Answering paragraph 1, Respondent lacks sufficient knowledge or information  
3 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
4 denies each and every allegation set forth in said paragraph.

5 2. Answering paragraph 2, Respondent lacks sufficient knowledge or information to  
6 form a belief as to the truth or falsity of the allegations set forth therein and, on that basis, denies  
7 each and every allegation set forth in said paragraph.

8 3. Respondent admits the allegations contained in paragraph 3.

9 4. Respondent admits the allegations contained in paragraph 4.

10 5. Respondent admits the allegations contained in paragraph 5.

11 6. Answering paragraph 6, Respondent lacks sufficient knowledge or information to  
12 form a belief as to the truth or falsity of the allegations set forth therein and, on that basis, denies  
13 each and every allegation set forth in said paragraph.

14 7. Answering paragraph 7, Respondent lacks sufficient knowledge or information to  
15 form a belief as to the truth or falsity of the allegations set forth therein and, on that basis, denies  
16 each and every allegation set forth in said paragraph.

17 **Bushnell Drive Unit**

18 8. Answering paragraph 8, Respondent lacks sufficient knowledge or information to  
19 form a belief as to the truth or falsity of the allegations set forth therein and, on that basis, denies  
20 each and every allegation set forth in said paragraph.

21 9. Answering paragraph 9, Respondent lacks sufficient knowledge or information to  
22 form a belief as to the truth or falsity of the allegations set forth therein and, on that basis, denies  
23 each and every allegation set forth in said paragraph.

24 10. Answering paragraph 10, Respondent lacks sufficient knowledge or information  
25 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
26 denies each and every allegation set forth in said paragraph.

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1           11.     Answering paragraph 11, Respondent lacks sufficient knowledge or information  
2 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
3 denies each and every allegation set forth in said paragraph.

4           12.     Respondent denies the allegations contained in paragraph 12.

5           13.     Answering paragraph 13, Respondent lacks sufficient knowledge or information  
6 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
7 denies each and every allegation set forth in said paragraph.

8           14.     Answering paragraph 14, Respondent lacks sufficient knowledge or information  
9 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
10 denies each and every allegation set forth in said paragraph.

11          15.     Answering paragraph 15, Respondent lacks sufficient knowledge or information  
12 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
13 denies each and every allegation set forth in said paragraph.

14          16.     Answering paragraph 16, Respondent lacks sufficient knowledge or information  
15 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
16 denies each and every allegation set forth in said paragraph.

17          17.     Answering paragraph 17, Respondent lacks sufficient knowledge or information  
18 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
19 denies each and every allegation set forth in said paragraph.

20          18.     Answering paragraph 18, Respondent lacks sufficient knowledge or information  
21 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
22 denies each and every allegation set forth in said paragraph.

23          19.     Answering paragraph 19, Respondent lacks sufficient knowledge or information  
24 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
25 denies each and every allegation set forth in said paragraph.

26     **Flamingo Road Property**

27          20.     Respondent admits that Real Property Management of Las Vegas, LLC managed  
28 a property on behalf of Troelsen located at 7885 W. Flamingo Road, Unit #1053.

1           21.     Answering paragraph 21, Respondent lacks sufficient knowledge or information  
2 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
3 denies each and every allegation set forth in said paragraph.

4           22.     Answering paragraph 22, Respondent lacks sufficient knowledge or information  
5 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
6 denies each and every allegation set forth in said paragraph.

7           23.     Respondent admits the allegations contained in paragraph 23.

8           24.     Respondent admits the allegations contained in paragraph 24.

9           25.     Answering paragraph 25, Respondent admits that Troelsen was informed that his  
10 security deposit was stolen by Henriott. Respondent denies the remaining allegations set forth in  
11 said paragraph.

12          26.     Answering paragraph 26, Respondent lacks sufficient knowledge or information  
13 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
14 denies each and every allegation set forth in said paragraph.

15          27.     Respondent admits the allegations contained in paragraph 27.

16          28.     Answering paragraph 28, Respondent lacks sufficient knowledge or information  
17 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
18 denies each and every allegation set forth in said paragraph.

19          29.     Answering paragraph 29, Respondent lacks sufficient knowledge or information  
20 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
21 denies each and every allegation set forth in said paragraph.

22          30.     Answering paragraph 30, Respondent lacks sufficient knowledge or information  
23 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
24 denies each and every allegation set forth in said paragraph.

25          31.     Respondent admits the allegations contained in paragraph 31.

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1 **Respondent's Subsequent Conduct**

2 32. Answering paragraph 32, Respondent lacks sufficient knowledge or information  
3 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
4 denies each and every allegation set forth in said paragraph.

5 33. Answering paragraph 33, Respondent lacks sufficient knowledge or information  
6 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
7 denies each and every allegation set forth in said paragraph.

8 34. Answering paragraph 34, Respondent lacks sufficient knowledge or information  
9 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
10 denies each and every allegation set forth in said paragraph.

11 35. Answering paragraph 35, Respondent lacks sufficient knowledge or information  
12 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
13 denies each and every allegation set forth in said paragraph.

14 36. Answering paragraph 36, Respondent lacks sufficient knowledge or information  
15 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
16 denies each and every allegation set forth in said paragraph.

17 37. Answering paragraph 37, Respondent lacks sufficient knowledge or information  
18 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
19 denies each and every allegation set forth in said paragraph.

20 38. Respondent denies the allegations contained in paragraph 38.

21 39. Answering paragraph 39, Respondent lacks sufficient knowledge or information  
22 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
23 denies each and every allegation set forth in said paragraph.

24 40. Respondent denies the allegations contained in paragraph 40.

25 41. Answering paragraph 41, Respondent lacks sufficient knowledge or information  
26 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
27 denies each and every allegation set forth in said paragraph.

28 42. Respondent denies the allegations contained in paragraph 42.

1 43. Answering paragraph 43, Respondent lacks sufficient knowledge or information  
2 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
3 denies each and every allegation set forth in said paragraph.

4 44. Answering paragraph 44, Respondent lacks sufficient knowledge or information  
5 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
6 denies each and every allegation set forth in said paragraph.

7 45. Answering paragraph 45, Respondent lacks sufficient knowledge or information  
8 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
9 denies each and every allegation set forth in said paragraph.

10 46. Answering paragraph 46, Respondent lacks sufficient knowledge or information  
11 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
12 denies each and every allegation set forth in said paragraph.

13 47. Respondent denies the allegations contained in paragraph 47.

14 48. Answering paragraph 48, Respondent lacks sufficient knowledge or information  
15 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
16 denies each and every allegation set forth in said paragraph.

17 49. Answering paragraph 49, Respondent lacks sufficient knowledge or information  
18 to form a belief as to the truth or falsity of the allegations set forth therein and, on that basis,  
19 denies each and every allegation set forth in said paragraph.

20 **VIOLATIONS**

- 21 1. Respondent denies the allegations contained in paragraph 1.  
22 2. Respondent denies the allegations contained in paragraph 2.  
23 3. Respondent denies the allegations contained in paragraph 3.  
24 4. Respondent denies the allegations contained in paragraph 4.  
25 5. Respondent denies the allegations contained in paragraph 5.  
26 6. Respondent denies the allegations contained in paragraph 6.

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**DISCIPLINE AUTHORIZED**

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2 1. Paragraph 1 asserts a legal conclusion to which no response is required. To the  
3 extent that a response is required, Respondent denies each and every allegation set forth in said  
4 paragraph.

5 2. Paragraph 2 asserts a legal conclusion to which no response is required. To the  
6 extent that a response is required, Respondent denies each and every allegation set forth in said  
7 paragraph.

8 3. Paragraph 3 asserts a legal conclusion to which no response is required. To the  
9 extent that a response is required, Respondent denies each and every allegation set forth in said  
10 paragraph.

11 4. Paragraph 4 asserts a legal conclusion to which no response is required. To the  
12 extent that a response is required, Respondent denies each and every allegation set forth in said  
13 paragraph.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

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15  
16 Any damage suffered by Troelsen, the Division, or any other party as alleged in the  
17 Complaint was the result of the acts and/or omissions of other persons or entities over which the  
18 Respondent has no control, and are not the result of acts or omissions of Respondent.

**SECOND AFFIRMATIVE DEFENSE**

19  
20 Respondent acted in good faith in all of its dealings with Troelsen and the Division.

**THIRD AFFIRMATIVE DEFENSE**

21  
22 Respondent appropriately, completely, and fully performed and discharged all of his  
23 obligations and legal duties arising out of the matters alleged in the Complaint, and any  
24 discipline entered against Respondent would be unjust and inequitable under these  
25 circumstances.

**FOURTH AFFIRMATIVE DEFENSE**

26  
27 The Division may have failed to join identifiable and indispensable parties necessary for  
28 the adjudication of this matter.

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**FIFTH AFFIRMATIVE DEFENSE**

Respondent reserves his right to amend this list of Affirmative Defenses to add new defenses should discovery or investigation reveal facts giving rise to such defenses.

WHEREFORE, Respondent prays that no action or discipline to taken against him and that the Complaint be withdrawn.

RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of December, 2017.

McDONALD CARANO LLP

By: 

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*Attorneys for Real Property Management  
Las Vegas, LLC*



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that I served a true and correct copy of the foregoing ANSWER on this 18<sup>th</sup> day of December, 2017 by depositing said copies in the United States Mail, postage prepaid thereon, upon the following:

Sharath Chandra  
**Department of Business and Industry**  
**Real Estate Division**  
3300 West Sahara Avenue, Suite 350  
Las Vegas, NV 89102  
Attn: Legal Administrative Officer

Donald J. Bordelove  
**Deputy Attorney General**  
555 East Washington Avenue, Suite 3900  
Las Vegas, NV 89101  
Attorney for Real Estate Division

  
\_\_\_\_\_  
An employee of McDonald Carano LLP