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8 **BEFORE THE COMMISSION OF COMMON-INTEREST**
9 **COMMUNITIES AND CONDOMINIUM HOTELS**
10 **STATE OF NEVADA**

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

Case No: 2016-3042

14 **Petitioner,**

15 vs.

FILED

FEB 28 2017

16 Palmilla Homeowners Association, Vijay
17 Shetty, Tracy Dalton, William Simpson, James
18 Lee, Renee Snodgrass, Shauna Carson, and
19 Karen Henderson,

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

20 **Respondents.**

21 **RESPONDENT WILLIAM SIMPSON'S RESPONSE TO COMPLAINT FOR**
22 **DISCIPLINARY ACTION AND NOTICE OF HEARING**

23 Respondent William Simpson ("Mr. Simpson"), by and through the law firm of Tyson &
24 Mendes LLP, hereby responds to the allegations in Petitioner's Complaint for Disciplinary Action
25 as follows:

26 **JURISDICTION AND NOTICE**

27 1. Answering paragraphs 2 and 3 of the allegations entitled "Jurisdiction and Notice" of
28 the Complaint, Mr. Simpson admits the allegations.

FACTUAL ALLEGATIONS

2. Answering paragraph 3 of the allegations entitled "Factual Allegations" of the

1 Complaint, Mr. Simpson admits that the Association has approximately 300 condominium units.
2 Answering the remaining allegations in said paragraph, Mr. Simpson is without sufficient
3 information to form a belief as to the truth or falsity of any factual allegations contained therein and
4 therefore, on that basis, denies the same.

5 3. Answering paragraphs 4 through 14 of the allegations entitled "Factual Allegations"
6 of the Complaint, Mr. Simpson is without sufficient information to form a belief as to the truth or
7 falsity of any factual allegations contained therein and therefore, on that basis, denies the same.

8 4. Answering paragraph 15 of the allegations entitled "Factual Allegations" of the
9 Complaint, Mr. Simpson denies the allegations.

10 5. Answering paragraph 16 of the allegations entitled "Factual Allegations" of the
11 Complaint, Mr. Simpson asserts that said paragraph contains and/or constitutes a legal conclusion,
12 to which no response is required. To the extent said paragraph is determined to contain factual
13 allegations, Mr. Simpson asserts that NRS 116.31152 speaks for itself.

14 6. Answering paragraphs 17 through 20 of the allegations entitled "Factual Allegations"
15 of the Complaint, Mr. Simpson is without sufficient information to form a belief as to the truth or
16 falsity of any factual allegations contained therein and therefore, on that basis, denies the same.

17 **VIOLATIONS OF THE LAW**

18 7. Answering paragraphs 21 through 24 of the allegations entitled "Violations of the
19 Law" of the Complaint, Mr. Simpson asserts that said paragraphs contain and/or constitute legal
20 conclusions, to which no response is required. To the extent said paragraphs are determined to
21 contain factual allegations, Mr. Simpson denies the same.

22 **DISCIPLINE AUTHORIZED**

23 8. Answering paragraphs 1 through 8 of the allegations entitled "Discipline Authorized"
24 of the Complaint, Mr. Simpson asserts that said paragraphs contain and/or constitute legal
25 conclusions, to which no response is required. To the extent said paragraphs are determined to
26 contain factual allegations, Mr. Simpson is without sufficient information to form a belief as to the
27 truth or falsity of any factual allegations contained therein and therefore, on that basis, denies the
28 same.

1 **AFFIRMATIVE DEFENSES**

2 **Affirmative Defense One:** *Failure to State a Claim.* The allegations contained in the Complaint
3 fail to state a cause of action against Mr. Simpson upon which relief can be granted.

4 **Affirmative Defense Two:** *Substantial compliance.* Mr. Simpson substantially complied with the
5 administrative regulations and statutes at issue in this case.

6 **Affirmative Defense Three:** *Lack of intent.* Mr. Simpson did not have any intention of violating
7 the law and used his best efforts to comply with the law and fulfill his obligations to the Association.

8 **Affirmative Defense Four:** *Best efforts.* In all his actions in serving as a board member to the
9 Association, Mr. Simpson acted in good faith in his attempts to comply with the administrative
10 regulations and statutes at issue in this case.

11 **Affirmative Defense Five:** *Unforeseen circumstances.* Mr. Simpson's actions are excused due to
12 unforeseen circumstances and were at all relevant times taken for the benefit of the Association.

13 **Affirmative Defense Six:** *Necessity.* Mr. Simpson's actions are excused by necessity and were
14 at all relevant times performed for the benefit of the Association.

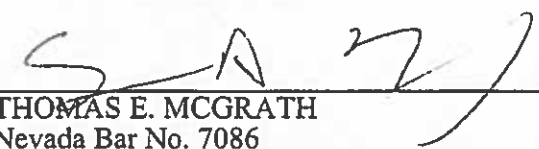
15 **PRAYER FOR RELIEF**

16 WHEREFORE, Mr. Simpson prays as follows:

- 17 1. That this matter be dismissed,
18 2. That the Commission not discipline Mr. Simpson, and
19 3. For such other and further relief as may be deemed just and proper by the
20 Commission.

21 DATED this 28th day of February, 2017.

22 TYSON & MENDES LLP

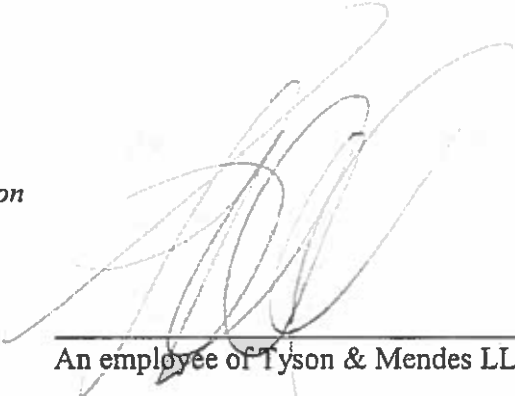
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Las Vegas, Nevada 89123
Tel: (702) 724-2648
Attorneys for Respondent William Simpson

1 **CERTIFICATE OF SERVICE**

2 The undersigned, an employee of Tyson & Mendes LLP, hereby certifies that on the 28th day
3 of February, 2017, a copy of **RESPONDENT WILLIAM SIMPSON'S RESPONSE TO**
4 **COMPLAINT FOR DISCIPLINARY ACTION AND NOTICE OF HEARING**, was served by
5 U.S. mail and email addressed to:

6 Common-Interest Communities
7 And Condominium Hotel
8 Attn: Legal Administrative Officer
9 2501 E. Sahara Avenue, suite 202
10 Las Vegas, NV 89104
11 croscn@red.nv.gov
12 *Petitioner*

11 Michelle D. Briggs
12 Senior Deputy Attorney General
13 555 E. Washington Ave., Ste. 3900
14 Las Vegas, NV 89101
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16 *Attorneys for Nevada Real Estate Division*

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18 _____
19 An employee of Tyson & Mendes LLP
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