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SEP 05 2024

NEVADA COMMISSION FOR  
COMMON INTEREST COMMUNITIES  
AND CONDOMINIUM HOTELS

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6 *Attorneys for Respondents*  
7 *High Noon at Arlington Ranch Homeowners*  
*Association*

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

10 SHARATH CHANDRA, Administrator,  
11 REAL ESTATE DIVISION, DEPARTMENT OF  
12 BUSINESS & INDUSTRY, STATE OF  
NEVADA,

13 Petitioner,

14 vs.

15 HIGH NOON AT ARLINGTON RANCH  
16 HOMEOWNERS ASSOCIATION,  
(ENTITY NO. C8377-2004)

17 Respondent.

Case No. 2024-618

**RESPONDENTS' ANSWER TO  
COMPLAINT FOR DISCIPLINARY  
ACTION**

Hearing Date: September 10-12, 2024

Hearing Time: 9:00 a.m.

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19 **RESPONDENTS' ANSWER TO COMPLAINT**

20 COMES NOW, Respondent HIGH NOON AT ARLINGTON RANCH HOMEOWNERS  
21 ASSOCIATION (ENTITY NO. C8377-2004) ("HNAR" or "Respondent"), by and through its counsel  
22 of record, Gibbs Giden Locher Turner Senet & Wittbrodt LLP, and answers the Complaint filed with  
23 the Commission for Common-Interest Communities and Condominium Hotels as follows:

24 **JURISDICTION AND NOTICE**

25 Respondent admits the allegations contained within the Jurisdiction and Notice portion of the  
26 Complaint for Disciplinary Action ("Complaint").

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**FACTUAL ALLEGATIONS**

1. In answering Paragraph 1 of the Complaint, Respondent admits the allegations contained therein.
2. In answering Paragraph 2 of the Complaint, Respondent admits the allegations contained therein.
3. In answering Paragraph 3 of the Complaint, Respondent admits the allegations contained therein.
4. In answering Paragraph 4 of the Complaint, Respondent denies the allegations contained therein.
5. In answering Paragraph 5 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 5.
6. In answering Paragraph 6 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 6.
7. In answering Paragraph 7 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 7.
8. In answering Paragraph 8 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 8.
9. In answering Paragraph 9 of the Complaint, Respondent admits the allegations contained therein.
10. In answering Paragraph 10 of the Complaint, Respondent has insufficient information to affirm or deny the averments set forth therein, and therefore denies Paragraph 10.

**VIOLATIONS OF LAW**

1. In answering Paragraph 1 of the Violations of Law section of the Complaint, Respondent denies the allegations contained therein.

**DISCIPLINE AUTHORIZED**

1. Respondent requests that the Commission deny the discipline requested in the Complaint and be provided 30 days to comply with NRS 116.31034(1), in order to have a third member join the Board of Directors.

**AFFIRMATIVE DEFENSES**

As affirmative defenses to the Complaint, Respondent alleges as follows:

1. From 2018 through 2024, the Association had three Board Members over several periods of time. In 2021, the Board Members included John Irving, Greg Fox, and Erika Evenson. In 2022, the Board Members included John Irving, Erika Evenson, and Chris Banks. In 2024, the Board Members included John Irving, Chris Banks, and Dan Paz, though Dan Paz resigned his seat.

2. While the Association contains 342 homeowner units, approximately sixty percent of the units are residential investment rentals with owners who are local and out-of-state.

3. The assessment and fine delinquency rate has averaged more than twenty percent, which reduces the prospect pool of Board candidates because of the number of homeowners that are not in good standing.

4. The Association includes 342 homeowner units based in 114 triplex building, with no parks, playgrounds, community pools or any other amenities. The Association shares a dog park and gated swimming pool with two other sub-associations managed by a Master Association.

5. The Association has held all required elections and sent out notices for the required elections.

6. The Board of Directors have never failed a quorum call before starting a meeting or conducting business.

7. The Board of Directors has never cancelled an Executive or General Board Meeting for the absence of a third Board Member.

8. The Board of Directors has taken affirmative steps to find a third volunteer to serve on the Board of Directors, including by sending a letter to the owners advising them of a need to have a third Board Member immediately in order to comply with NRS 116.31034(1).

9. Respondent acted properly and in good faith, and in accordance with all duties imposed by law, without malice, either express or implied, and without oppression.

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NOTE: Other affirmative defenses may be added at the time of the hearing on this matter.

DATED: September 4, 2024

GIBBS GIDEN LOCHER TURNER  
SENET & WITTBRODT LLP

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

Daniel M. Hansen, Esq.  
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*High Noon at Arlington Ranch Homeowners Association*

GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP

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**CERTIFICATE OF MAILING**

The undersigned, an employee of the law firm of GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP, hereby certifies that on September 4, 2024, he served a copy of the foregoing via personal service or through U.S. Mail to the following:

COMMISSION OF COMMON INTEREST  
COMMUNITIES AND CONDOMINIUM  
HOTELS  
Attn: Commission Coordinator  
3300 W. Sahara Avenue, Suite 350  
Las Vegas, Nevada 89102

PHIL W. SU  
Senior Deputy Attorney General  
1 State of Nevada Way, Suite 100  
Las Vegas, Nevada 89119  
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An employee of  
Gibbs Giden Locher Turner  
Senet & Wittbrodt LLP