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1	David J. Malley (8171) Todd W. Prall (9154)		
2	HUTCHISON & STEFFEN, PLLC	mgallo	
3	10800 West Alta Drive, Suite 200 Las Vegas, NV 89145	U C	
4	Telephone: (702) 385-2500		
5	dmalley@hutchlegal.com		
6	tprall@hutchlegal.com		
- 1	Attorneys for Respondent Tamra Trainer		
7	<b>BEFORE THE COMMISION FOR COMMON-INTEREST</b>		
8	COMMUNITIES AND CONDOMINIUM HOTELS		
9	SHARATH CHANDRA, Administrator, REAL	Case No. 2023-309	
10	ESTATE DIVISION, DEPARTMENT OF		
11	BUSINESS & INDUSTRY, STATE OF NEVADA,		
12	Petitioner,		
13	r entioner,		
14	v.		
15	TURNBERRY TOWERS EAST UNIT-		
	OWNERS' ASSOCIATION; TONEY RECTOR; JAMES ORR, LAWRENCE		
16	(LARRY) KARP; MANU SETHI, and		
17	TAMRA TRAINER,		
18	Respondents.		
19			
20	<b>RESPONDENT TAMRA TRAINER'S ANSWER TO</b>		
21	<b>COMPLAINT FOR DISCIPLINARY ACTION</b>		
22	<b>RESPONSE TO FACTUAL ALLEGATIONS</b>		
23	Respondent Tamra Trainer ("Trainer") responds to the Complaint for Disciplinary Action (the		
24	"Complaint") filed by the Real Estate Division, Department of Business and Industry, State of Nevada		
25	(the "Division") as follows:		
26	1. Trainer admits the allegations set forth in Paragraph 1 of the Complaint.		
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Trainer lacks sufficient knowledge and information to form a belief as to the truth of
 the allegations set forth in Paragraph 2 of the Complaint but is informed and believes that the
 allegations are true.

3. Trainer admits the allegations set forth in Paragraph 3 of the Complaint. Trainer notes
5 that since the filing of the Complaint, Trainer has resigned her position on the board.

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4. Answering Paragraph 4 of the Complaint, the Initial Audit identified in Paragraph 4 of
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5. Trainer lacks sufficient knowledge and information to form a belief as to the truth of
9 the allegations set forth in Paragraph 5 of the Complaint and, on that basis, denies them.

10 6. Answering Paragraph 6 of the Complaint, the Initial Audit as identified in the 11 Complaint speaks for itself.

7. Answering Paragraph 7 of the Complaint, the Initial Audit as identified in the
Complaint speaks for itself. Trainer denies that she was involved with or negligently allowed any of
the matters alleged in Paragraph 7 to have occurred.

8. Answering Paragraph 8 of the Complaint, the Initial Audit as identified in the
Complaint speaks for itself. Trainer denies that she was involved with or negligently allowed any of
the matters alleged in Paragraph 8 to have occurred.

9. Answering Paragraph 9 of the Complaint, the Initial Audit as identified in the
Complaint speaks for itself. Trainer further affirmatively asserts that to the extent that Rector did act
unilaterally for many business practices, his activities were both hidden and concealed from other
board members by Rector's actions, the management company, and employees hired by Rector.

10. Answering Paragraph 10 of the Complaint, the Initial Audit as identified in the
Complaint speaks for itself. Further, Trainer denies any allegation that she, as a member of the Board,
was derelict in her duties toward the association or acted in intentional disregard of her statutory duties.

11. Answering Paragraph 11 of the Complaint, the Initial Audit as identified in the
Complaint speaks for itself. Trainer further affirmatively asserts that to the extent that Rector used
monies for personal gain, those moneys should be reimbursed to the Association.

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Answering Paragraph 12 of the Complaint, Trainer admits that a letter was sent on 1 12. January 11, 2024, and that letter speaks for itself. 2

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Trainer lacks sufficient knowledge and information to form a belief as to the truth of 13. the allegations set forth in Paragraph 13 of the Complaint. Trainer further affirmatively asserts that 4 despite being a member of the Board, Trainer was excluded from many of the discussions of other 5 board members and the management company concerning their responses to the investigation inquiries 6 from Division Investigator Christina Pitch.

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 8 14. the allegations set forth in Paragraph 14 of the Complaint. 9

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 10 15. the allegations set forth in Paragraph 15 of the Complaint. 11

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 12 16. the allegations set forth in Paragraph 16 of the Complaint. 13

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 14 17. the allegations set forth in Paragraph 17 of the Complaint. 15

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 16 18. the allegations set forth in Paragraph 18 of the Complaint. 17

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 18 19. the allegations set forth in Paragraph 19 of the Complaint. 19

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 20 20. the allegations set forth in Paragraph 20 of the Complaint. 21

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 21. 22 the allegations set forth in Paragraph 21 of the Complaint. 23

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 24 22. the allegations set forth in Paragraph 22 of the Complaint. 25

Trainer lacks sufficient knowledge and information to form a belief as to the truth of 26 23. the allegations set forth in Paragraph 23 of the Complaint. 271

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24. Trainer lacks sufficient knowledge and information to form a belief as to the truth of
 the allegations set forth in Paragraph 24 of the Complaint.

3 25. Answering Paragraph No. 25 of the Complaint, Trainer admits that she sent an email
4 to Pitch on February 20, 2024, and that the email speaks for itself.

5 26. Answering Paragraph 26 of the Compliant, Trainer admits that the Order Granting
6 Petition for Temporary Restraining Order was among the documents attached to the email.

7 27. Answering Paragraph 27 of the Compliant, Trainer admits that she did send a personal
8 response to the allegations on March 19, 2024, and that response speaks for itself.

9 28. Answering Paragraph 28 of the Compliant, Trainer admits that she did send a personal 10 response to the allegations on March 19, 2024, and that response speaks for itself.

29. Trainer lacks sufficient knowledge and information to form a belief as to the truth of
the allegations set forth in Paragraph 29 of the Complaint.

30. Trainer lacks sufficient knowledge and information to form a belief as to the truth of
the allegations set forth in Paragraph 30 of the Complaint.

15 31. Trainer lacks sufficient knowledge and information to form a belief as to the truth of16 the allegations set forth in Paragraph 31 of the Complaint.

17 32. Trainer lacks sufficient knowledge and information to form a belief as to the truth of
18 the allegations set forth in Paragraph 32 of the Complaint.

19 33. Answering Paragraph 33 of the Compliant, Trainer admits that a notification was sent
20 on May 29, 2024, which speaks for itself.

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## **RESPONSE TO VIOLATIONS OF LAW**

Responding to allegation No 1, Trainer lacks sufficient knowledge and information to
form a belief as to the truth of the allegations set forth in Paragraph 1 of the alleged Violations of Law.

24 2. Responding to allegations No. 2, Trainer denies the allegations set forth in Paragraph
 25 2 of the alleged Violations of Law as they apply to Trainer. Trainer lacks sufficient knowledge and
 26 information to form a belief as to the truth of the allegations set forth in Paragraph 2 of the alleged
 27 Violations of Law as they might to apply to any other members of the Board.

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13.Responding to allegation No 3, Trainer lacks sufficient knowledge and information to2form a belief as to the truth of the allegations set forth in Paragraph 3of the alleged Violations of Law.

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4. Responding to allegations No. 4, Trainer denies the allegations set forth in Paragraph
4 of the alleged Violations of Law as they apply to Trainer. Trainer lacks sufficient knowledge and
5 information to form a belief as to the truth of the allegations set forth in Paragraph 4 of the alleged
6 Violations of Law as they might to apply to any other members of the Board.

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5. Responding to allegation No 5, Trainer lacks sufficient knowledge and information to
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9 6. Responding to allegations No. 6, Trainer denies the allegations set forth in Paragraph
10 6 of the alleged Violations of Law as they apply to Trainer. Trainer lacks sufficient knowledge and
11 information to form a belief as to the truth of the allegations set forth in Paragraph 6 of the alleged
12 Violations of Law as they might to apply to any other members of the Board.

7. Responding to allegation No 7, Trainer lacks sufficient knowledge and information to
form a belief as to the truth of the allegations set forth in Paragraph 1 of the alleged Violations of Law.

8. Responding to allegations No. 8, Trainer denies the allegations set forth in Paragraph
2 of the alleged Violations of Law as they apply to Trainer. Trainer lacks sufficient knowledge and
information to form a belief as to the truth of the allegations set forth in Paragraph 2 of the alleged
Violations of Law as they might to apply to any other members of the Board.

20 1. At all relevant times and in her capacity as a Member of the Board, Trainer acted in
21 good faith to fulfill her duties and obligations.

**DEFENSES** 

22 2. If Trainer is found to be derelict in her duties, this is because she was inhibited in her
23 ability to perform those duties because of the intentional concealment and false representations of
24 other officers and members of the board, employees or staff, or third-party management.

3. At all relevant times and in her capacity as a member of the Board, Trainer never acted
outside of the scope of the authority granted in the governing documents.

4. At all relevant times and in her capacity as a member of the Board, Trainer never acted
for reasons of self-interest, gain, prejudice or revenge

5. At all relevant times and in her capacity as a member of the Board, Trainer never committed an act or omission which amounts to incompetence, negligence or gross negligence.

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6. At all relevant times and in her capacity as a member of the Board, Trainer fully cooperated with any investigation of the Division and never impeded or otherwise interfered with an investigation of the Division. Specifically, Trainer complied with requests by the Division for information and documents, never supplied false or misleading information to any investigator, auditor, or other officer or agent of the Division, and did not conceal any facts or documents relating to the business of the association.

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7. At all relevant times and in her capacity as a member of the Board, Trainer cooperated
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11 8. At all relevant times and in her capacity as a member of the Board, Trainer exercised good faith to be kept informed of laws, regulations and developments relating to common-interest 12 communities and to follow the rules and regulations applicable to the duties of a board member and to 13 homeowners' associations including those duties set forth in NRS 116.3103 and related regulations. 14 In Trainer's efforts to do so, Trainer relied upon the representations of the licensed management 15 company and its employees and on other board members, including Rector, up and until the time that 16 17 the Division initiated the audit. At that time and because of the audit notice (which is the first time 18 Trainer had any notice that there were issues like those alleged in the Complaint), Trainer began to 19 complete her own investigation and take steps to make the necessary changes. To the extent Trainer 20 was unable to fulfill these duties or ensure that the association was properly completing the required 21 tasks or fulfilling its duties to the homeowners, Trainer was blocked by the bad faith actions or misrepresentations of others. 22

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WHEREFORE, Trainer prays that this Commission:

To the extent necessary issue any order to ensure that the Association takes any
 necessary affirmative action to correct conditions resulting from the violation that has not already been
 corrected.

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1	2. Refrain from entering against Trainer	r any discipline, fines, or requiring Trainer to pay	
2	any costs of the proceedings.		
3	DATED this 25 <sup>th</sup> day of November 2024.		
4		HUTCHISON & STEFFEN, PLLC	
5		/s/ Todd W. Prall	
6		DAVID J. MALLEY (8171)	
7		TODD W. PRALL (9154) 10800 West Alta Drive, Suite 200	
8		Las Vegas, NV 89145 Telephone: (702) 385-2500	
9		dmalley@hutchlegal.com tprall@hutchlegal.com	
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11		Attorneys for Tamra Trainer	
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