

SVHN Responds to Kay Frank's Letter & Prints a Partial Correction on July 3, 2008

In response to Kay Frank's letter to the South Valley Home News editors about factual errors in its June 19th article, the paper printed a partial correction on page 2 of its July 3, 2008 issue. The key errors in the original article concerned:

Why There Was No Mediation Meeting: SNHV reported that Bob Frank refused to attend a "mediation" meeting proposed in September 2007 by the Ombudsman Office. But, that was false.

The Ombudsman Office only provided Bob Frank with a few pages of summary of the 110 pages of formal complaints filed by Mike Dixon and his fellow board members. See correspondence from the Ombudsman Office, the Compliance Office, and Bob Maddox (Bob Frank's personal attorney) attached to this posting. Bob Frank agreed to mediation if ALL of the 110 pages of the complaint were released to him. But, the Ombudsman Office allowed Mike Dixon to refuse access. Imagine! Accused of 18 crimes and not allowed to see the allegations before going to mediation!

Bob Frank asked: Why was Dixon allowed to file such a huge complaint with the State and then allowed to deny access to the respondent? The Ombudsman stated NRS 116.757 provided that authority. However, when it was pointed out how such a rule was grossly unfair and violated the basic principles of American Justice, the Ombudsman Office claimed it was not allowed to make a unilateral release to the respondent, and claimed it could not force Dixon to do it. This was later shown to be incorrect.

False Statements Made in Mike Dixon's Affidavit: Bob Frank also pointed out to the Ombudsman Office that Dixon has violated NRS 116.760 prior to filing the affidavit. Dixon's submission contained clear information he had NOT complied with the statute, but the Real Estate Division failed to check it out, and it did not reject the document--as required by the law.

Dixon had never provided specific, written statute allegations to Bob Frank and he had not held a community hearing to investigate the facts before he filed his affidavit with the State of Nevada. But, his sworn affidavit claimed he did. This was an outrageous statute violation by Dixon, Leach, and the Real Estate Division, and it begs the questions of how and why would this be allowed to happen? However, in spite of all the valid questions and challenges to process, the Ombudsman ignored them all, refused to take any balanced action, and immediately assigned the case to the Compliance Office for investigation—never having released the full set of allegations!

Additional SVHN Error in the "Corrected" Statement: The paper said: *"...he and his attorney were refused a copy of the complaint until after the ombudsman's office referred the case to the attorney general's office."* That was not what SVHN was told. The editor was told (and the online AV documents report) that the **"Compliance Office" did release** the full set of complaints—in October. This was after the Ombudsman Office had sent the case to be investigated by the Compliance Office. It was only after four months of investigation that the Compliance Office sent the case (in April) to the Attorney General's assigned staff officer for review and comment.

And, after reviewing hundreds of pages of complaints on 18 statute violations and counter-claims, the "investigator" was only able to come up with a generic request for AJ consideration. Only a broad "failure of fiduciary duty" claim and not one single citation of a specific violation! And, it has been over 60 days since that happened. Where is the justice under the Real Estate Division? We have to conclude that SVHN missed the essence of this whole case!