

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOME WARRANTY ADMINISTRATOR OF  
NEVADA, INC. dba CHOICE HOME  
WARRANTY, a Nevada corporation,

Appellant(s),

v.

STATE OF NEVADA, DEPARTMENT OF  
BUSINESS AND INDUSTRY, DIVISION OF  
INSURANCE, a Nevada Administrative agency,

Respondent(s).

Electronically Filed  
Jan 10 2020 04:22 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Case No. 80218  
First Judicial District  
Court  
No. 17 OC 00269 1B

RESPONSE TO APPELLANT’S DOCKETING STATEMENT

State of Nevada, Department of Business and Industry, Division of Insurance (“Division”), through its counsel, Nevada Attorney General, AARON D. FORD; Senior Deputy Attorney General, JOANNA N. GRIGORIEV and Deputy Attorney General, RICHARD P. YIEN, hereby submits this Response, pursuant to NRAP 14(f), to Appellant Home Warranty Administrator of Nevada Inc.’s (“Appellant”) Docketing Statement filed on January 3, 2020. The Division disagrees with Appellant’s statements and characterizations contained in ¶¶ 7, 8, 9, 12.

In ¶7, the Division disagrees with the statement that case 19 OC 000 15 1B “depends in part on legal issues decided in the agency decision underlying this appeal.” In ¶ 8, the Division disagrees with Appellant’s misstated facts and legal “arguments”<sup>1</sup> based thereon, as well as, certain characterizations. The statement pertaining to the 2016 renewal application that “[t]he underlying decision also deems HWAN’s certificate of registration to have expired as a matter of law under

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<sup>1</sup> ¶ 8 contains legal arguments.

NRS 690C.160 (3), even though HWAN submitted the required renewal and completed all statutory requirements to effectuate the renewal of its certificate of registration,” is in conflict with findings of fact in the Administrative Order finding the 2016 application to be incomplete.

The Division disagrees with the characterization of issues 1, 2, 3 and 4, 6 in ¶ 9. Issue 1 omits the crucial question pertaining to the types of functions for which a certificate of registration (“COR”) is required under chapter 690C; whether anyone issuing, selling, or offering for sale service contracts is required to obtain a certificate of registration. Issue 2 is premised on misstated facts, as the referenced 2016 application was found to be incomplete. Issue 3 is also premised on mischaracterization of the facts and of the scope of the Administrative Decision, including the statement “the Division. . . . failed to provide a hearing prior to refusing to renew the certificate of registration.” The Administrative Decision did not refuse to renew a COR, nor was that issue before the Hearing Officer. Issue 4 is based on a mischaracterization of the Administrative Decision and its scope. The Division disagrees with the characterization of the evidence excluded by the administrative Hearing Officer and considered by the district court.

¶ 12 contains legal arguments with which the Division disagrees, as well as, mischaracterizations of facts and procedure. Additionally, the Division disagrees with characterizations pertaining to industry practices.

DATED: January 10, 2020.

AARON FORD  
Attorney General

By: /s/ Joanna N. Grigoriev  
Joanna N. Grigoriev (Bar. No. 5649)  
Senior Deputy Attorney General  
Richard P. Yien (Bar. No. 13035)  
Deputy Attorney General

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing Response to Docketing Statement with the Clerk of the Court for the Nevada Supreme Court by using the appellate CM/ECF system on January 10, 2020.

Participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

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/s/ Marilyn Millam  
an employee of the Office of the Attorney General