

ROBERT E. FRANK

2374 Sandstone Cliffs Drive, Sun City Anthem
Henderson, NV 89044
April 17, 2011

HAND DELIVERED AND BY ELECTRONIC MAIL

Ms. Teralyn Thompson, Commission Coordinator
Nevada Real Estate Division
2501 East Sahara Avenue, Suite 303
Las Vegas, NV 89104

Dear Ms. Thompson:

This letter is to acknowledge receipt of and to respond to your letter to me dated March 24, 2011 concerning NRED Case # IS 09-1801.

I would also like to notify you that (with the assistance of D&O Insurance Attorney Joe Garin) I asked Deputy Attorney General Ms. Kali Miller on April 15, 2011 to be released from being a named respondent on Case # IS 09-1801. I have enclosed a copy of that letter for your convenience.

In addition, I need to submit the following reports of errors and omissions in the two complaint letters. Some vital records were not included in the exhibits, some respondent names were not included in the total list, and some statements in the second complaint letter were not accurate.

For example, three (3) of the seven (7) members of the 2007-2008 Board of Directors failed to be named as respondents. The missing names on the first complaint letter are Robert Berman, Kay Dwyer and Elaine Berg. Also, as allowed by NRS116.750.1, Association Attorney John Leach and Community Managers Terry DaSilva and Caren Carrero should be on the list of named respondents as "agents" of the association. These individuals were personally involved in and highly supportive of this willful violation of NRS116.1206. It is unfair to charge only the involved directors when the association's legal and community management professionals had financial conflicts of interest as they were advising the boards to ignore the statutes.

The enclosed March 27, 2008 and May 12, 2008 SCA Executive Board minutes reflect these names and include my highlighting and annotations for your convenience. Since all of the additional named individuals above were very much involved in the initiation and ultimate completion of the alleged statute violations, I believe you can agree that such omissions should be corrected.

Although paragraphs 5 and 6 of the second complaint letter say:

"5. On or about September 23, 2008 the Real Estate Division, Office of the Ombudsman sent correspondence to RESPONDENTS concerning the claims raised in the intervention affidavit that it received, Case# IS 09-1801, notifying them that an investigation concerning allegations of Chapter 116 violations."

"6. On or about November 10, 2008, the Real Estate Division, Office of the Ombudsman sent correspondence to RESPONDENTS, by certified mail, notifying RESPONDENTS that sufficient evidence had been found for disciplinary action to be commenced, and that such action would be brought before the Commission for Common Interest Communities."

I do not recall receiving either one of the letters listed nor have I received any indication of any NRED action on this case prior to your March 24, 2011 letter.

But, we can be highly confident that had I received NRED's 2008 letters and any of the Board President's or association attorney Leach's responses, I would have been an active participant. I would have (1) vigorously opposed being named a respondent, (2) provided compelling evidence of my innocence of the allegations, and (3) argued that the entire process should have been reversed and the attorney required to refund the over \$30,000 received for the job.

Under the circumstances, it appears NRED failed to personally send the correspondence to me. Or, perhaps the letters were sent only to the association, and I was willfully and knowingly denied from participating in the official correspondence with NRED on this (and possibly other cases) because of my known opposition to the actions taken.

Finally, if the association's responses falsely reported on my knowing about the NRED correspondence, or if the responding correspondence included statements that falsely represent or have willfully omitted my opinions, we may have some NRS205 violations in addition to NRS116 violations by those involved.

I will be asking SCA for all correspondence concerning case IS -09-1801 and I will appreciate it if you will notify the community manager to be prompt and thoroughly accurate when responding to my request.

Sincerely,



Colonel Robert E. Frank, USAF (Ret.)
Sun City Anthem Director, May 2007-April 2009

3 Enclosures:

1. My April 15, 2011 Letter and Declaration on Case IS 09-1801 to Ms. Miller
2. Sun City Anthem Executive Board Meeting Minutes of March 27, 2008
3. Sun City Anthem Emergency Executive Board Meeting Minutes of May 12, 2008

Email Copies to:

Gail J. Anderson, NRED Administrator
Kali Fox Miller, Deputy Attorney General