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

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

Case No: 2016-4209

13 Petitioner,

14 vs.

14 William Simpson, and Palmilla Homeowners
15 Association,

16 Respondents.

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

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

23 **JURISDICTION AND NOTICE**

24 1. Answering paragraphs 1 and 2 of the allegations entitled "Jurisdiction and Notice" of
25 the Complaint, Mr. Simpson admits the allegations.

26 **FACTUAL ALLEGATIONS**

27 2. Answering paragraph 3 of the allegations entitled "Factual Allegations" of the
28 Complaint, Mr. Simpson admits the allegations.

1 3. Answering paragraph 4 of the allegations entitled “Factual Allegations” of the
2 Complaint, Mr. Simpson admits that the Association’s board took action to approve Rest Easy Pest
3 Control to provide pest control services to the Association, but asserts that Mr. Simpson did not
4 participate in any votes to approve Rest Easy Pest Control to provide services to the Association.

5 4. Answering paragraph 5 of the allegations entitled “Factual Allegations” of the
6 Complaint, Mr. Simpson admits the allegations.

7 5. Answering paragraph 6 of the allegations entitled “Factual Allegations” of the
8 Complaint, Mr. Simpson is without sufficient information to form a belief as to the truth or falsity
9 of any factual allegations contained therein and therefore, on that basis, denies the same.

10 6. Answering paragraph 7 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 116.31187 speaks for itself.

14 7. Answering paragraph 8 of the allegations entitled “Factual Allegations” of the
15 Complaint, Mr. Simpson is without sufficient information to form a belief as to the truth or falsity
16 of any factual allegations contained therein and therefore, on that basis, denies the same.

17 8. Answering paragraphs 9-10 of the allegations entitled “Factual Allegations” of the
18 Complaint, Mr. Simpson admits the allegations.

19 9. Answering paragraph 11 of the allegations entitled “Factual Allegations” of the
20 Complaint, Mr. Simpson admits that he provided a response to the Division as the Division requested
21 but denies the remainder of the allegations in said paragraph to the extent Mr. Simpson’s statements
22 are used out of context.

23 10. Answering paragraphs 12-13 of the allegations entitled “Factual Allegations” of the
24 Complaint, Mr. Simpson admits the allegations.

25 11. Answering paragraphs 14-15 of the allegations entitled “Factual Allegations” of the
26 Complaint, Mr. Simpson is without sufficient information to form a belief as to the truth or falsity
27 of any factual allegations contained therein and therefore, on that basis, denies the same.

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1 **VIOLATIONS OF THE LAW**

2 12. Answering paragraphs 16 through 17 of the allegations entitled "Violations of the
3 Law" of the Complaint, Mr. Simpson asserts that said paragraphs contain and/or constitute legal
4 conclusions, to which no response is required. To the extent said paragraphs are determined to
5 contain factual allegations, Mr. Simpson denies the same and asserts that Mr. Simpson would not
6 knowingly or intentionally violate any law, including NRS 116.31187(1) or 116.31034(9)(a)(2).

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

11 **DISCIPLINE AUTHORIZED**

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

18 **AFFIRMATIVE DEFENSES**

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

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

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

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

28 **Affirmative Defense Five:** *Unforeseen circumstances.* Mr. Simpson's actions are excused due to

1 unforeseen circumstances and were at all relevant times taken for the benefit of the Association.

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

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Mr. Simpson prays as follows:

- 6 1. That this matter be dismissed,
7 2. That the Commission not discipline Mr. Simpson, and
8 3. For such other and further relief as may be deemed just and proper by the
9 Commission.

10 DATED this 2nd day of March, 2017.

11 TYSON & MENDES LLP

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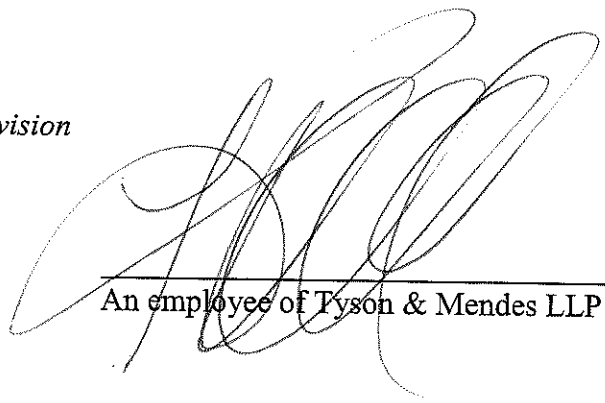
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1 **CERTIFICATE OF SERVICE**

2 The undersigned, an employee of Tyson & Mendes LLP, hereby certifies that on the 2nd day
3 of March, 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 crosolen@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
15 mbriggs@ag.nv.gov
16 *Attorneys for Nevada Real Estate Division*



A large, stylized handwritten signature in black ink, positioned above a horizontal line.

An employee of Tyson & Mendes LLP