

Lipson, Neilson, Cole, Seltzer & Garin, P.C.  
9900 Covington Cross Dr., Suite 120  
Las Vegas, NV 89144  
Telephone: (702) 382-1500; Facsimile: (702) 382-1512

1 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.  
2 KALEB D. ANDERSON, ESQ.  
3 Nevada Bar No. 7582  
4 JULIE A. FUNAI, ESQ.  
5 Nevada Bar No. 8725  
6 9900 Covington Cross Drive, Suite 120  
7 Las Vegas, Nevada 89144  
8 (702) 382-1500  
9 (702) 382-1512 - fax  
10 [kanderson@lipsonneilson.com](mailto:kanderson@lipsonneilson.com)  
11 [jfunai@lipsonneilson.com](mailto:jfunai@lipsonneilson.com)

12 *Attorneys for Respondents Palmilla Homeowners Association.*  
13 *Vijay Shetty, Tracy Dalton, James Lee, Renee Snodgrass, Shauna*  
14 *Carson and Karen Henderson*

15 **BEFORE THE COMMISSION FOR COMMON-INTEREST**  
16 **COMMUNITIES AND CONDOMINIUM HOTELS**  
17 **STATE OF NEVADA**

18 Sharath Chandra, Administrator, Real  
19 Estate Division, Department of Business &  
20 Industry, State of Nevada,

21 Petitioner,

22 vs.

23 Palmilla Homeowners Association, Vijay  
24 Shetty, Tracy Dalton, William Simpson,  
25 James Lee, Renee Snodgrass, Shauna  
26 Carson, and Karen Henderson,

27 Respondents.

**FILED**

**FEB 27 2017**

**NEVADA COMMISSION OF**  
**COMMON INTEREST COMMUNITIES**  
**AND CONDOMINIUM HOTELS**

Case No. 2016-3042

**RESPONSE TO COMPLAINT FOR**  
**DISCIPLINARY ACTION AND**  
**NOTICE OF HEARING**

Date of Hearing: Mar 7-8, 2017  
Time of Hearing: 9:00 a.m.

28 Respondents Palmilla Homeowners Association, Vijay Shetty, Tracy Dalton, James  
29 Lee, Renee Snodgrass, Shauna Carson, and Karen Henderson, by and through their attorney  
30 of record, the law firm of Lipson, Neilson, Cole, Seltzer & Garin, P.C., hereby submit their  
31 response to Complaint for Disciplinary Action as follows:

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1 **JURISDICTION AND NOTICE**

2 1. As to paragraphs 1 and 2 of the Complaint, Respondents admit.

3 **FACTUAL ALLEGATIONS**

4 2. As to paragraph 3 of the Complaint, Respondents admit that the Association  
5 consists of approximately 300 condominium units. As to the remaining allegations in this  
6 paragraph, Respondents are without sufficient knowledge or information sufficient to form a  
7 belief as to the truth of those allegations and deny same.

8 3. As to paragraphs 4, 5, 6, 15, 17, 18, 19 and 20 of the Complaint,  
9 Respondents admit only to the extent that the Division's allegations purport to recite  
10 written documents, the documents are the best evidence and speak for themselves. To  
11 the extent the allegations are inconsistent with the documents, those allegations are  
12 denied.

13 4. As to paragraphs 7, 9, 13 and 14 of the Complaint, Respondents are without  
14 sufficient knowledge or information sufficient to form a belief as to the truth of those  
15 allegations and deny same.

16 5. As to paragraphs 8, 10, 11 and 12 of the Complaint, Respondents deny the  
17 allegations contained in those paragraphs as the allegations relate to individuals and/or  
18 entities other than these answering Respondents and these answering Respondents are  
19 without knowledge or information to form a belief as to the truth of the allegations.

20 6. As to paragraph 16 of the Complaint, Respondents aver that the allegations in  
21 this paragraph are statements of legal conclusions which does not require a response.

22  
23 **VIOLATIONS OF LAW**

24 7. As to paragraphs 21 through 24 of the Complaint, Respondents affirmatively  
25 aver that the allegations set forth therein are a legal determination to be made by the  
26 Commission. Further, Respondent lacks information sufficient to form a belief as to the  
27 truth of these allegations, and therefore, denies same in the manner and form alleged.

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1 **AFFIRMATIVE DEFENSES**

2 COMES NOW, Respondents Palmilla Homeowners Association, Vijay Shetty, Tracy  
3 Dalton, James Lee, Renee Snodrass, Shauna Carson and Karen Henderson, by and through  
4 her counsel of record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby gives  
5 notice of the following defenses:

6 1. The Complaint and evidence served with the Complaint does not by a  
7 preponderance of the evidence demonstrate that each of the sections identified in the  
8 complaint (paragraphs 21-24) have been violated.

9 2. Respondents had no intention to violate the law. In fact, Respondents made  
10 efforts to comply and keep the Division advised of the status of Palmilla Homeowners  
11 Association. Respondents had several correspondence exchanges with NRED where  
12 concerns and issues were discussed with investigators and representatives of NRED.  
13 Respondent at all times acted, or attempted to act, in conformity with verbal instructions from  
14 the Division.

15 3. The Division should be estopped from seeking enforcement of the sections  
16 identified in the complaint (paragraphs 21-24).

17 4. Respondents substantially complied with statutes and administrative code  
18 provisions at issue.

19 5. Respondents made good faith attempts to comply with statutes and administrative  
20 code provisions at issue.

21 6. Respondent's actions are excused by necessity and were at all times for the  
22 benefit of the Palmilla HOA.

23 7. Respondent's responses to the Division's requests were made in good faith, based  
24 on information believed to be correct at the time responses were submitted.

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1 **PRAYER FOR RELIEF**

2 Respondents respectfully requests that this matter be dismissed without discipline or  
3 that the Commission take action consistent with the authority permitted by Nevada law.

4 DATED this 24<sup>th</sup> day of February, 2017.

5 LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

6 

7 KALEB D. ANDERSON, ESQ.

8 Nevada Bar No. 7582

9 JULIE A. FUNAI, ESQ.

10 Nevada Bar No. 8725

11 9900 Covington Cross Drive, Suite 120

12 Las Vegas, Nevada 89144

13 (702) 382-1500

14 (702) 382-1512 - fax

15 kanderson@lipsonneilson.com

16 jfunai@lipsonneilson.com

17 Attorneys for Respondents Palmilla Homeowners Association.  
18 Vijay Shetty, Tracy Dalton, James Lee, Renee Snodgrass,  
19 Shauna Carson and Karen Henderson  
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**CERTIFICATE OF SERVICE**

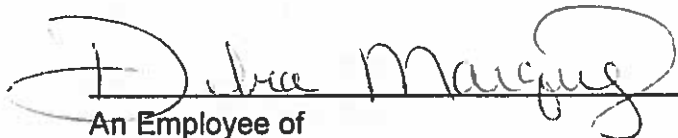
I hereby certify that on the 24<sup>th</sup> day of February, 2017, service of the foregoing  
**RESPONSE TO COMPLAINT FOR DISCIPLINARY ACTION** was made as follows:

**Via U.S. Mail**

Sharath Chandra, Administrator  
Real Estate Division  
Department of Business & Industry  
State of Nevada  
2501 E. Sahara Avenue  
Las Vegas, NV 89104  
*Petitioner*

**Via Email and U.S. Mail**

Michelle D. Briggs  
Senior Deputy Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, NV 89101  
mbriggs@ag.nv.gov  
*Attorneys for Nevada Real Estate Division*

  
An Employee of  
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