

1 **WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**  
2 **GREGORY P. KERR, ESQ.**

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5 *Attorneys for Respondent James Lauth*

6  
7 **COMMISSION FOR COMMON-INTEREST COMMUNITIES AND**  
8 **CONDOMINIUM HOTELS**  
9 **STATE OF NEVADA**

9 **JOSEPH (J.D.) DECKER, Administrator,**  
10 **REAL ESTATE DIVISION, DEPARTMENT**  
11 **OF BUSINESS & INDUSTRY, STATE OF**  
12 **NEVADA,**

11 **Petitioner,**

12 **vs.**

13 **ANTHEM HIGHLANDS COMMUNITY**  
14 **ASSOCIATION, PENNIE PUHEK, JAMES**  
15 **LAUTH, and CHARLES HERNANDEZ,**

16 **Respondents.**

Case No. 2015-291

**RESPONDENT JAMES LAUTH'S**  
**ANSWER TO COMPLAINT FOR**  
**DISCIPLINARY ACTION**

**FILED**

**APR 26 2016**

NEVADA COMMISSION   
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

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18 Respondent James Lauth ("Lauth"), by and through its attorney Gregory P. Kerr, Esq., of  
19 WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP, hereby answers the Nevada Real  
20 Estate Division's (the "Division") Complaint for Disciplinary Action ("Complaint") as follows:

21 **JURISDICTION AND NOTICE**

22 1. Answering Paragraphs 1 and 2 of the Division's Complaint, Lauth is without  
23 sufficient knowledge and therefore denies the allegations contained therein.

24 **FACTUAL ALLEGATIONS**

25 2. Answering Paragraphs 3 through 16 of the Division's Complaint, Lauth is without  
26 sufficient knowledge and therefore denies the allegations contained therein.

27 3. Answering Paragraph 17 of the Division's Complaint, Lauth is without sufficient  
28 knowledge and therefore denies the allegations contained therein.

1 4. Answering Paragraph 18 of the Division's Complaint, Lauth is without sufficient  
2 knowledge and therefore denies the allegations contained therein.

3 **VIOLATIONS OF LAW**

4 5. Answering Paragraphs 19 through 22 of the Division's Complaint, Lauth is without  
5 sufficient knowledge and therefore denies the allegations contained therein.

6 6. Answering Paragraph 23 of the Division's Complaint, Lauth denies the allegations  
7 contained therein.

8 **AFFIRMATIVE DEFENSES**

9 **FIRST AFFIRMATIVE DEFENSE**

10 The purported violations referred to in the Division's Complaint, and each and every  
11 purported claim for relief contained therein, were proximately caused or contributed to by the  
12 negligence or wrongful acts of persons and/or entities other than Respondent.

13 **SECOND AFFIRMATIVE DEFENSE**

14 The Respondent engaged in no acts or omissions relevant to the subject matter of the  
15 Division's Complaint such as would create any liability whatsoever on the part of Respondent.

16 **THIRD AFFIRMATIVE DEFENSE**

17 The Division's Complaint fails to assert any allegations upon which the requested relief in  
18 the Complaint can be granted against Respondent.

19 **FOURTH AFFIRMATIVE DEFENSE**

20 The Respondent denies each and every allegation of the Division's Complaint not  
21 specifically admitted or otherwise pled herein.

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WHEREFORE, Lauth prays for judgment as follows:

1. The Division takes nothing by the virtue of its Complaint;
2. The Division's Complaint be dismissed with prejudice;
3. For any other relief as deemed proper.

DATED this 22 day of April, 2016

**WOLF, RIFKIN, SHAPIRO,  
SCHULMAN & RABKIN, LLP**

By: \_\_\_\_\_


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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 22<sup>nd</sup> day of April, 2016, a true and correct copy  
3 of **RESPONDENT JAMES LAUTH'S ANSWER TO COMPLAINT FOR DISCIPLINARY**  
4 **ACTION** was placed in an envelope, postage prepaid, addressed as stated below, in the basket for  
5 outgoing mail before 4:00 p.m. at WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP.  
6 The firm has established procedures so that all mail placed in the basket before 4:00 p.m. is taken  
7 that same day by an employee and deposited in a U.S. Mail box.

8  
9 Common-Interest Communities and  
10 Condominium Hotels  
11 2501 E. Sahara Avenue  
12 Las Vegas, NV 89104  
13 Attn: Legal Administrative Officer

Michelle D. Briggs, Esq.  
Senior Deputy Attorney General  
555 E. Washington Avenue, Suite 3900  
Las Vegas, NV 89101

14  
15 By   
16 Nina Miller, an Employee of  
17 WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
18 RABKIN, LLP  
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