



1 **AACC**  
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**CIVIL DIVISION**  
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DISTRICT COURT

CLARK COUNTY, NEVADA

10 GREATER LAS VEGAS SHORT TERM )  
RENTAL ASSOCIATION, a non-profit )  
11 Nevada corporation; JACQUELINE )  
FLORES, President and Director, )  
12 )  
13 Plaintiffs, )  
14 vs. )  
15 CLARK COUNTY and the BOARD OF )  
CLARK COUNTY COMMISSIONERS, a )  
16 political subdivision of the State of Nevada; )  
and the STATE OF NEVADA, )  
17 )  
18 Defendants. )

Case No: A-22-856311-P  
Dept. No: 8

19 **DEFENDANTS/COUNTERCLAIMANTS CLARK COUNTY’S ANSWER TO**  
20 **SECOND AMENDED COMPLAINT AND COUNTERCLAIMS AGAINST**  
21 **GREATER LAS VEGAS SHORT TERM RENTAL ASSOCIATION AND**  
22 **JACQUELINE FLORES**

22 COMES NOW, Defendant/Counter-Claimant CLARK COUNTY (“Defendant”), by its  
23 attorney STEVEN B. WOLFSON, District Attorney, through TIMOTHY ALLEN, Deputy  
24 District Attorney, hereby answers Plaintiffs’ Second Amended Complaint (hereinafter referred  
25 to as the “Complaint”) by admitting, denying, and alleging as follows:

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**ANSWER**

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1-2 of the Complaint, and on that basis denies the allegations contained therein.
2. Defendant admits the allegations contained in paragraph 3 of the Complaint.
3. Defendant admits that the State of Nevada is established and organized under the Nevada Constitution but lacks knowledge or information sufficient to form a belief as to the truth of the other allegations contained in paragraph 4 of the Complaint, and on the basis denies the other allegations contained therein.
4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint, and on that basis denies the allegations contained therein.
5. Defendant admits that CLARK COUNTY is a political subdivision of the State of Nevada, overseen by the BOARD OF CLARK COUNTY COMMISSIONERS, and the STATE OF NEVADA is established and organized under the Nevada Constitution, but denies the other allegations contained in paragraph 6 of the Complaint.
6. To the extent paragraph 7 contains allegations against Defendants, it is denied.
7. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 8-12 of the Complaint, and on that basis denies the allegations contained therein.
8. Defendant denies the allegations contained in paragraphs 13-14 of the Complaint.
9. To the extent paragraphs 15-16 contain allegations against Defendants, they are denied.
10. Defendant denies the allegations contained in paragraphs 17-19 of the Complaint.
11. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 20-24 of the Complaint, and on that basis denies the allegations contained therein.

- 1 12. Defendant denies the allegations contained in paragraphs 25-26 of the Complaint.
- 2 13. Defendant lacks knowledge or information sufficient to form a belief as to the truth of
- 3 the allegations contained in paragraph 27 of the Complaint, and on that basis denies
- 4 the allegations contained therein.
- 5 14. Defendant denies the allegations contained in paragraph 28 of the Complaint.
- 6 15. To the extent paragraph 29 contains allegations against Defendants, they are denied.
- 7 16. Defendant admits the allegations contained in paragraph 30 of the Complaint.
- 8 17. Paragraphs 31-35 set forth legal conclusions and questions of law to which no
- 9 response is required.
- 10 18. Defendant denies the allegations contained in paragraph 36 of the Complaint.
- 11 19. Paragraphs 37-38 set forth legal conclusions and questions of law to which no
- 12 response is required.
- 13 20. Defendant denies the allegations contained in paragraphs 39-43 of the Complaint.
- 14 21. Defendant admits the allegations contained in paragraph 44 of the Complaint.
- 15 22. Defendant lacks knowledge or information sufficient to form a belief as to the truth of
- 16 the allegations contained in paragraph 45 of the Complaint, and on that basis denies
- 17 the allegations contained therein.
- 18 23. Defendant admits the allegations contained in paragraphs 46-47 of the Complaint.
- 19 24. Defendant denies the allegations contained in paragraphs 48-49 of the Complaint.
- 20 25. Paragraph 50 reincorporates all other paragraphs of Plaintiffs' Complaint and no
- 21 response is required. To the extent a response is required, Defendant reincorporates its
- 22 responses.
- 23 26. Defendant denies the allegations contained in paragraphs 51-75 of the Complaint.
- 24 27. Paragraph 76 reincorporates all other paragraphs of Plaintiffs' Complaint and no
- 25 response is required. To the extent a response is required, Defendant reincorporates its
- 26 responses.
- 27 28. Defendant denies the allegations contained in paragraphs 77-91 of the Complaint.
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- 1 29. Paragraph 92 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
2 response is required. To the extent a response is required, Defendant reincorporates its  
3 responses.
- 4 30. Defendant denies the allegations contained in paragraphs 93-110 of the Complaint.
- 5 31. Paragraph 111 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
6 response is required. To the extent a response is required, Defendant reincorporates its  
7 responses.
- 8 32. Defendant denies the allegations contained in paragraphs 112-123 of the Complaint.
- 9 33. Paragraph 124 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
10 response is required. To the extent a response is required, Defendant reincorporates its  
11 responses.
- 12 34. Defendant denies the allegations contained in paragraphs 125-144 of the Complaint.
- 13 35. Paragraph 145 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
14 response is required. To the extent a response is required, Defendant reincorporates its  
15 responses.
- 16 36. Defendant denies the allegations contained in paragraphs 146-161 of the Complaint.
- 17 37. Paragraph 162 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
18 response is required. To the extent a response is required, Defendant reincorporates its  
19 responses.
- 20 38. Defendant denies the allegations contained in paragraphs 163-181 of the Complaint.
- 21 39. Paragraph 182 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
22 response is required. To the extent a response is required, Defendant reincorporates its  
23 responses.
- 24 40. Defendant denies the allegations contained in paragraphs 183-197 of the Complaint.
- 25 41. Paragraph 198 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
26 response is required. To the extent a response is required, Defendant reincorporates its  
27 responses.
- 28 42. Defendant denies the allegations contained in paragraphs 199-205 of the Complaint.

- 1 43. Paragraph 206 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
2 response is required. To the extent a response is required, Defendant reincorporates its  
3 responses.
- 4 44. Defendant denies the allegations contained in paragraphs 207-212 of the Complaint.
- 5 45. Paragraph 213 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
6 response is required. To the extent a response is required, Defendant reincorporates its  
7 responses.
- 8 46. Defendant denies the allegations contained in paragraphs 214-220 of the Complaint.
- 9 47. Paragraph 221 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
10 response is required. To the extent a response is required, Defendant reincorporates its  
11 responses.
- 12 48. Defendant denies the allegations contained in paragraphs 222-227 of the Complaint.
- 13 49. Paragraph 228 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
14 response is required. To the extent a response is required, Defendant reincorporates its  
15 responses.
- 16 50. Defendant denies the allegations contained in paragraphs 229-239 of the Complaint.
- 17 51. Paragraph 240 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
18 response is required. To the extent a response is required, Defendant reincorporates its  
19 responses.
- 20 52. Defendant denies the allegations contained in paragraphs 241-255 of the Complaint.
- 21 53. Paragraph 256 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
22 response is required. To the extent a response is required, Defendant reincorporates its  
23 responses.
- 24 54. Defendant denies the allegations contained in paragraphs 257-267 of the Complaint.
- 25 55. Paragraph 268 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
26 response is required. To the extent a response is required, Defendant reincorporates its  
27 responses.
- 28 56. Defendant denies the allegations contained in paragraphs 269-290 of the Complaint.

1 57. Paragraph 291 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
2 response is required. To the extent a response is required, Defendant reincorporates its  
3 responses.

4 58. Defendant denies the allegations contained in paragraphs 292-296 of the Complaint.

5 59. Paragraph 297 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
6 response is required. To the extent a response is required, Defendant reincorporates its  
7 responses.

8 60. Defendant denies the allegations contained in paragraphs 298-302 of the Complaint.

9 61. Paragraph 303 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
10 response is required. To the extent a response is required, Defendant reincorporates its  
11 responses.

12 62. Defendant denies the allegations contained in paragraphs 304-308 of the Complaint.

13 63. Paragraph 309 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
14 response is required. To the extent a response is required, Defendant reincorporates its  
15 responses.

16 64. Defendant denies the allegations contained in paragraphs 310-314 of the Complaint.

17 65. Paragraph 315 reincorporates all other paragraphs of Plaintiffs' Complaint and no  
18 response is required. To the extent a response is required, Defendant reincorporates its  
19 responses.

20 66. Defendant denies the allegations contained in paragraph 316 of the Complaint.

21 **Any allegations in the Complaint not otherwise responded to hereinabove are**  
22 **generally and specifically denied.**

23 **AFFIRMATIVE DEFENSES**

24 FIRSTAFFIRMATIVE DEFENSE

25 The Complaint fails to state a claim against this Defendant upon which relief can be  
26 granted.

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SECOND AFFIRMATIVE DEFENSE

This Complaint fails to establish subject matter jurisdiction.

THIRD AFFIRMATIVE DEFENSE

Each cause of action in the Complaint is barred as alleged against this answering Defendant on the grounds that this answering Defendant is entitled to statutory qualified immunity and governmental immunity and therefore, Plaintiffs are unable to recover from this answering Defendant.

FOURTH AFFIRMATIVE DEFENSE

This answering Defendant is informed and believes, and thereon alleges, that Plaintiffs' claims as alleged against this answering Defendant are barred under the Public Policy Doctrine and therefore, Plaintiffs are not entitled to recover from this answering Defendant.

FIFTH AFFIRMATIVE DEFENSE

Pursuant to NRS 41.035, an award arising out of an act or omission by or on behalf of Defendants, if any, may not exceed \$100,000.00 and Plaintiffs may not recover in excess of that amount from Defendant, even in the event that Defendant is found to have liability.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs are barred from recovery of any amount as punitive or exemplary damages against Defendant in accordance with NRS 41.035.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs are barred from recovery of any amount awarded for prejudgment interest in accordance with NRS 41.035.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs were not damaged in the sum or sums alleged, or to be alleged, and that Plaintiffs' alleged expenses were not reasonable and/or necessary.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to mitigate their damages, if any.

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TENTH AFFIRMATIVE DEFENSE

Defendant's actions are subject to NRS 41.032 which prohibits actions based upon the execution or failure to execute a discretion.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs have not been damaged by the conduct of Defendant as alleged.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are waived as a result of the acts and conduct by Plaintiffs and/or Plaintiffs' agents.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to join all necessary and/or indispensable parties to this lawsuit.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to bring these claims within their applicable periods of limitation under NRS 11.190.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to provide notice to Defendant within two-years pursuant to NRS 41.036.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the doctrine of unclean hands.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because Defendant had privilege to act.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because they lack standing.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because of the doctrine of Unjust Enrichment.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because the named parties are not entities that can bring a civil action or have a civil action brought against it.

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TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiffs have failed to exhaust their administrative remedies by failing to seek an administrative appeal and judicial review of the civil penalties and administrative citations.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Pursuant to NRCP 15 and NRCP 11, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts are not available after reasonable inquiry into the Complaint, and therefore, Defendant reserves the right to amend this Answer to allege additional affirmative defenses, if subsequent investigation warrants.

1       **DEFENDANT/COUNTERCLAIMANT CLARK COUNTY’S COUNTERCLAIMS**

2       CLARK COUNTY, a political subdivision       )  
3       of the State of Nevada,                               )

4                               Defendant/Counterclaimant,       )

5                               vs.   )

6       GREATER LAS VEGAS SHORT TERM       )  
7       RENTAL ASSOCIATION, a non-profit       )  
8       Nevada corporation; JACQUELINE       )  
9       FLORES, President and Director, JOHN       )  
10       DOE I through JOHN DOE X, JANE DOE I       )  
11       through JANE DOE X, DOE                       )  
12       CORPORATION I through DOE                    )  
13       CORPORATION X, DOE LIMITED-                )  
14       LIABILITY COMPANY I through                 )  
15       DOE LIMITED-LIABILITY COMPANY X         )  
16       and DOE PARTNERSHIP I through DOE         )  
17       PARTNERSHIP X, inclusive,                    )

18                               Plaintiffs/Counterdefendants.       )

Case No:    A-22-849952-C  
Dept. No:    14

16               COMES NOW Defendant/Counterclaimant CLARK COUNTY by and through its  
17 attorney of record, STEVEN B. WOLFSON, District Attorney, through TIMOTHY ALLEN,  
18 Deputy District Attorney, hereby files this Counterclaim as follows:

19                               **THE PARTIES, JURISDICTION, VENUE**

20               1.       Defendant/Counterclaimant CLARK COUNTY is a political subdivision of the  
21 State of Nevada.

22               2.       Upon information and belief, at all relevant times, Plaintiff/Counter defendant  
23 JACQUELINE FLORES is a resident of Clark County, Nevada.

24               3.       Upon information and belief, GREATER LAS VEGAS SHORT TERM  
25 RENTAL ASSOCIATION is entity made up of members, who reside in Clark County, in other  
26 states, and in other countries who operate short-term rentals.

27               4.       GREATER LAS VEGAS SHORT TERM RENTAL ASSOCIATION was  
28 founded by JACQUELINE FLORES and Louis Koorndyk.



1 15. The properties owned by Counterdefendants and the properties  
2 Counterdefendants have interest in are zoned residential.

3 16. CLARK COUNTY has opened a code enforcement case against the  
4 JACQUELINE FLORES for her use of 8493 Moondance Cellars Ct., as a short-term rental in  
5 case number CE18-13807.

6 17. On February 1, 2019, after assessing civil penalties in CE18-13807 for violations  
7 of the short-term rental prohibition, pursuant to Clark County Code 11.14, Clark County Code  
8 Enforcement recorded a lien of \$3,000.00 on 8493 Moondance Cellars Ct.

9 18. On February 13, 2020, after assessing administrative citations in CE18-13807  
10 for violations of the short-term rental prohibition, pursuant to Clark County Code 1.14, Clark  
11 County Code Enforcement recorded a lien of \$28,350.00 on 8493 Moondance Cellars Ct.

12 19. JACQUELINE FLORES did not administratively appeal the above referenced  
13 civil penalties or administrative citations in CE18-13807.

14 20. JACQUELINE FLORES did not seek judicial review for any of the above  
15 referenced civil penalties or administrative citations in CE18-13807.

16 21. Counterdefendants, upon information and belief, have interest in other  
17 properties that have other civil penalties, administrative citations or fines that have been  
18 imposed on them for violations of the Clark County Code and are owed to CLARK COUNTY.

19 **FIRST CLAIM FOR RELIEF**

20 **(Declaratory Judgment – Violations of the Clark County Code)**

21 22. CLARK COUNTY repeats and re-alleges Paragraphs 1-21 of this Counterclaim.

22 23. Before the passage of ordinance number 4959 on June 7<sup>th</sup>, 2022, Clark County  
23 Code § 30.44.010(b)(7)(C) provided that “Transient commercial use of residential  
24 development for remuneration is prohibited in all residential zoning districts, or in any  
25 miscellaneous zoning district of this Title, except as otherwise expressly permitted.”

26 24. Currently, the Clark County Code § 30.44.010(b)(7)(C) provides that “Transient  
27 commercial use of residential development for remuneration is prohibited in all residential  
28 zoning districts, or in any miscellaneous zoning district of this Title, except as otherwise

1 expressly permitted in this Title or as licensed pursuant to Chapter 7.100 of the Clark County  
2 Code.”

3 25. The only way transient commercial use of residential development for  
4 remuneration is expressly permitted is via a Clark County business license issued pursuant to  
5 Clark County Code 7.100.

6 26. Clark County Code § 30.08.030, provides that “Transient Commercial Use of  
7 Residential Development” “means the commercial use, by any person, of any residential  
8 development, for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient  
9 lodging uses where any individual transient guest occupies the property for 30 consecutive  
10 calendar days or less.”

11 27. Clark County Code § 30.04.140 provides “Any person violating any provision  
12 of this Title is guilty of a misdemeanor and is subject to the applicable penalties as provided  
13 under NRS 193.150... Any person is guilty of a separate offense for each and every day during  
14 any portion of which any violation of this Title is committed or continued.”

15 28. Clark County Code § 30.04.150 provides “Any use of property, or the  
16 establishment of a building or structure contrary to the provisions of this Title or in violation  
17 of any condition attached to the granting of any land use application is unlawful and a public  
18 nuisance.” “Upon discovery of such a violation, the County may commence proceedings for  
19 the abatement thereof in accordance with applicable provisions of the Clark County Code, or  
20 may pursue other remedies as provided by law.”

21 29. Clark County Code § 30.04.170 provides “All remedies provided herein shall be  
22 cumulative and not exclusive.”

23 30. Clark County Code § 1.14.010 provides “Any person violating any of the  
24 provisions, or failing to comply with any of the requirements, of Titles 9, 10, 11, 22 or 30 of  
25 this code, may be issued a civil administrative citation by any officer with the Code  
26 Enforcement Unit.”

27 31. Clark County Code § 11.14.050 provides, in part, that upon “the discovery of a  
28 rental property in a residential neighborhood in need of rehabilitation... the county may order

1 the responsible contact person or owner to rehabilitate the property...”

2 32. Clark County Code § 11.14.030 provides, in part, “Any violation of this chapter  
3 is a strict liability offense.” “Every day not tolled, as provided by this chapter, that a violation  
4 of failure to rehabilitate continues shall constitute a separate and distinct offense for which a  
5 civil penalty shall be assessed against the property, in rem, of one thousand dollars.”

6 33. Clark County Code § 11.14.020(c) defines “Rehabilitation” or to “rehabilitate”  
7 to include “transient lodging.”

8 34. Clark County Code § 30.04.030 provides, in part, that “This Title is intended to  
9 supplement the provisions of...Title 11.”

10 35. Clark County Code § 11.14.070 and § 1.14.130 allow the aggrieved person who  
11 receives a civil penalty or administrative citation to appeal before a hearing officer and seek  
12 judicial review if the hearing officer upholds the penalty.

13 36. CLARK COUNTY is informed and believes, and on the basis of such  
14 information belief alleges, that Counterdefendants have violated the Clark County Code by  
15 using their property to engage in transient lodging.

16 37. Counterdefendants actions, and failure to act, have created a judiciable  
17 controversy with respect to their compliance with the Clark County Code. Therefore,  
18 declaratory relief is necessary and appropriate at this time.

19 38. CLARK COUNTY requests that a declaratory judgment be granted in CLARK  
20 COUNTY’s favor holding that Counterdefendants past and any present conduct of operating  
21 properties for transient lodging constitutes a violation of the Clark County Code.

22 **SECOND CLAIM FOR RELIEF**

23 **(Money Judgment – Failure to Pay Taxes)**

24 39. CLARK COUNTY repeats and re-alleges Paragraphs 1 through 38 of this  
25 Counterclaim.

26 40. Clark County Code § 4.08.010 provides, in part, that for transient lodging  
27 establishments within 35 miles of the Las Vegas Convention Center the Combined Transient  
28 Lodging Tax Rate is 12.5 percent of the gross receipts and the “tax, when due, constitutes a

1 debt owed by the operator to the county which is extinguished only by payment thereof to the  
2 Clark County department of business license.”

3 41. The properties owned and operated as short-term rentals by JACQUELINE  
4 FLORES are within 35 miles of the Las Vegas Convention Center.

5 42. Clark County Code § 4.08.060 provides, in part, “If the combined transient  
6 lodging tax imposed pursuant to this chapter on transient lodging established located within  
7 the unincorporated areas of Clark County is not received within fifteen days of the due date,  
8 the operator shall pay, in addition to the combined transient lodging tax: (1) interest on said  
9 tax due at the rate of one and one-half percent per month or fraction thereof from the date on  
10 which the combined transient lodging tax became due until the date payment is received; and  
11 (2) an administrative fee of eleven percent of the combined transient lodging tax due, exclusive  
12 of interest.”

13 43. Clark County Code § 4.08.060(g) provides “Whenever any operator shall be  
14 delinquent in the payment of the tax imposed by this chapter, the director may transmit notice  
15 of such delinquency to the Clark County District Attorney who shall proceed to collect all  
16 sums due the county from such operator by appropriate legal action.”

17 44. Clark County Code § 4.08.065 provides, in part, “It is unlawful for any business  
18 to operate in Clark County without a valid Clark County business license.” “[C]ombined  
19 transient lodging taxes shall be due on all gross receipts collected by a transient lodging  
20 establishment during any month, or period of a month, in which the business operated without  
21 benefit of licensure.” Clark County “may require an audit of the financial records in order to  
22 establish the amount of gross receipts.”

23 45. Clark County Code § 4.08.085 provides, in part, “Each operator shall maintain  
24 daily records and monthly summaries, which are compiled from the daily records and contain  
25 monthly totals.” These records must include the total rents received and other information.

26 46. Clark County Code § 4.08.095 provides “If during an audit, it is determined that  
27 additional combined transient lodging tax is due in any license period as a result of licensee  
28 fraud or an intent to evade the payment of tax, a penalty in the amount of twenty-five percent

1 of the audited combined transient lodging tax due for that period shall be assessed by the  
2 auditor and included in the audit bill.”

3 47. Clark County Code § 4.08.115(g) provides “Failure to pay the outstanding  
4 transient lodging tax, as well as all related fees, interest, and penalties, pursuant to this section  
5 shall subject the amount due to the provisions of Section 4.08.060 of this code.”

6 48. CLARK COUNTY is informed and believes, and on the basis of such  
7 information and belief alleges, that Counterdefendants used and are using multiple properties  
8 for transient lodging.

9 49. Counterdefendants must pay the taxes, fees, interest and penalties as provided  
10 in the Clark County Code for transient lodging.

11 50. Counterdefendants failed to pay the taxes, fees, interest and penalties as  
12 provided in the Clark County Code for transient lodging.

13 51. CLARK COUNTY now seeks to audit and collect the taxes, fees, interest and  
14 penalties that are due to Clark County Department of Business License.

15 52. CLARK COUNTY is entitled to a money judgment against Counterdefendants  
16 for unpaid taxes, fees, interest, penalties, attorney’s fees and costs of this suit in excess of the  
17 amount of \$15,000.00.

18 **THIRD CLAIM FOR RELIEF**

19 **(Nuisance)**

20 53. CLARK COUNTY repeats and re-alleges Paragraphs 1 through 52 of this  
21 Counterclaim.

22 54. Counterdefendants intentionally interfered with CLARK COUNTY’s and the  
23 public’s use and enjoyment of land.

24 55. CLARK COUNTY can bring this claim on behalf of itself and the public.

25 56. The interference was both substantial and unreasonable and caused damages to  
26 CLARK COUNTY and the public.

27 57. CLARK COUNTY is entitled to a money judgment against Counterdefendants  
28 for its damages, attorney’s fees and costs of this suit in excess of the amount of \$15,000.00.



1 **FOURTH CLAIM FOR RELIEF**

2 **(Money Judgment – Failure to Pay Civil Penalties and Administrative Citations)**

3 58. CLARK COUNTY repeats and re-alleges Paragraphs 1 through 57 of this  
4 Counterclaim.

5 59. Clark County Code 1.14.120 – “Collection of unpaid fines” provides “Failure to  
6 pay the assessed administrative fine within fifteen days, provided it has not been successfully  
7 challenged by a timely appeal or cancelled upon initial review, shall result that this obligation  
8 shall constitute a special assessment lien against the real property on which the violation  
9 occurred if the responsible person is an owner of the property, or a beneficiary of the owner  
10 in trust. Alternatively, the matter may be referred for collection, which includes but is not  
11 limited to the filing of a small claims court action.”

12 60. Clark County Code 11.14.030(b) – “Civil penalties and special assessment lien”  
13 provides “Until paid, the civil penalties assessed shall constitute a special assessment lien  
14 against the property. The special assessment may be collected at the same time and in the same  
15 manner as ordinary county taxes are collected, and shall be subject to the same penalties and  
16 the same procedure and sale in case of delinquency as provided for ordinary county taxes. All  
17 laws applicable to the levy, collection and enforcement of county taxes shall be applicable to  
18 such special assessment.”

19 61. Counterdefendants have unpaid civil penalties, administrative citations, fines  
20 and penalties that currently are owned to Clark County.

21 62. Counterdefendants have not appealed the civil penalties, administrative citations  
22 or liens against the their properties.

23 63. CLARK COUNTY has properly filed these liens and have properly assessed the  
24 civil penalties and administrative citations, all of which are past due by at least 15 days, for  
25 documented violations of Clark County Code and have provided Counterdefendants with due  
26 process notice of these penalties and allowed for appeals.

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1 64. CLARK COUNTY is entitled to a money judgment against Counterdefendants  
2 for unpaid civil penalties, administrative citations, interest, attorney’s fees and costs of this  
3 suit in excess of the amount of \$15,000.00.

4 **FIFTH CLAIM FOR RELIEF**

5 **(Civil Conspiracy / Aiding and Abetting)**

6 65. CLARK COUNTY repeats and re-alleges Paragraphs 1 through 64 of this  
7 Counterclaim.

8 66. Counterdefendants by acting in concert, intended to accomplish an unlawful  
9 objective for the purpose of harming CLARK COUNTY.

10 67. Counterdefendants’ unlawful objectives include, but are not limited to, renting  
11 their properties in violation of the Clark County Code’s short-term rental prohibition,  
12 operating a business without a license, causing a public nuisance, fraudulently renting their  
13 properties, and failure to pay transient lodging taxes.

14 68. Also, Counterdefendants breached their duty to Counterclaimant CLARK  
15 COUNTY by knowingly and substantially assisting or encouraging each other to commit the  
16 acts set forth in paragraph 67, above.

17 69. CLARK COUNTY sustained damage resulting from Counterdefendants’ acts.

18 70. CLARK COUNTY is entitled to a money judgment against Counterdefendants  
19 for its damages, attorney’s fees and costs of this suit in excess of the amount of \$15,000.00.

20 **SIXTH CLAIM FOR RELIEF**

21 **(Civil RICO)**

22 71. CLARK COUNTY repeats and re-alleges Paragraphs 1 through 69 of this  
23 Counterclaim.

24 72. Counterdefendants violated a predicate racketeering act.

25 73. CLARK COUNTY and the public suffered injury and damages in its business  
26 or property be reason of Counterdefendants’ violations of the predicate racketeering acts.

27 74. Counterdefendants’ violations proximately caused CLARK COUNTY’s injury.

28 75. CLARK COUNTY did not participate in the racketeering violation.



1           83. A county seeking to enjoin threatened or existing violations of statutes,  
2 ordinances and other regulations need not establish that the violations would cause irreparable  
3 injury to it or its residents.

4           84. CLARK COUNTY is informed and believes, and on the basis of such  
5 information and belief alleges, that Counterdefendants either use, or allow the use of, the  
6 properties they has interest in for purposes prohibited under the Clark County Code, namely,  
7 by using or allowing the use of the properties for transient lodging.

8           85. In the alternative, CLARK COUNTY has a legally protectable interest in  
9 maintaining the integrity and uniformity of Clark County's public nuisance and zoning codes,  
10 the interest of which is irreparably harmed by Counterdefendants' continued use of the  
11 properties in violation of the applicable Clark County's ordinances and regulations and Nevada  
12 law.

13           86. In acting to enforce its ordinances and Nevada law, Clark County acts on behalf  
14 of the interest of all property owners within Clark County to enforce their right to acquire  
15 conformity with County ordinances and Nevada law as the quid pro quo for their own  
16 submission to the restrictions imposed upon their property.

17           87. The Counterdefendants' past and continued violation of the applicable Clark  
18 County ordinances and Nevada law has caused and will continue to cause irreparable harm by  
19 compromising the health and safety of the residents of Clark County, has and will continue to  
20 reduce property values, and has and will continue to compromise the viability of the  
21 surrounding businesses and serenity of the surrounding neighborhood, amongst other things.

22           88. An act that violates a county ordinance or Nevada law may be enjoined without  
23 showing that there is no other adequate remedy at law available.

24           89. In the alternative, there are no other adequate civil remedies available and the  
25 repeated prosecution for a violation of County ordinances and Nevada law is an inadequate  
26 method of attaining Counterdefendants' compliance with County ordinances and Nevada law  
27 in that it would entail multiple litigation, unnecessary expense and an inefficient use of the  
28 Courts.



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9. That the Court award such other and further relief as the Court may deem proper.

DATED this 18<sup>th</sup> day of October, 2021.

STEVEN B. WOLFSON  
DISTRICT ATTORNEY

By: /s/ Timothy Allen  
TIMOTHY ALLEN  
Deputy District Attorney  
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*Attorneys for Respondents*  
*Public Response Office*  
*Clark County Code Enforcement;*  
*Officer Kevin Hay; Lt. Douglas Gold*

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**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that I am an employee of the Office of the Clark County District Attorney and that on this 18th day of October, 2022, I served a true and correct copy of the foregoing DEFENDANTS/COUNTERCLAIMANTS CLARK COUNTY’S ANSWER TO SECOND AMENDED COMPLAINT AND COUNTERCLAIMS AGAINST GREATER LAS VEGAS SHORT TERM RENTAL ASSOCIATION AND JACQUELINE FLORES (United States District Court Pacer System or the Eighth Judicial District Wiznet), by e-mailing the same to the following recipients. Service of the foregoing document by e-mail is in place of service via the United States Postal Service.

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/s Timothy Allen  
An Employee of the Clark County District  
Attorney’s Office – Civil Division