

**IN THE SUPREME COURT OF THE  
STATE OF NEVADA**

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

Appellant,

vs.

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

Respondent.

**Supreme Court No. 80218**

First Judicial District Court  
Case No. 17 OC 00261  
Electronically Filed  
May 12 2020 05:11 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Appeal from First Judicial District Court, State of Nevada, County of Clark  
The Honorable James. T. Russell, District Judge

---

**APPELLANT'S APPENDIX  
VOLUME V OF XIV  
(AA000720 – AA000939)**

---

Constance L. Akridge, Esq.  
Nevada Bar No. 3353  
Sydney R. Gambee, Esq.  
Nevada Bar No. 14201  
Brittany L. Walker, Esq.  
Nevada Bar No. 14641  
Holland & Hart LLP  
9555 Hillwood Drive, Second Floor  
Las Vegas, Nevada 89134  
Tel: (702) 669-4600  
Fax: (702) 669-4650  
clakridge@hollandhart.com  
srgambee@hollandhart.com  
blwalker@hollandhart.com

*Attorneys for Home Warranty Administrator of Nevada, Inc.  
dba Choice Home Warranty, a Nevada corporation*

# **INDEX TO APPELLANT’S APPENDIX IN CHRONOLOGICAL ORDER**

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Complaint and Application for Order to Show Cause (Cause No. 17.0050)	05/09/17	I	AA000001 – AA000010
Application for Subpoena Duces Tecum to Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (“HWAN”) (Cause No. 17.0050)	05/09/17	I	AA000011 – AA000014
Order to Show Cause (Cause No. 17.0050)	05/11/17	I	AA000015 – AA000018
Subpoena Duces Tecum to HWAN (Cause No. 17.0050)	05/11/17	I	AA000019 – AA000022
Petition to Enlarge Time to Respond to Subpoena Duces Tecum, with cover letter (Cause No. 17.0050)	06/01/17	I	AA000023 – AA000029
Notice of Non-Opposition to Respondent’s Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/01/17	I	AA000030 – AA000031
Order on Petition to Enlarge Time to Respond to Subpoena Duces Tecum (Cause No. 17.0050)	06/05/17	I	AA000032 – AA000035
Second Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/14/17	I	AA000036 – AA000039
Notice of Non-Opposition to Respondent’s Second Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/16/17	I	AA000040 – AA000041
Joint Request to Continue Hearing (Cause No. 17.0050)	06/20/17	I	AA000042 – AA000044
Order on Motion Requesting Extension of Time and Order on Joint Request for Continuance (Cause No. 17.0050)	06/22/17	I	AA000045 – AA000047
Pre-hearing Order (Cause No. 17.0050)	06/22/17	I	AA000048 – AA000053
Motion for Pre-hearing Deposition Subpoenas or, in the alternative, Application for Hearing Subpoenas and Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/14/17	I	AA000054 – AA000064

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Second Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/19/17	I	AA000065 – AA000071
Request to Continue Hearing (Cause No. 17.0050)	07/20/17	I	AA000072 – AA000073
Limited Opposition to Motion for Pre-hearing Deposition Subpoenas or, in the alternative, Application for Hearing Subpoenas and Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/21/17	I	AA000074 – AA000076
Notice of No Opposition to Request to Continue Hearing (Cause No. 17.0050)	07/24/17	I	AA000077 – AA000078
Subpoena Duces Tecum to HWAN (Cause No. 17.0050)	07/26/17	I	AA000079 – AA000083
Order on Motions (Cause No. 17.0050)	07/27/17	I	AA000084 – AA000091
Subpoena for Appearance at Hearing to Dolores Bennett (Cause No. 17.0050)	08/04/17	I	AA000092 – AA000095
Subpoena for Appearance at Hearing to Sanja Samardzija (Cause No. 17.0050)	08/04/17	I	AA000096 – AA000099
Subpoena for Appearance at Hearing to Vincent Capitini (Cause No. 17.0050)	08/04/17	I	AA000100 – AA000103
Subpoena Duces Tecum to the Commissioner of the State of Nevada Division of Insurance (the “Division”) (Cause No. 17.0050)	08/09/17	I	AA000104 – AA000108
Subpoena for Appearance at Hearing to Chloe Stewart (Cause No. 17.0050)	08/09/17	I	AA000109 – AA000112
Subpoena for Appearance at Hearing to Derrick Dennis (Cause No. 17.0050)	08/09/17	I	AA000113 – AA000116
Subpoena for Appearance at Hearing to Geoffrey Hunt (Cause No. 17.0050)	08/09/17	I	AA000117 – AA000120
Subpoena for Appearance at Hearing to Linda Stratton (Cause No. 17.0050)	08/09/17	I	AA000121 – AA000124
Subpoena for Appearance at Hearing to the State of Nevada, Division of Insurance Person Most Knowledgeable as to the Creation of the Division’s Annual Renewal Application Forms (Cause No. 17.0050)	08/09/17	I	AA000125 – AA000128

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Subpoena for Appearance at Hearing to the State of Nevada, Division of Insurance Person Most Knowledgeable as to the Date of the Division's Knowledge of the Violations Set Forth in the Division's Complaint on File in this Cause (Cause No. 17.0050)	08/09/17	I	AA000129 – AA000132
Subpoena for Appearance at Hearing to Vicki Folster (Cause No. 17.0050)	08/09/17	I	AA000133 – AA000136
Subpoena for Appearance at Hearing to Kim Kuhlman (Cause No. 17.0050)	08/09/17	I	AA000137 – AA000140
Subpoena for Appearance at Hearing to Martin Reis (Cause No. 17.0050)	08/09/17	I	AA000141 – AA000144
Subpoena for Appearance at Hearing to Mary Strong (Cause No. 17.0050)	08/09/17	I	AA000145 – AA000148
Joint Request for Pre-hearing Conference (Cause No. 17.0050)	08/16/17	I	AA000149 – AA000152
Order Setting Pre-hearing Conference (Cause No. 17.0050)	08/17/17	I	AA000153 – AA000158
Order on Joint Application to Conduct Deposition (Cause No. 17.0050)	08/17/17	I	AA000159 – AA000164
Joint Application to Conduct Deposition to Preserve Hearing Testimony (Cause No. 17.0050)	08/21/17	I	AA000165 – AA000168
Amended Complaint and Application for Order to Show Cause (Cause No. 17.0050)	09/05/17	I	AA000169 – AA000177
Division's Pre-hearing Statement (Cause No. 17.0050)	09/06/17	I	AA000178 – AA000188
Proposed Hearing Exhibits and Witness List by Division (Cause No. 17.0050) ( <i>Exhibits 1, 3, 6, 8-11, 13-20, 24-29, and 38-40 excluded from appendix as irrelevant to this appeal</i> )	09/06/17	II	AA000189 – AA000275
Hearing Exhibit List by HWAN (Cause No. 17.0050) ( <i>Exhibits D, F-H, J-K, M-N, W-X, and HH excluded from appendix as irrelevant to this appeal</i> )	09/06/17	III	AA000276 – AA000499
HWAN's Pre-hearing Statement (Cause No. 17.0050)	09/08/17	IV	AA000500 – AA000513
List of Hearing Witnesses by HWAN (Cause No. 17.0050)	09/08/17	IV	AA000514 – AA000517

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Updated Hearing Exhibits and Updated Witness List by Division (Cause No. 17.0050) <i>(Exhibits 41-42 excluded from appendix as irrelevant to this appeal)</i>	09/08/17	IV	AA000518 – AA000521
HWAN's Notice of Intent to File Supplemental Hearing Exhibits and Amended Hearing Exhibit List (Cause No. 17.0050)	09/11/17	IV	AA000522 – AA000582
Transcript of Hearing Proceedings on September 12, 2017 (Cause No. 17.0050)	09/12/17	IV-V	AA000583 – AA000853
Transcript of Hearing Proceedings on September 13, 2017 (Cause No. 17.0050)	09/13/17	V-VI	AA000854 – AA001150
Transcript of Hearing Proceedings on September 14, 2017 (Cause No. 17.0050)	09/14/17	VII	AA001151 – AA001270
HWAN's Notice of Filing Supplemental Hearing Exhibit SS (Cause No. 17.0050)	09/21/17	VII	AA001271 – AA001295
Order regarding Post-hearing Briefs and Written Closing Arguments (Cause No. 17.0050)	10/13/17	VII	AA001296 – AA001298
Division's Post-hearing Brief Pursuant to Order (Cause No. 17.0050)	10/30/17	VII	AA001299 – AA001307
HWAN's Post-hearing Brief on Hearing Officer's Inquiry (Cause No. 17.0050)	10/30/17	VII	AA001308 – AA001325
Motion to Strike Portions of the Division's Post-hearing Brief (Cause No. 17.0050)	11/13/17	VII	AA001326 – AA001332
Division's Opposition to Respondent's Motion to Strike Portions of the Division's Post-hearing Brief (Cause No. 17.0050)	11/14/17	VII	AA001333 – AA001338
Order regarding Motion to Strike and Written Closing Arguments (Cause No. 17.0050)	11/14/17	VII	AA001339 – AA001340
Division's Closing Statement (Cause No. 17.0050)	11/17/17	VII	AA001341 – AA001358
HWAN's Closing Argument (Cause No. 17.0050)	11/22/17	VIII	AA001359 – AA001378
Findings of Fact, Conclusions of Law, Order of Hearing Officer, and Final Order of the Commissioner (Cause No. 17.0050)	12/18/17	VIII	AA001379 – AA001409
Affirmation (Initial Appearance) (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001410 – AA001411

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001412 – AA001458
Civil Cover Sheet (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001459
Order for Briefing Schedule (Case No. 17 OC 00269 1B)	12/26/17	VIII	AA001460 – AA001462
Affidavit of Service of Petition for Judicial Review on State of Nevada, Department of Business and Industry, Division of Insurance – Attorney General (Case No. 17 OC 00269 1B)	01/02/18	VIII	AA001463 – AA001464
Affidavit of Service of Petition for Judicial Review on State of Nevada, Department of Business and Industry, Division of Insurance –Commissioner of Insurance (Case No. 17 OC 00269 1B)	01/02/18	VIII	AA001465
Administrative Record (Case No. 17 OC 00269 1B)	01/12/18	VIII	AA001466 – AA001470
Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/16/18	VIII	AA001471 – AA001486
Statement of Intent to Participate (Case No. 17 OC 00269 1B)	01/19/18	VIII	AA001487 – AA001489
Division’s Opposition to Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/30/18	VIII	AA001490 – AA001503
Supplement to Division’s Opposition to Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/31/18	VIII	AA001504 – AA001537
Reply in Support of Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	02/08/18	VIII	AA001538 – AA001548
Request for Submission of Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	02/08/18	VIII	AA001549 – AA001551
Notice of Entry of Order Denying Motion for Stay (Case No. 17 OC 00269 1B)	02/16/18	VIII	AA001552 – AA001559
Petitioner’s Opening Brief in Support of Petition for Judicial Review (Case No. 17 OC 00269 1B)	02/16/18	IX	AA001560 – AA001599
Stipulation and Order for Interpleading of Fines Pending Final Decision (Case No. 17 OC 00269 1B)	03/15/18	IX	AA001600 – AA001601

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Respondent's Answering Brief (Case No. 17 OC 00269 1B)	03/19/18	IX	AA001602 – AA001641
Certificate of Service of Stipulation and Order for Interpleading of Fines Pending Final Decision (Case No. 17 OC 00269 1B)	03/28/18	IX	AA001642 – AA001643
Reply Brief in Support of Petition for Judicial Review (Case No. 17 OC 00269 1B)	04/11/18	IX	AA001644 – AA001662
Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	04/19/18	IX	AA001663 – AA001680
Opposition to Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/04/18	IX	AA001681 – AA001687
Reply in Support of Petitioner's Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/14/18	IX	AA001688 – AA001701
Request for Submission of Petitioner's Motion for Leave to Present Additional Evidence and Petitioner's Request for Hearing on its Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/14/18	IX	AA001702 – AA001704
Order to Set for Hearing (Case No. 17 OC 00269 1B)	05/16/18	IX	AA001705 – AA001706
Hearing Date Memo (Case No. 17 OC 00269 1B)	06/06/18	IX	AA001707
Transcript of Hearing Proceedings on August 6, 2018 (Case No. 17 OC 00269 1B)	08/06/18	IX	AA001708 – AA001731
Order Granting Petitioner's Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	09/06/18	IX	AA001732 – AA001735
Order regarding Exhibits KK, LL & MM (Cause No. 17.0050)	10/31/18	IX	AA001736 – AA001738
HWAN's Brief regarding Exhibits KK, LL, and MM (Cause No. 17.0050)	11/13/18	IX	AA001739 – AA001745
Division's Opposition to HWAN's Proposed Exhibits KK, LL, and MM (Cause No. 17.0050)	11/20/18	IX	AA001746 – AA001753
HWAN's Reply to Division's Opposition to its Brief regarding Exhibits KK, LL and MM (Cause No. 17.0050)	11/21/18	IX	AA001754 – AA001758

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Order on Remand (Cause No. 17.0050)	01/22/19	IX	AA001759 – AA001767
Substitution of Attorney (Cause No. 17.0050)	01/24/19	IX	AA001768 – AA001770
Substitution of Attorney (Case No. 17 OC 00269 1B)	01/25/19	IX	AA001771 – AA001773
Notice of Filing Hearing Officer's Administrative Order (Case No. 17 OC 00269 1B)	01/28/19	X	AA001774 – AA001787
Notice of Amendment to Record on Appeal (Case No. 17 OC 00269 1B)	02/01/19	X	AA001788 – AA001801
Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	02/22/19	X	AA001802 – AA001961
Notice of Non-Opposition to Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal and Notice of Submission of Proposed Order (Case No. 17 OC 00269 1B)	03/12/19	X	AA001962 – AA001968
Request for Submission of Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	03/12/19	X	AA001969 – AA001971
Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	03/13/19	X	AA001972 – AA001973
Stipulation and Order (1) Withdrawing Notice of Non-Opposition and Request for Submission of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal; and (2) Extending the Time for Opposition to and Reply in Support of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	03/25/19	X	AA001974 – AA001976



<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Notice of Entry of Order for Stipulation regarding (1) Withdrawing Notice of Non-Opposition and Request for Submission of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal; and (2) Extending the Time for Opposition to and Reply in Support of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	04/01/19	X	AA001977 – AA001982
Division’s Opposition to Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (erroneously filed in Case No. 19 OC 00015 1B)	04/03/19	XI	AA001983 – AA002003
Reply Memorandum of Points and Authorities in Support of Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	04/15/19	XI	AA002004 – AA002008
Request for Submission of Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	05/06/19	XI	AA002009 – AA002011
Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/08/19	XI	AA002012 – AA002013
Notice of Entry of Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/21/19	XI	AA002014 – AA002018
Notice of Entry of Order Granting Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	05/21/19	XI	AA002019 – AA002023
Petitioner’s Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	05/28/19	XI	AA002024 – AA002138

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Notice of Amendment to Record on Appeal (Case No. 17 OC 00269 1B)	05/28/19	XI	AA002139 – AA002169
Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/30/19	XI	AA002170 – AA002173
Request for Submission of Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/31/19	XI	AA002174 – AA002176
Order on Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	06/05/19	XI	AA002177 – AA002179
Notice of Entry of Order on Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	06/06/19	XI	AA002180 – AA002185
Order Granting Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	06/18/19	XI	AA002186 – AA002189
Notice of Entry of Order Granting Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	07/10/19	XI	AA002190 – AA002194
Respondents’ Response to Petitioner’s Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	08/08/19	XII	AA002195 – AA002209
Petitioner’s Reply in Support of its Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002210 – AA002285
Request for Hearing on Petition for Judicial Review Pursuant to NRS 233B.133(4) (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002286 – AA002288

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Notice to Set (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002289 – AA002291
Hearing Date Memo (Case No. 17 OC 00269 1B)	08/28/19	XII	AA002292 – AA002294
Legislative History Statement Regarding NRS 690C.325(1) and NRS 690C.330 (Case No. 17 OC 00269 1B)	11/06/19	XII	AA002295 – AA002358
Respondent's Statement of Legislative History of NRS 690C.325 (Case No. 17 OC 00269 1B)	11/06/19	XII	AA002359 – AA002383
Transcript of Hearing Proceedings on November 7, 2019 (Case No. 17 OC 00269 1B)	11/07/19	XIII	AA002384 – AA002455
Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	11/15/19	XIII	AA002456 – AA002494
Notice of Submission of Competing Proposed Order (Case No. 17 OC 00269 1B)	11/22/19	XIII	AA002495 – AA002516
Order Affirming in Part, and Modifying in Part, Findings of Fact, Conclusions of Law, Order of the Hearing Officer, and Final Order of the Commissioner in Cause No 17.0050 in the Matter of Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (Case No. 17 OC 00269 1B)	11/25/19	XIII	AA002517 – AA002521
Notice of Entry of Order Affirming in Part, and Modifying in Part, Findings of Fact, Conclusions of Law, Order of the Hearing Officer, and Final Order of the Commissioner in Cause No 17.0050 in the Matter of Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (Case No. 17 OC 00269 1B)	11/27/19	XIII	AA002522 – AA002530
Respondent's Opposition to Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	11/27/19	XIII	AA002531 – AA002541

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Reply in Support of Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/04/19	XIII	AA002542 – AA002570
Request for Submission of Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/04/19	XIII	AA002571 – AA002573
Motion for Order Shortening Time for Briefing and Decision of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/06/19	XIII	AA002574 – AA002582
Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002583 – AA002639
Case Appeal Statement (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002640 – AA002645
Notice of Appeal (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002646 – AA002693
Opposition to Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/09/19	XIV	AA002694 – AA002698
Order Denying Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/09/19	XIV	AA002699 – AA002702
Request for Submission of Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/10/19	XIV	AA002703 – AA002705
Reply in Support of Motion for Order Shortening Time for Briefing and Decision of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/10/19	XIV	AA002706 – AA002716

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Notice of Entry of Order Denying Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/11/19	XIV	AA002717 – AA002723
Order Denying Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/12/19	XIV	AA002724 – AA002725
Notice of Entry of Order Denying Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/18/19	XIV	AA002726 – AA002731
Division's Opposition to Petitioner's Motion for Stay (Case No. 17 OC 00269 1B)	12/19/19	XIV	AA002732 – AA002741
Reply in Support of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/26/19	XIV	AA002742 – AA002755
Request for Submission of Motion to Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/26/19	XIV	AA002756 – AA002758
Order Denying Petitioner's Motion for Stay Pending Appeal (Case No. 17 OC 00269 1B)	12/31/19	XIV	AA002759 – AA002764
Notice of Entry of Order Denying Petitioner's Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	01/07/20	XIV	AA002765 – AA002775

## INDEX TO APPELLANT’S APPENDIX IN ALPHABETICAL ORDER

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Administrative Record (Case No. 17 OC 00269 1B)	01/12/18	VIII	AA001466 – AA001470
Affidavit of Service of Petition for Judicial Review on State of Nevada, Department of Business and Industry, Division of Insurance – Attorney General (Case No. 17 OC 00269 1B)	01/02/18	VIII	AA001463 – AA001464
Affidavit of Service of Petition for Judicial Review on State of Nevada, Department of Business and Industry, Division of Insurance –Commissioner of Insurance (Case No. 17 OC 00269 1B)	01/02/18	VIII	AA001465
Affirmation (Initial Appearance) (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001410 – AA001411
Amended Complaint and Application for Order to Show Cause (Cause No. 17.0050)	09/05/17	I	AA000169 – AA000177
Application for Subpoena Duces Tecum to Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (“HWAN”) (Cause No. 17.0050)	05/09/17	I	AA000011 – AA000014
Case Appeal Statement (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002640 – AA002645
Certificate of Service of Stipulation and Order for Interpleading of Fines Pending Final Decision (Case No. 17 OC 00269 1B)	03/28/18	IX	AA001642 – AA001643
Civil Cover Sheet (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001459
Complaint and Application for Order to Show Cause (Cause No. 17.0050)	05/09/17	I	AA000001 – AA000010
Division’s Closing Statement (Cause No. 17.0050)	11/17/17	VII	AA001341 – AA001358
Division’s Opposition to HWAN’s Proposed Exhibits KK, LL, and MM (Cause No. 17.0050)	11/20/18	IX	AA001746 – AA001753
Division’s Opposition to Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (erroneously filed in Case No. 19 OC 00015 1B)	04/03/19	XI	AA001983 – AA002003

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Division's Opposition to Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/30/18	VIII	AA001490 – AA001503
Division's Opposition to Petitioner's Motion for Stay (Case No. 17 OC 00269 1B)	12/19/19	XIV	AA002732 – AA002741
Division's Opposition to Respondent's Motion to Strike Portions of the Division's Post-hearing Brief (Cause No. 17.0050)	11/14/17	VII	AA001333 – AA001338
Division's Post-hearing Brief Pursuant to Order (Cause No. 17.0050)	10/30/17	VII	AA001299 – AA001307
Division's Pre-hearing Statement (Cause No. 17.0050)	09/06/17	I	AA000178 – AA000188
Findings of Fact, Conclusions of Law, Order of Hearing Officer, and Final Order of the Commissioner (Cause No. 17.0050)	12/18/17	VIII	AA001379 – AA001409
Hearing Date Memo (Case No. 17 OC 00269 1B)	06/06/18	IX	AA001707
Hearing Date Memo (Case No. 17 OC 00269 1B)	08/28/19	XII	AA002292 – AA002294
Hearing Exhibit List by HWAN (Cause No. 17.0050) ( <i>Exhibits D, F-H, J-K, M-N, W-X, and HH excluded from appendix as irrelevant to this appeal</i> )	09/06/17	III	AA000276 – AA000499
HWAN's Brief regarding Exhibits KK, LL, and MM (Cause No. 17.0050)	11/13/18	IX	AA001739 – AA001745
HWAN's Closing Argument (Cause No. 17.0050)	11/22/17	VIII	AA001359 – AA001378
HWAN's Notice of Filing Supplemental Hearing Exhibit SS (Cause No. 17.0050)	09/21/17	VII	AA001271 – AA001295
HWAN's Notice of Intent to File Supplemental Hearing Exhibits and Amended Hearing Exhibit List (Cause No. 17.0050)	09/11/17	IV	AA000522 – AA000582
HWAN's Post-hearing Brief on Hearing Officer's Inquiry (Cause No. 17.0050)	10/30/17	VII	AA001308 – AA001325
HWAN's Pre-hearing Statement (Cause No. 17.0050)	09/08/17	IV	AA000500 – AA000513

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
HWAN's Reply to Division's Opposition to its Brief regarding Exhibits KK, LL and MM (Cause No. 17.0050)	11/21/18	IX	AA001754 – AA001758
Joint Application to Conduct Deposition to Preserve Hearing Testimony (Cause No. 17.0050)	08/21/17	I	AA000165 – AA000168
Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/30/19	XI	AA002170 – AA002173
Joint Request for Pre-hearing Conference (Cause No. 17.0050)	08/16/17	I	AA000149 – AA000152
Joint Request to Continue Hearing (Cause No. 17.0050)	06/20/17	I	AA000042 – AA000044
Legislative History Statement Regarding NRS 690C.325(1) and NRS 690C.330 (Case No. 17 OC 00269 1B)	11/06/19	XII	AA002295 – AA002358
Limited Opposition to Motion for Pre-hearing Deposition Subpoenas or, in the alternative, Application for Hearing Subpoenas and Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/21/17	I	AA000074 – AA000076
List of Hearing Witnesses by HWAN (Cause No. 17.0050)	09/08/17	IV	AA000514 – AA000517
Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	11/15/19	XIII	AA002456 – AA002494
Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	02/22/19	X	AA001802 – AA001961
Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	04/19/18	IX	AA001663 – AA001680
Motion for Order Shortening Time for Briefing and Decision of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/06/19	XIII	AA002574 – AA002582



<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Motion for Pre-hearing Deposition Subpoenas or, in the alternative, Application for Hearing Subpoenas and Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/14/17	I	AA000054 – AA000064
Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/16/18	VIII	AA001471 – AA001486
Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002583 – AA002639
Motion to Strike Portions of the Division's Post-hearing Brief (Cause No. 17.0050)	11/13/17	VII	AA001326 – AA001332
Notice of Amendment to Record on Appeal (Case No. 17 OC 00269 1B)	02/01/19	X	AA001788 – AA001801
Notice of Amendment to Record on Appeal (Case No. 17 OC 00269 1B)	05/28/19	XI	AA002139 – AA002169
Notice of Appeal (Case No. 17 OC 00269 1B)	12/06/19	XIV	AA002646 – AA002693
Notice of Entry of Order Affirming in Part, and Modifying in Part, Findings of Fact, Conclusions of Law, Order of the Hearing Officer, and Final Order of the Commissioner in Cause No 17.0050 in the Matter of Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (Case No. 17 OC 00269 1B)	11/27/19	XIII	AA002522 – AA002530
Notice of Entry of Order Denying Motion for Stay (Case No. 17 OC 00269 1B)	02/16/18	VIII	AA001552 – AA001559
Notice of Entry of Order Denying Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/11/19	XIV	AA002717 – AA002723
Notice of Entry of Order Denying Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/18/19	XIV	AA002726 – AA002731

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Notice of Entry of Order Denying Petitioner's Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	01/07/20	XIV	AA002765 – AA002775
Notice of Entry of Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/21/19	XI	AA002014 – AA002018
Notice of Entry of Order for Stipulation regarding (1) Withdrawing Notice of Non-Opposition and Request for Submission of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal; and (2) Extending the Time for Opposition to and Reply in Support of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	04/01/19	X	AA001977 – AA001982
Notice of Entry of Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	05/21/19	XI	AA002019 – AA002023
Notice of Entry of Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	07/10/19	XI	AA002190 – AA002194
Notice of Entry of Order on Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	06/06/19	XI	AA002180 – AA002185
Notice of Filing Hearing Officer's Administrative Order (Case No. 17 OC 00269 1B)	01/28/19	X	AA001774 – AA001787
Notice of No Opposition to Request to Continue Hearing (Cause No. 17.0050)	07/24/17	I	AA000077 – AA000078

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Notice of Non-Opposition to Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal and Notice of Submission of Proposed Order (Case No. 17 OC 00269 1B)	03/12/19	X	AA001962 – AA001968
Notice of Non-Opposition to Respondent's Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/01/17	I	AA000030 – AA000031
Notice of Non-Opposition to Respondent's Second Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/16/17	I	AA000040 – AA000041
Notice of Submission of Competing Proposed Order (Case No. 17 OC 00269 1B)	11/22/19	XIII	AA002495 – AA002516
Notice to Set (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002289 – AA002291
Opposition to Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/04/18	IX	AA001681 – AA001687
Opposition to Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/09/19	XIV	AA002694 – AA002698
Order Affirming in Part, and Modifying in Part, Findings of Fact, Conclusions of Law, Order of the Hearing Officer, and Final Order of the Commissioner in Cause No 17.0050 in the Matter of Home Warranty Administrator of Nevada, Inc. dba Choice Home Warranty (Case No. 17 OC 00269 1B)	11/25/19	XIII	AA002517 – AA002521
Order Denying Petitioner's Motion for Leave of Court for Limited Reconsideration of Court's Findings on HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/09/19	XIV	AA002699 – AA002702
Order Denying Petitioner's Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/12/19	XIV	AA002724 – AA002725

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Order Denying Petitioner's Motion for Stay Pending Appeal (Case No. 17 OC 00269 1B)	12/31/19	XIV	AA002759 – AA002764
Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/08/19	XI	AA002012 – AA002013
Order for Briefing Schedule (Case No. 17 OC 00269 1B)	12/26/17	VIII	AA001460 – AA001462
Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	03/13/19	X	AA001972 – AA001973
Order Granting Petitioner's Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	06/18/19	XI	AA002186 – AA002189
Order Granting Petitioner's Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	09/06/18	IX	AA001732 – AA001735
Order on Joint Application to Conduct Deposition (Cause No. 17.0050)	08/17/17	I	AA000159 – AA000164
Order on Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	06/05/19	XI	AA002177 – AA002179
Order on Motion Requesting Extension of Time and Order on Joint Request for Continuance (Cause No. 17.0050)	06/22/17	I	AA000045 – AA000047
Order on Motions (Cause No. 17.0050)	07/27/17	I	AA000084 – AA000091
Order on Petition to Enlarge Time to Respond to Subpoena Duces Tecum (Cause No. 17.0050)	06/05/17	I	AA000032 – AA000035
Order on Remand (Cause No. 17.0050)	01/22/19	IX	AA001759 – AA001767
Order regarding Exhibits KK, LL & MM (Cause No. 17.0050)	10/31/18	IX	AA001736 – AA001738
Order regarding Motion to Strike and Written Closing Arguments (Cause No. 17.0050)	11/14/17	VII	AA001339 – AA001340

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Order regarding Post-hearing Briefs and Written Closing Arguments (Cause No. 17.0050)	10/13/17	VII	AA001296 – AA001298
Order Setting Pre-hearing Conference (Cause No. 17.0050)	08/17/17	I	AA000153 – AA000158
Order to Set for Hearing (Case No. 17 OC 00269 1B)	05/16/18	IX	AA001705 – AA001706
Order to Show Cause (Cause No. 17.0050)	05/11/17	I	AA000015 – AA000018
Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/22/17	VIII	AA001412 – AA001458
Petition to Enlarge Time to Respond to Subpoena Duces Tecum, with cover letter (Cause No. 17.0050)	06/01/17	I	AA000023 – AA000029
Petitioner's Opening Brief in Support of Petition for Judicial Review (Case No. 17 OC 00269 1B)	02/16/18	IX	AA001560 – AA001599
Petitioner's Reply in Support of its Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002210 – AA002285
Petitioner's Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	05/28/19	XI	AA002024 – AA002138
Pre-hearing Order (Cause No. 17.0050)	06/22/17	I	AA000048 – AA000053
Proposed Hearing Exhibits and Witness List by Division (Cause No. 17.0050) ( <i>Exhibits 1, 3, 6, 8-11, 13-20, 24-29, and 38-40 excluded from appendix as irrelevant to this appeal</i> )	09/06/17	II	AA000189 – AA000275
Reply Brief in Support of Petition for Judicial Review (Case No. 17 OC 00269 1B)	04/11/18	IX	AA001644 – AA001662
Reply in Support of Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN's Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/04/19	XIII	AA002542 – AA002570

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Reply in Support of Motion for Order Shortening Time for Briefing and Decision of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/10/19	XIV	AA002706 – AA002716
Reply in Support of Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	02/08/18	VIII	AA001538 – AA001548
Reply in Support of Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/26/19	XIV	AA002742 – AA002755
Reply in Support of Petitioner’s Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/14/18	IX	AA001688 – AA001701
Reply Memorandum of Points and Authorities in Support of Petitioner’s Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	04/15/19	XI	AA002004 – AA002008
Request for Hearing on Petition for Judicial Review Pursuant to NRS 233B.133(4) (Case No. 17 OC 00269 1B)	08/15/19	XII	AA002286 – AA002288
Request for Submission of Joint Motion for Clarification and/or Reconsideration of the May 8, 2019 Order Denying Request for Submission (Case No. 17 OC 00269 1B)	05/31/19	XI	AA002174 – AA002176
Request for Submission of Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	05/06/19	XI	AA002009 – AA002011
Request for Submission of Motion for Leave of Court Pursuant to FJDCR 15(10) and DCR 13(7) for Limited Reconsideration of Findings Pertaining to HWAN’s Petition for Judicial Review (Case No. 17 OC 00269 1B)	12/04/19	XIII	AA002571 – AA002573
Request for Submission of Motion for Leave to File Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	03/12/19	X	AA001969 – AA001971

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Request for Submission of Motion for Order Shortening Time for Briefing and Decision on Motion for Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/10/19	XIV	AA002703 – AA002705
Request for Submission of Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	02/08/18	VIII	AA001549 – AA001551
Request for Submission of Motion to Stay Pending Appeal Pursuant to NRCP 62(D) (Case No. 17 OC 00269 1B)	12/26/19	XIV	AA002756 – AA002758
Request for Submission of Petitioner’s Motion for Leave to Present Additional Evidence and Petitioner’s Request for Hearing on its Motion for Leave to Present Additional Evidence (Case No. 17 OC 00269 1B)	05/14/18	IX	AA001702 – AA001704
Request to Continue Hearing (Cause No. 17.0050)	07/20/17	I	AA000072 – AA000073
Respondent’s Answering Brief (Case No. 17 OC 00269 1B)	03/19/18	IX	AA001602 – AA001641
Respondent’s Opposition to Petitioner’s Motion for Leave of Court for Limited Reconsideration of Court’s Findings on HWAN’s Petition for Judicial Review (Case No. 17 OC 00269 1B)	11/27/19	XIII	AA002531 – AA002541
Respondent’s Statement of Legislative History of NRS 690C.325 (Case No. 17 OC 00269 1B)	11/06/19	XII	AA002359 – AA002383
Respondents’ Response to Petitioner’s Supplemental Memorandum of Points and Authorities Pursuant to NRS 233B.133 (Case No. 17 OC 00269 1B)	08/08/19	XII	AA002195 – AA002209
Second Application for Subpoena Duces Tecum (Cause No. 17.0050)	07/19/17	I	AA000065 – AA000071
Second Request for Extension of Time to Comply with Subpoena Duces Tecum (Cause No. 17.0050)	06/14/17	I	AA000036 – AA000039
Statement of Intent to Participate (Case No. 17 OC 00269 1B)	01/19/18	VIII	AA001487 – AA001489

<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Stipulation and Order (1) Withdrawing Notice of Non-Opposition and Request for Submission of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal; and (2) Extending the Time for Opposition to and Reply in Support of Motion for Leave to File Supplemental Memo of Points and Authorities Pursuant to NRS 233B.133 and Amend the Record on Appeal (Case No. 17 OC 00269 1B)	03/25/19	X	AA001974 – AA001976
Stipulation and Order for Interpleading of Fines Pending Final Decision (Case No. 17 OC 00269 1B)	03/15/18	IX	AA001600 – AA001601
Subpoena Duces Tecum to HWAN (Cause No. 17.0050)	05/11/17	I	AA000019 – AA000022
Subpoena Duces Tecum to HWAN (Cause No. 17.0050)	07/26/17	I	AA000079 – AA000083
Subpoena Duces Tecum to the Commissioner of the State of Nevada Division of Insurance (the “Division”) (Cause No. 17.0050)	08/09/17	I	AA000104 – AA000108
Subpoena for Appearance at Hearing to Dolores Bennett (Cause No. 17.0050)	08/04/17	I	AA000092 – AA000095
Subpoena for Appearance at Hearing to Sanja Samardzija (Cause No. 17.0050)	08/04/17	I	AA000096 – AA000099
Subpoena for Appearance at Hearing to Vincent Capitini (Cause No. 17.0050)	08/04/17	I	AA000100 – AA000103
Subpoena for Appearance at Hearing to Chloe Stewart (Cause No. 17.0050)	08/09/17	I	AA000109 – AA000112
Subpoena for Appearance at Hearing to Derrick Dennis (Cause No. 17.0050)	08/09/17	I	AA000113 – AA000116
Subpoena for Appearance at Hearing to Linda Stratton (Cause No. 17.0050)	08/09/17	I	AA000121 – AA000124
Subpoena for Appearance at Hearing to Vicki Folster (Cause No. 17.0050)	08/09/17	I	AA000133 – AA000136
Subpoena for Appearance at Hearing to Kim Kuhlman (Cause No. 17.0050)	08/09/17	I	AA000137 – AA000140
Subpoena for Appearance at Hearing to Mary Strong (Cause No. 17.0050)	08/09/17	I	AA000145 – AA000148



<b>EXHIBIT DESCRIPTION</b>	<b>DATE</b>	<b>VOL.</b>	<b>PAGE NOS.</b>
Subpoena for Appearance at Hearing to Geoffrey Hunt (Cause No. 17.0050)	08/09/17	I	AA000117 – AA000120
Subpoena for Appearance at Hearing to Martin Reis (Cause No. 17.0050)	08/09/17	I	AA000141 – AA000144
Subpoena for Appearance at Hearing to the State of Nevada, Division of Insurance Person Most Knowledgeable as to the Creation of the Division's Annual Renewal Application Forms (Cause No. 17.0050)	08/09/17	I	AA000125 – AA000128
Subpoena for Appearance at Hearing to the State of Nevada, Division of Insurance Person Most Knowledgeable as to the Date of the Division's Knowledge of the Violations Set Forth in the Division's Complaint on File in this Cause (Cause No. 17.0050)	08/09/17	I	AA000129 – AA000132
Substitution of Attorney (Case No. 17 OC 00269 1B)	01/25/19	IX	AA001771 – AA001773
Substitution of Attorney (Cause No. 17.0050)	01/24/19	IX	AA001768 – AA001770
Supplement to Division's Opposition to Motion for Stay of Final Administrative Decision Pursuant to NRS 233B.140 (Case No. 17 OC 00269 1B)	01/31/18	VIII	AA001504 – AA001537
Transcript of Hearing Proceedings on September 12, 2017 (Cause No. 17.0050)	09/12/17	IV-V	AA000583 – AA000853
Transcript of Hearing Proceedings on September 13, 2017 (Cause No. 17.0050)	09/13/17	V-VI	AA000854 – AA001150
Transcript of Hearing Proceedings on September 14, 2017 (Cause No. 17.0050)	09/14/17	VII	AA001151 – AA001270
Transcript of Hearing Proceedings on August 6, 2018 (Case No. 17 OC 00269 1B)	08/06/18	IX	AA001708 – AA001731
Transcript of Hearing Proceedings on November 7, 2019 (Case No. 17 OC 00269 1B)	11/07/19	XIII	AA002384 – AA002455
Updated Hearing Exhibits and Updated Witness List by Division (Cause No. 17.0050) <i>(Exhibits 41-42 excluded from appendix as irrelevant to this appeal)</i>	09/08/17	IV	AA000518 – AA000521

1 and see what hasn't been admitted.

2 MS. GRIFA: That's consistent with what my list  
3 was.

4 MR. YIEN: Okay.

5 MS. GRIFA: What Madam Hearing Officer had  
6 suggested, that matches my list.

7 MR. YIEN: Can I just also verify all the  
8 documents that you've already stipulated to?

9 MS. GRIFA: Yeah, on consent, we have 2, 4, 5,  
10 7, 12, 21, 22, 23, 28, 30, 31, 32, 36 and 37, 41 and 42.

11 MR. YIEN: And for the record, 41 and 42 are --  
12 came in with the supplement.

13 MS. GRIFA: Supplement.

14 MR. YIEN: And I believe that the witness had  
15 referred to Exhibit 42 in his, or 41 in his testimony,  
16 one or the other.

17 MS. GRIFA: Yes.

18 MR. YIEN: It was the South Carolina.

19 MS. GRIFA: It's 42. That's on consent.

20 MR. YIEN: Yeah. And the missing ones that I  
21 have, that we just went over -- did you say 38, also,  
22 Madam Hearing Officer?

23 MS. GRIFA: 38 was admitted, yes.

24 MR. YIEN: Okay. And 24, also?

25 HEARING OFFICER EMMERMANN: Yes.

1 MR. YIEN: Okay. I apologize. So, yeah, the  
2 ones that haven't been admitted, we're going to use  
3 another witness to do that.

4 HEARING OFFICER EMMERMANN: Okay. The last thing  
5 I want to ask is, Ms. Grifa provided a binder during  
6 Mr. Jain's testimony, Exhibit II through QQ. I believe  
7 that these were new. These were not discussed at the  
8 prehearing conference.

9 Do you need a chance, Mr. Yien, to review these  
10 to see if you stipulate, or?

11 MR. YIEN: Yeah, like maybe just during lunch.  
12 And then, when we start up, I would likely have no  
13 objection to that. But I would just like an opportunity  
14 to take a look at them.

15 HEARING OFFICER EMMERMANN: Okay. So when we  
16 get back from lunch, we'll do that first thing before  
17 calling your next witness, so that we have almost all of  
18 the exhibits accounted for.

19 MR. YIEN: Okay.

20 HEARING OFFICER EMMERMANN: Okay. All right.  
21 So it is 12:09 on my phone. Let's take one hour, come  
22 back here. Thank you.

23 \* \* \* \* \*

24 (A break was taken, 12:09 to 1:09 p.m.)

25 \* \* \* \* \*

1 HEARING OFFICER EMMERMANN: Ms. Grigoriev, can  
2 you hear us?

3 MS. GRIGORIEV: Yes, ma'am.

4 HEARING OFFICER EMMERMANN: All right. Thank  
5 you.

6 The time is 1:09. We will get back on the  
7 record.

8 Mr. Yien, I believe, we're on to your next  
9 witness.

10 MR. YIEN: The Division calls Kim Kuhlman to  
11 the stand. Madam Hearing Officer, opposing counsel,  
12 Ms. Kuhlman is hearing-impaired. So if we could also --

13 THE WITNESS: Just talk loud.

14 MR. YIEN: We would appreciate that.

15 HEARING OFFICER EMMERMANN: Ms. Grigoriev, do  
16 you mind pressing mute on your phone, because it does  
17 eliminate some of the back noise over here. Thank you.

18 MR. YIEN: And just a reminder, because this  
19 was one of your subpoenaed witnesses as well, again,  
20 Ms. Kuhlman is only available today.

21 MS. GRIFA: We understand.

22 MR. YIEN: That's why we chose today.

23 HEARING OFFICER EMMERMANN: Okay. Ms. Kuhlman,  
24 the court reporter will swear you in, and then we can  
25 begin. Please wait until the question is fully asked of

1 you. If you don't understand a question, please ask the  
2 attorney who asked it for clarification. And please  
3 speak up and use verbal responses like yes or no instead  
4 of shrugging your shoulders or nodding or shaking your  
5 head. And if you need a break, please let me know.

6 And with that, if you will please swear in the  
7 witness.

8  
9 K I M K U H L M A N,  
10 having been first duly sworn/affirmed by the Reporter,  
11 was examined and testified as follows:

12  
13 DIRECT EXAMINATION

14 BY MR. YIEN:

15 Q. Ms. Kuhlman, what is -- oh. Can you state  
16 your...

17 MR. YIEN: Did you want me to request that she  
18 spell her name for the record?

19 HEARING OFFICER EMMERMANN: I think, that's  
20 easier for the reporter.

21 MR. YIEN: Sure. Yes, of course.

22 BY MR. YIEN:

23 Q. Can you please state your name and spell it for  
24 the record?

25 A. Kim Kuhlman.

1 Q. And please do spell out your name as well.

2 A. Oh. K-I-M, K-U-H-L-M-A-N.

3 Q. Thank you, Ms. Kuhlman. And what is your  
4 position at the Nevada Division of Insurance?

5 A. I'm a Compliance Investigator Two in Consumer  
6 Services.

7 Q. Can you describe your duties?

8 A. One of my duties is assisting consumers with  
9 questions as far as their policies, statutes. And I  
10 also handle consumer complaints.

11 Q. And how long have you worked with the Division?

12 A. 13 and a half years.

13 Q. And do you handle complaints filed by Nevada  
14 consumers against the respondents?

15 A. Yes.

16 Q. Can I have you take a look at Exhibit 11? And  
17 if you could turn to page four of seven.

18 A. Okay.

19 Q. Do you recognize this complaint?

20 A. Yes.

21 Q. Is this a complaint that was assigned to you?

22 A. Yes.

23 Q. Can you tell the court or briefly describe what  
24 the complaint is about?

25 A. This complaint was a claim denial delay. It

1 had to do with -- I guess, it would be the flooding in a  
2 consumer's home. And the company, or excuse me, the  
3 consumer thought that when he got coverage, it would go  
4 into effect right away. And that was not the case  
5 according to the warranty company, so they denied the  
6 claim.

7 Q. And was, in fact, his claim covered by the  
8 contract?

9 A. Yes, it was.

10 Q. And so did you step in on behalf of the  
11 consumer to perhaps reach out to the respondent to  
12 resolve this issue?

13 A. Yes.

14 Q. And did they resolve this issue?

15 A. They did.

16 Q. But it wasn't until after you stepped in that  
17 they resolved this issue, correct?

18 A. Correct, yes.

19 Q. If I could have you turn to Exhibit 24. Do you  
20 recognize this complaint?

21 A. Yes.

22 Q. And can you describe to the court the nature of  
23 this complaint?

24 A. This was an air conditioning issue. It looks  
25 like there was a denial as well on this one. And there

1 appears to have been delays as far as getting the unit  
2 looked at and repaired.

3 Q. Was this a covered claim?

4 A. It was.

5 Q. Can you tell how long, by looking at the  
6 report, that it took for them to do something about it?

7 A. Let's see. It looks as though 10 weeks is what  
8 the consumer stated. And the temperatures were over, I  
9 think it was, a hundred degrees.

10 Q. This was in Las Vegas?

11 A. Yes.

12 Q. During the summer?

13 A. Yes.

14 Q. Ms. Kuhlman, are you aware of any law that  
15 requires a service contractor to report if it takes them  
16 a certain amount of time to fix --

17 A. Yes.

18 Q. -- something in an emergency situation?

19 A. Yes.

20 HEARING OFFICER EMMERMANN: Ms. Kuhlman, if you  
21 could wait until the question is completed. That way,  
22 it's easier for the court reporter.

23 THE WITNESS: Okay.

24 BY MR. YIEN:

25 Q. Did you need me to ask it again, or? And are



1 you aware whether or not Choice Home Warranty, or the  
2 respondent, sent in such a report in this case?

3 A. I'm not aware.

4 Q. So did the respondent eventually settle or do  
5 something after you stepped in?

6 A. Yes.

7 Q. But it wasn't until after you stepped in that  
8 they honored it?

9 A. It was after the Division stepped in.

10 Q. Okay. And do you find that dangerous to the  
11 public to --

12 A. Yes.

13 Q. -- wait that long? Okay. If you could turn to  
14 Exhibit 38. Ms. Kuhlman, do you recognize this  
15 complaint?

16 A. Yes.

17 Q. And can you briefly describe to the court what  
18 it's about?

19 A. This was another air conditioning issue. The  
20 consumer had a family member that was disabled, and the  
21 temperatures were excessive, which would be dangerous.

22 Q. Did Choice, or did the respondent, did they  
23 reject this claim?

24 A. In the beginning, yes.

25 Q. And how long did it take before the respondent

1 did anything about it, if you can tell?

2 A. It looks as though they filed the claim in June  
3 of 2016, and it was resolved on July 25th, 2016.

4 Q. So about a month?

5 A. Yes.

6 Q. I had asked you if there was any statute that  
7 required the respondent to file a report. Do you know  
8 what the time frame is that they're required to file a  
9 report by --

10 A. The --

11 Q. -- in an emergency situation?

12 HEARING OFFICER EMMERMANN: Hold on. One  
13 person at a time.

14 THE WITNESS: Sorry.

15 HEARING OFFICER EMMERMANN: Okay. Did you  
16 finish the question?

17 BY MR. YIEN:

18 Q. Yes, so in emergency situations, they're  
19 required to file a report. Are you aware of how long  
20 that, how long they can take before they have to file  
21 the report, or how many days?

22 A. So the repairs should commence within 24 hours.  
23 And if it takes longer than, I believe it's three days,  
24 they need to report it to the Division in writing.

25 Q. And are you aware of any report that was filed?

1 A. I'm not aware.

2 Q. Does this case talk about, did it -- you  
3 mentioned that somebody was disabled there. Did  
4 anything happen to this person that was dangerous?

5 MS. GRIFA: Objection.

6 THE WITNESS: I believe, she --

7 HEARING OFFICER EMMERMANN: Hold on. Don't  
8 answer the question.

9 MS. GRIFA: Objection.

10 HEARING OFFICER EMMERMANN: Don't answer the  
11 question until we address the objection.

12 What's the basis of your objection?

13 MS. GRIFA: It's calling for her to speculate  
14 about what happened. He asked her what, if she knew  
15 what happened. And in this document, that would reflect  
16 anything other than the woman had a disability.

17 MR. YIEN: There is.

18 THE WITNESS: Can you speak up, please?

19 MS. GRIFA: I'm sorry.

20 THE WITNESS: That's okay.

21 MS. GRIFA: The question was whether if she was  
22 aware of anything that happened. The report reflects  
23 the woman has a disability. There's absolutely no  
24 reference to anything beyond the claim, the condition  
25 and the resolution. There's nothing in this report that

1 reflects anything with respect to any impact on any  
2 household member in the household of the insured.

3 HEARING OFFICER EMMERMANN: So I don't think  
4 we're too far off. Mr. Yien, if you could lay some  
5 foundation as to Ms. Kuhlman's experience in interacting  
6 with the consumer, if it happened at all. Because if  
7 she didn't, then she'd just be going based on this  
8 report. And that's what I would like to know.

9 MR. YIEN: So --

10 HEARING OFFICER EMMERMANN: So I'm not ruling  
11 on the objection yet until I --

12 MR. YIEN: Right. There is actually something  
13 in this report that speaks directly to the effect it had  
14 on other family members.

15 HEARING OFFICER EMMERMANN: And so if you could  
16 just have Ms. Kuhlman talk about what she did working  
17 with this consumer.

18 MR. YIEN: Okay.

19 HEARING OFFICER EMMERMANN: To help lay a  
20 little more foundation on this.

21 MR. YIEN: Sure. Yes, of course.

22 BY MR. YIEN:

23 Q. So after receiving such report, what is your  
24 usual procedure, or if you recall, what was your  
25 procedure in this case?

1       A.    Okay.  So in this case, if the Division saw  
2   that this was possibly an invalid claim denial, we would  
3   contact the company and ask them to review it.  I'm  
4   trying to see.  Okay.  This one, I believe, was a  
5   maintenance issue.  So the consumer was able to provide  
6   the required maintenance records.  Therefore, the  
7   company resolved the claim.

8       Q.    So do you collaborate with both the consumer  
9   and Choice Home Warranty in resolving these complaints?

10      A.    Yes.

11           MR. YIEN:  And may I -- is that enough of a  
12   foundation to move forward with my question?

13           HEARING OFFICER EMMERMANN:  Yes.  So repeat  
14   your question, if you can remember it.

15   BY MR. YIEN:

16      Q.    Yeah.  So in this case and in this complaint,  
17   does it state anything that happened to a family member  
18   or someone as a result of the claim denial?

19      A.    Yes.

20      Q.    And can you tell the court what that is?

21      A.    Based on the complaint, it said that a family  
22   member became ill with severe heat stroke.

23           HEARING OFFICER EMMERMANN:  I'm going to  
24   overrule the objection, because I do think that there  
25   was some -- this is what led to Ms. Kuhlman doing

1 whatever she did in her job duties as far as responding  
2 to the consumer.

3 Go ahead.

4 BY MR. YIEN:

5 Q. So do you consider the lack of adjudicating  
6 this claim properly on a covered item to be dangerous to  
7 the public?

8 A. Yes, it very well could be.

9 Q. And in this instance -- no, I think, I already  
10 asked you whether or not they provided a report,  
11 correct?

12 A. Yes.

13 Q. Yes.

14 A. And I was not aware of it.

15 Q. Okay. So with respect to the three complaints  
16 that we just spoke of, or I just asked you questions  
17 about, the respondent didn't do anything about them or  
18 didn't resolve them until after you stepped in?

19 A. That is my understanding.

20 Q. And you don't step in unless they file a  
21 complaint with the Nevada Division of Insurance?

22 A. Yes.

23 Q. Ms. Kuhlman, do you also receive complaints  
24 from vendors?

25 A. Yes, we do.

1 Q. And can I have you take a look at Exhibit 25?

2 A. Okay.

3 Q. And can you describe the nature of this  
4 complaint?

5 A. This appears to be a vendor who had provided  
6 service for Choice Home Warranty. And, apparently,  
7 there were several invoices that were outstanding.

8 Q. And was this complaint eventually resolved?

9 A. I believe, there was an agreement that was  
10 reached. It looks as though partial payment or  
11 payment -- it says "release payment," so.

12 Q. And it looks like -- can you verify that this  
13 didn't occur until after the Nevada Division of  
14 Insurance, by and through yourself, stepped in to try to  
15 resolve this?

16 A. Yes.

17 MR. YIEN: I have no further questions for this  
18 witness.

19 HEARING OFFICER EMMERMANN: Cross-exam?

20 MS. GRIFA: Yes, please.

21

22 CROSS-EXAMINATION

23 BY MS. GRIFA:

24 Q. Good afternoon. My name is Lori Grifa, and I'm  
25 the New Jersey counsel to Home Warranty Administrator of

1 Nevada. And I tell you that because New Jersey people  
2 talk fast. So I'll try not to. So if you can't hear  
3 me, or if it's too fast, you'll just tell me. Okay?

4 A. Okay.

5 Q. Can you hear me okay?

6 A. Speak up a little bit.

7 Q. All right.

8 A. Okay.

9 Q. I will do that.

10 A. Thank you.

11 Q. I understand that you are a compliance  
12 investigator for the Division; is that right?

13 A. Yes.

14 Q. And in the capacity of under compliance  
15 investigator, you review incoming complaints that are  
16 assigned to you; is that right?

17 A. Correct.

18 Q. How are they assigned to you?

19 A. They're assigned from our Las Vegas office. We  
20 have a supervisor down there that assigns the  
21 investigators their complaints.

22 Q. Is there any methodology by which they are  
23 assigned?

24 A. Not that I'm aware of.

25 Q. So you don't necessarily just receive



1 complaints for Home Warranty Administrator of Nevada?

2 A. No.

3 Q. We heard from Mr. Jain this morning that there  
4 were 170 licensed service contract providers in Nevada.  
5 Is that basically your understanding as well?

6 A. I'm not certain of the number.

7 Q. Well, there's certainly more than just Home  
8 Warranty Administrator of Nevada?

9 A. Yes.

10 Q. And in a given week, could you tell us how many  
11 different companies you might receive complaints from?

12 A. Are you asking service contract complaints?

13 Q. Service contract provider complaints.

14 A. Oh, no, that could vary. I could not give you  
15 a number.

16 Q. Is it more than five?

17 A. It depends.

18 Q. More than 10?

19 A. I can't say.

20 Q. Well, this week -- last week, let's do last  
21 week. How many did you receive last week?

22 A. I get so many complaints that I honestly cannot  
23 tell you how many I would get in a week for a service  
24 contract provider.

25 Q. In fact, too numerous to count?

1 A. Excuse me?

2 Q. Too numerous to count?

3 A. No.

4 Q. But you can't --

5 A. Well, excuse me.

6 Q. -- estimate last week. Okay. If you want to  
7 correct your answer, please do.

8 A. As far as being assigned different complaints,  
9 yes, I could not tell you how many specifically I got  
10 for one company.

11 Q. Can you tell us how many you got last week  
12 generically, all companies involved, not their names,  
13 just how many complaints you handled last week?

14 A. For not just service contract providers?

15 Q. Just service contract providers.

16 A. Oh. No. I'm sorry. I can't.

17 Q. You've worked at the department for 13 and a  
18 half years?

19 A. Yes.

20 Q. And do you work in a section or division in  
21 which you report to Mr. Jain, who testified this  
22 morning, Rajat Jain?

23 A. Yes.

24 Q. That's not a trick question. Just curious.  
25 You spoke to four different marked complaints in

1 connection with this matter today, 11, 24, 25 and 38.

2 And so most of my questions will deal with those.

3 A. Okay.

4 Q. In connection with any complaint that you were  
5 assigned with regard to Home Warranty Administrator of  
6 Nevada, did you have occasion, as part of your  
7 investigation, to review their contract?

8 A. No. Oh, excuse me. Yes, I would. If a  
9 contract was provided, if it was requested from me, or  
10 the consumer provided, then, yes, we would review it.

11 Q. In connection with any of the work that you  
12 have done for the Division with respect to Home Warranty  
13 Administrator of Nevada, and we've been calling them  
14 HWAN as an abbreviation, did you ever examine their  
15 contract, their service contract?

16 A. Yes.

17 Q. And in connection with the three complaints  
18 that you discussed this afternoon, 11, 24 and 38, in  
19 connection with the work you did, did you specifically  
20 review their contract provisions?

21 A. I don't remember.

22 Q. You do understand that a contract is a legal  
23 relationship between the service contract provider and  
24 the policyholder, right?

25 A. Yes.

1 Q. Would you agree with me that they have a right  
2 to try to enforce the terms of their contract?

3 A. No.

4 Q. You don't believe that they have the right to  
5 enforce a legal contract?

6 A. Yes. I'm sorry. Yes.

7 Q. But is it actually your function that you are  
8 assigned to resolve, by way of investigation,  
9 collaboration and perhaps negotiation, these open  
10 complaints that come into the Division?

11 A. It's our job to act as a liaison between the  
12 companies and the consumer. If we can get resolution,  
13 then.

14 Q. That would be a positive objective, right?

15 A. (Nodded head affirmatively.)

16 Q. You have to answer out loud.

17 A. Yes.

18 HEARING OFFICER EMMERMANN: Ms. Kuhlman, could  
19 you bring your hands down. I think, that will help.

20 THE WITNESS: Sorry.

21 BY MS. GRIFA:

22 Q. When we looked at Exhibit 11 -- and do you have  
23 that in front of you; is that available to you?

24 A. Okay.

25 Q. Exhibit 11 is made up of seven pages. And we

1 know that because in the top right-hand corner it says  
2 "one, slash, seven." Do you see that on the first page  
3 of Exhibit 11?

4 A. Yes.

5 Q. So the first two pages of Exhibit 11 are not a  
6 complaint that was assigned to you; isn't that right?

7 A. Yes.

8 Q. In fact, that was assigned to Ms. Tanishia  
9 Brown?

10 A. Yes.

11 Q. A colleague of yours at the Division?

12 A. M-hm (affirmative), yes.

13 Q. Is that a yes?

14 A. Yes.

15 Q. Your testimony is about pages four through  
16 seven; isn't that right?

17 A. Correct, yes.

18 Q. And we know in retrospect that this complaint  
19 from 2014 is your complaint, because your name is found  
20 on page three, right?

21 A. The complaint, 2014 or 2015?

22 Q. I direct your attention to page six of seven.

23 A. Okay.

24 Q. And there are, it looks like, four references  
25 to your name there.

1 A. Okay. Yes, that's right.

2 Q. Is that right?

3 A. M-hm (affirmative).

4 Q. So this is the department's form, right?

5 A. It is, yes.

6 Q. Does this reflect computer screens?

7 A. Yes.

8 Q. The narrative that is found on page four of  
9 seven where it says "Consumer Detail of Complaint"?

10 A. Okay.

11 Q. Is that something that the consumer wrote to  
12 the Division, or is that something that was told to you  
13 telephonically?

14 A. No, the consumer writes that.

15 Q. And it's based on this written narrative that  
16 the complaint is then wheeled out among the  
17 investigators for review and resolution?

18 A. Yes, I believe so. Again, I don't assign them,  
19 so I'm not sure how they're divided up.

20 Q. This consumer, on page four, made a complaint  
21 against the respondent in this case, HWAN; and we know  
22 that because the respondent's name and address is in the  
23 bottom left-hand corner of the form; isn't that right?

24 A. M-hm (affirmative), yes.

25 Q. And in this narrative -- I'll direct your

1 attention back to the middle of the page -- it shows the  
2 date of the incident; isn't that right?

3 A. Yes.

4 Q. And the date of this incident, which is  
5 reflected in Exhibit 11, at page four, is April 30th,  
6 2014, right?

7 A. Yes.

8 Q. But the Division didn't open a complaint until  
9 November 19, 2014, right?

10 A. Correct.

11 Q. So you had no way of knowing, when this was  
12 assigned to you, how much interaction was ongoing  
13 between the respondent and this particular complainant  
14 between those intervening dates, do you?

15 A. I just rely on the information that's provided.

16 Q. And any of the interaction between the company,  
17 HWAN, and this particular complainant is not detailed in  
18 this document, is it?

19 A. Well, he just talks about 5-24, when he called  
20 the claims department.

21 Q. So as near as we can tell, from this document  
22 alone, the complainant -- and this person actually has a  
23 name. So let's use this gentleman's name. Larry  
24 Naughten.

25 A. Uh-huh (affirmative).

1 Q. And Larry Naughten's name is found on page five  
2 of Exhibit 11. Larry Naughten is a Las Vegas resident,  
3 and that's reflected in this document; isn't that right?

4 A. Yep. Yes. Sorry.

5 Q. Mr. Naughten contacted the department, and he  
6 said he signed up for a warranty, and then, on May the  
7 25th, 25 days later, he made a complaint to HWAN, right?

8 A. Yes.

9 Q. And that complaint was that he had a leaky  
10 pipe, right?

11 A. Yes.

12 Q. A water pipe broke and flooded his living room,  
13 correct?

14 A. Yes.

15 Q. That's reflected in the narrative on page four,  
16 right?

17 A. Yes.

18 Q. And he complained to the Division that his  
19 claim was denied, right?

20 A. Yes, correct.

21 Q. In your testimony, you testified that that  
22 claim was, in fact, covered, right?

23 A. Right.

24 Q. That was your testimony a few moments ago?

25 A. Yes.



1 Q. But you did not review the contract at or about  
2 the time you reviewed Mr. Naughten's complaint, correct?

3 A. I don't specifically remember if I did or not.  
4 It could have been something that I did review.

5 Q. But do you have a recollection, ma'am --

6 A. I do not.

7 Q. -- as you sit here today? You do not. And  
8 there is nothing in any of these pages that would  
9 indicate that you reviewed the term of the contract  
10 regarding either a leaky pipe or how long the policy  
11 would have to be in effect before coverage was bound,  
12 correct?

13 A. Well, I can't say that that's correct. Because  
14 if you look at my comment, that I have noted that I  
15 reviewed the file with Derick. Derick is in our  
16 Property and Casualty Section. And on occasion we do  
17 rely on our experts when we have an issue. So I can't  
18 say yes or no.

19 Q. Okay. Derick is Derick Dennis, correct?

20 A. That is correct.

21 Q. And Mr. Dennis was here this morning. Oh, he's  
22 here again, he's here this afternoon. And he's a  
23 colleague of yours, correct?

24 A. M-hm (affirmative). Yes.

25 Q. But there is nothing in this document that

1 suggested that you determined that a leaky pipe was  
2 covered, right?

3 A. No, not to my knowledge.

4 Q. And there is nothing in this document that  
5 suggested that you determined that coverage was bound  
6 within 25 days of the contract being signed, correct?

7 A. Right, I can't answer that knowingly. I cannot  
8 be certain.

9 Q. Just I'm going to ask you, your comments, and  
10 your name appears repeatedly on page three, indicates  
11 some of the interactions you had on this file, right?

12 A. Yes.

13 Q. If you had made that determination back in  
14 2014, it would be fair to assume that you would have put  
15 it down here in this comment section, wouldn't it?

16 A. Well, not -- we don't document every single  
17 little stuff. So, again, I don't know.

18 Q. It's not documented here, though, is it?

19 A. Excuse me?

20 Q. It's not documented here, though, is it?

21 A. No.

22 Q. Mr. Dennis, is he your contemporary, or is he a  
23 bit senior to you in terms of his tenure with the  
24 department, if you know?

25 A. I think, he would be the same as me. I

1 wouldn't consider him a senior to me.

2 Q. Okay. I don't know.

3 A. Yeah.

4 Q. So. Has he participated in the same capacity  
5 as you do in the Division, if you know, as a compliance  
6 investigator?

7 A. I am not aware of that.

8 Q. But at least with respect to Mr. Naughten, you  
9 did confer with him?

10 A. Yes, I did.

11 Q. And he suggested to you that you ask the  
12 company, HAWN, to reconsider its position, right?

13 A. I can tell you, from the notes in here, that I  
14 would have spoke with Mr. Dennis, we would have reviewed  
15 the file, and if we thought it was something that needed  
16 to be addressed with the company, then, yes, we would do  
17 that. And that's what was done.

18 Q. And you made a note of that, right, "I asked  
19 the company to reconsider"?

20 A. M-hm (affirmative).

21 Q. You made that note on 3-17-2015?

22 A. Yes.

23 Q. And that's on page six of Exhibit 11, right?

24 A. Yes.

25 Q. Sometime between the time that you entered that

1 note, you had a telephone conversation with a man named  
2 Victor; isn't that right?

3 A. Correct.

4 Q. And we know that because it's reflected in your  
5 notes. Are you the person who makes these entries on  
6 any given complaint --

7 A. Yes.

8 Q. -- that's assigned to you? You make the notes?

9 A. (Nodded head affirmatively.)

10 Q. You type them?

11 A. Yes.

12 Q. You're not transcribing them from, you know,  
13 scratch notes on paper?

14 A. No.

15 Q. Okay. Is that a no?

16 A. No.

17 Q. So she can get you. It's easy to forget. Just  
18 out of curiosity, on the right-hand side of this sheet  
19 there is a repeated reference to the word time. Do you  
20 see it?

21 A. Okay. That, I believe, that is if we're on the  
22 phone and we record the amount of time. We don't always  
23 do it. It's not a required procedure.

24 Q. But it's certainly available, right?

25 A. Yes.

1 Q. So when you spoke to Victor on March 18th,  
2 2015, you spoke to him for about 15 minutes?

3 A. Okay. Yes.

4 Q. Does that sound about right?

5 A. Yes.

6 Q. And Victor told you that they would pay the  
7 claim?

8 A. Correct.

9 Q. And you told him that you would reach out to  
10 Mr. Naughten and you would tell him that?

11 A. Looks like I said, I advised him to reach out  
12 to the Naughtens, yes.

13 Q. And to the best of your knowledge as you sit  
14 here, they did pay the claim?

15 A. Yes.

16 Q. Did you know who Victor was at the time that  
17 you spoke to him?

18 A. Victor would be the owner of Choice Home  
19 Warranty.

20 Q. So you dealt with him, the owner of the  
21 company, with respect to Mr. Naughten's claim?

22 A. Yes.

23 Q. Well, you just said he's the owner of Choice  
24 Warranty. Are you sure about that?

25 A. There was some confusion on the name at one

1 point, yes. But that's what it was logged under, yes.

2 Q. Well, it's actually logged under --

3 A. It's logged under --

4 Q. -- Home Warranty Administrator of Nevada, isn't  
5 it?

6 A. Dba Choice Home Warranty.

7 Q. So when you say that it was logged under, he  
8 was the owner of Choice Home Warranty, at the time, you  
9 did not know that he was the owner of that company, did  
10 you?

11 A. I don't know if I knew at that time or not.

12 Q. And you still don't know, do you?

13 A. Huh?

14 Q. You still don't know, do you?

15 A. I'm under the assumption. So.

16 Q. Well, but do you know, ma'am?

17 A. No.

18 Q. Is that the only time that you dealt with the  
19 owner of Home Warranty of Nevada?

20 A. I don't, I don't know. I probably dealt with  
21 him more.

22 Q. Do you recall, and just stepping away from  
23 Exhibit 11 for a moment, do you recall if you ever dealt  
24 with a woman named Marla Ramirez?

25 A. No.

1 Q. Do you recall anybody else by name that you  
2 might have dealt with in your capacity in trying to  
3 resolve consumer complaints against HWAN?

4 A. Yes.

5 Q. Can you tell us who those people might be?

6 A. I believe, her name was Tamarra.

7 Q. Anybody else?

8 A. No.

9 Q. If I could take you back to 11, try to move on  
10 from this exhibit, when you dealt with Victor --

11 A. Yes.

12 Q. -- was he professional in his dealings with  
13 you?

14 A. I'm assuming he is. I can't remember.

15 Q. Well, if he was unprofessional, would you have  
16 made a note of it?

17 A. Yes, that's something I probably would have  
18 documented.

19 Q. You have testified this afternoon that there is  
20 a law that requires a report back to the Division if  
21 there's going to be a delay in the response?

22 A. M-hm (affirmative).

23 Q. Okay. Are you able to tell us whether that is  
24 a law or a regulation?

25 A. It's NAC.

1 Q. So is that a regulation?

2 A. Yes.

3 Q. Okay. And can you provide to us the citation  
4 of that regulation?

5 A. Not word for word. I can tell you it's NAC  
6 690.110.

7 Q. That's exactly what I was looking for, but  
8 thank you. 690.110, and that's an administrative code;  
9 that's what an AC is?

10 A. Yes.

11 Q. Okay. And you do not have a recollection with  
12 respect to Exhibit 11 whether a compliance report was  
13 sent back to the Division with respect to Mr. Naughten's  
14 complaint?

15 A. I do not know.

16 Q. And there's nothing in your record to indicate  
17 that it was not sent, right?

18 A. No.

19 Q. And there's nothing in your record to indicate  
20 that it was sent, right?

21 A. No, but I can say that I'm not the one that  
22 would receive that.

23 Q. Would it have gone into Mr. Naughten's  
24 complaint file?

25 A. No.



1 Q. Where would it have gone?

2 A. It would go to our Property and Casualty  
3 Section directly.

4 Q. Do you know who it might go to?

5 A. I do not.

6 Q. By name, I mean?

7 A. No.

8 Q. And is there any effort within the Division to  
9 cross-reference the complaint of Mr. Naughten and this  
10 report?

11 A. Not that I'm aware of.

12 Q. Are you aware of the charges specifically that  
13 have been made against HWAN?

14 A. Some of them, yes.

15 Q. And, in fact, they have not been charged with a  
16 failure to provide these administrative reports in a  
17 timely way; isn't that right?

18 A. I'm not aware of that.

19 Q. You're not aware that they have, or you're not  
20 aware that they haven't?

21 A. I'm not aware if they haven't.

22 Q. And you're not aware of whether they have; you  
23 just don't know, right?

24 A. I just don't know.

25 Q. I'm going to ask you, then, to direct your

1 attention to Exhibit Number 24.

2 A. Okay.

3 Q. 24 is a four-page exhibit. And we know that  
4 because we see one, slash, four in the bottom right-hand  
5 corner. Can you see that?

6 A. Yes.

7 Q. In fact, this is a different form than  
8 Exhibit 11; isn't that right?

9 A. That's correct, yes.

10 Q. Is there like an updating that went on?

11 A. Yes, exactly.

12 Q. So this form actually comes from 2016, right?

13 A. Uh-huh (affirmative). Yes.

14 Q. This is Exhibit 24. Exhibit 11 was from 2014,  
15 I guess, right?

16 A. Yes.

17 Q. So this is the new and improved DOI form?

18 A. Yes.

19 Q. And this is a complaint from Mary Jo Greenlee,  
20 and her name is reflected in the bottom left-hand  
21 corner?

22 A. M-hm (affirmative).

23 Q. She's a Las Vegas resident, right?

24 A. Correct, yes.

25 Q. And your name as a staff member is below hers

1 on the first page, right?

2 A. Yes.

3 Q. And on the following page, there are, there's a  
4 section called Actions?

5 A. Okay.

6 Q. And your name appears in every line except for  
7 one; isn't that right?

8 A. Yes.

9 Q. And that's the first one, or perhaps it's the  
10 last one, and that's Linda Stratton, right?

11 A. Yes.

12 Q. Linda Stratton made an entry into this  
13 particular complaint file on March 8, 2017, yes?

14 A. Yes, that's correct.

15 Q. But all of the other entries are yours, right?

16 A. Yes.

17 Q. And they arise from the time in which the  
18 complaint came to your desk; isn't that right?

19 A. Yes.

20 Q. So this is a complaint that was made against  
21 the respondent, HWAN, right?

22 A. Yes.

23 Q. And it's, the name of the insured is Kenneth  
24 Coleman, right?

25 A. Where are you seeing that at?

1 Q. Under the respondent information, about  
2 three-quarters of the way down, it says "Name of  
3 insured"?

4 A. Are you still looking at 24?

5 Q. I'm on 24, page one.

6 A. Page one?

7 Q. Sorry. Page one.

8 A. Okay.

9 Q. Right? Do you see where it says "Kenneth  
10 Coleman"

11 A. Uh-huh (affirmative).

12 Q. "Name of insured"?

13 A. Yes.

14 Q. But the person who communicated the complaint  
15 was actually not Mr. Coleman, it was Ms. Greenlee?

16 A. Yes, that's correct.

17 Q. And the Division will take complaints from  
18 anyone, right; I mean that's what you're there for?

19 A. Yes, we open a complaint once it's received,  
20 yes.

21 Q. And you make no distinction whether they  
22 actually own the policy, or whatnot; they call, you take  
23 their complaint, and you respond, correct?

24 A. Correct.

25 Q. And Ms. Greenlee's complaint was from

1 August 7th of 2016, right?

2 A. Okay. Yes.

3 Q. And we see that in the narrative at the top of  
4 the page?

5 A. Yes.

6 Q. Actually, I'm sorry. That's not right. Her  
7 complaint, and this is actually the first line, was from  
8 August 8, 2016, right?

9 A. Wait a second. Where are you at now?

10 Q. Consumer Detail of Complaint. And the sentence  
11 that begins "I filed a service request"; do you see  
12 that?

13 A. On page one?

14 Q. On page one.

15 A. Still?

16 Q. M-hm (affirmative).

17 A. Okay.

18 Q. Page one. Do you see it, 8-8-2016?

19 A. Oh, okay. Yes.

20 Q. The service complaint was actually to the  
21 company, not to the Division of Insurance, in August of  
22 2016, right?

23 HEARING OFFICER EMMERMANN: Can I clarify  
24 something for you?

25 MS. GRIFA: Sure.

1 HEARING OFFICER EMMERMANN: I don't have  
2 something that says 8-6 of '16 or 8-8. It says 6-8 of  
3 '16 on my page.

4 MS. GRIFA: I think, mine says 8-8, but I'm  
5 wearing glasses and I --

6 MS. GRIGORIEV: Mine also says 6-8.

7 MR. LENHARD: That's 6-8.

8 HEARING OFFICER EMMERMANN: 6-8. Okay.

9 THE WITNESS: 6-8 of 2016.

10 HEARING OFFICER EMMERMANN: I just want to make  
11 sure I got the right information here.

12 THE WITNESS: Are you looking at the incident  
13 date?

14 MS. GRIFA: Yes. Yes, I am. But I'd just like  
15 to go back to Madam Hearing Officer's request for  
16 clarification. The incident date on this form and the  
17 other reference to a date in that narrative all have  
18 August dates. And that is the basis for my reading that  
19 it was actually 8-8.

20 HEARING OFFICER EMMERMANN: I just want to make  
21 sure I can see this right.

22 MS. GRIFA: If the record can reflect that the  
23 print is microscopic.

24 HEARING OFFICER EMMERMANN: Well, and the copy  
25 of this exhibit will be included with the record, so.

1 But, yeah, mine is 6-8.

2 MS. GRIFA: Okay.

3 HEARING OFFICER EMMERMANN: Okay.

4 BY MS. GRIFA:

5 Q. Okay. So assuming that this actually says  
6 6-8-18, Ms. Greenlee did not contact the department  
7 until August 19, 2016?

8 A. That's, yes, that's what it appears.

9 Q. And that's when you opened this file, right?  
10 No, I'm sorry.

11 A. It says the file was opened in October.

12 Q. So. okay. So Ms. Greenlee had a problem that  
13 she reported to the company in June, and she reported it  
14 to the department in October. So the first four months  
15 of the delay were related to the way Ms. Greenlee  
16 handled this matter and not the company; isn't that  
17 right?

18 A. It's my -- from reading this, it's my  
19 understanding that several technicians were called out,  
20 and it wasn't, it wasn't resolved by October, so that's  
21 when she filed the complaint.

22 Q. You have no way of knowing, from your dealings  
23 with Ms. Greenlee, what actually transpired between  
24 Ms. Greenlee and the company --

25 A. Not --

1 A. -- during this intervening period?

2 A. Not, not -- sorry.

3 Q. In that intervening period?

4 A. Not according to this document.

5 Q. Right. If she had shared that with you, it  
6 would have been reported in this document; isn't that  
7 right?

8 A. Most likely.

9 Q. Well, it would certainly be relevant to a  
10 delayed claim, wouldn't it?

11 A. Yes.

12 Q. Because when you -- as assigned, the type of  
13 problem is listed as delay?

14 A. That's correct.

15 Q. Do you have a recollection of who you might  
16 have dealt with in resolving this?

17 A. I don't. It was probably Tamarra. She seems  
18 to be the person that I've been working with the last  
19 several complaints.

20 Q. But that's not reflected in this document,  
21 right?

22 A. No.

23 Q. So that is an educated guess?

24 A. Excuse me?

25 Q. An educated guess, right?



1       A.    Yes.   Looking at the date, yes, I would say it  
2 was probably Tamarra.

3       Q.    But this was resolved on November 10th, 2016,  
4 right, because it says "end date" next to your name on  
5 November 10th, 2016?

6       A.    It looks as though this was resolved on 11-30,  
7 2016.

8       Q.    So when you testified that it took 10 weeks to  
9 resolve this, 10 weeks is your estimate of the time from  
10 October 4th to November 30th, right?

11       A.    The complaint was opened on -- oh, okay.   That  
12 is what the complainant is alleging, yes, it was 10  
13 weeks.

14       Q.    Well, but the Division received the complaint  
15 on October 4th?

16       A.    Correct.

17       Q.    And that's indicated in the form.   And, in  
18 fact, it says "closed" at the top of the page,  
19 November 30th, 2016, right?

20       A.    Yes.

21       Q.    And the company paid, paid the claim made by  
22 Ms. Greenlee; fair to say?

23       A.    Yes.

24       Q.    Could you direct your attention to page 38.  
25 I'm sorry.   Exhibit 38.

1 A. 38?

2 Q. Yes, Exhibit 38. Bear with me one moment.

3 Could we go back to Exhibit 24 for a moment?

4 A. Back to 24?

5 Q. 24, sure. The second page of that exhibit.

6 A. Okay.

7 Q. Part of the reason why you were able to close  
8 this complaint is on November 30th you were told by  
9 someone on behalf of the company that they were going  
10 pay Ms. Greenlee up to the limit of the policy, right?

11 A. That's correct.

12 Q. You entered that in your notes, yes?

13 A. That's correct.

14 Q. Do you know what the limit of the policy was  
15 for Ms. Greenlee?

16 A. I do not.

17 Q. Do you know what the amount of her claim was?

18 A. No.

19 Q. If you would go to Exhibit 38, please.

20 A. Can you repeat that?

21 Q. If you would just go on to Exhibit 38.

22 A. Oh.

23 Q. Exhibit 38 is four pages, also. And this is a  
24 complaint that was assigned to you from a man named  
25 Anthony Trombetta, right?

1 A. Yes.

2 Q. And the consumer's name is located in the  
3 bottom left-hand corner, and it's a complaint against  
4 Home Warranty Administrator of Nevada, right?

5 A. Home Warranty Administrator dba Choice Home  
6 Warranty, yes.

7 Q. And this is the particular complaint that  
8 involved a person who became ill with heat stroke as a  
9 consequence of the air conditioning not being repaired  
10 in a timely way, right?

11 A. Yes, that's what they've alleged.

12 Q. Mr. Trombetta notified the department on  
13 June -- of a complaint arising from an incident on  
14 June 27, 2016; isn't that right?

15 A. Yes.

16 Q. And, in fact, he did not notify your department  
17 until July 12th, 2016; isn't that right?

18 A. That is correct, yes.

19 Q. That's the opening date, right?

20 A. Yes.

21 Q. And, ultimately, this was resolved by way of a  
22 payment to Mr. Trombetta on this claim, the maximum  
23 amount of authorize; isn't that right?

24 A. 1,500, yes.

25 Q. Okay. And that, and you know that because you

1 reviewed your notes on page two of this document dated  
2 7-25-2016?

3 A. Yes, that's correct.

4 Q. I'd like to ask you, in the left-hand column on  
5 this page, and perhaps it is on other documents as well,  
6 it says "letter"; what does that mean?

7 A. Can you repeat that?

8 Q. It says "letter," 7-25-2016 letter?

9 A. Yes.

10 Q. Does that mean that you wrote a letter to  
11 Mr. Trombetta?

12 A. Yes.

13 Q. A hard copy good old-fashioned letter on a  
14 piece of letterhead?

15 A. Yes.

16 Q. All right. And then above it, it says  
17 "satisfaction ballot"; what does that mean?

18 A. That is something that we send to the consumers  
19 when we close their complaint, and they can choose to  
20 fill it out and return it to the Division.

21 Q. Or not?

22 A. Or not.

23 Q. And on this particular page, page two of this  
24 document, it indicates time, right, middle column?

25 A. The time on the phone?

1 Q. Yeah. There's zeroes for all of that, right?

2 A. Yeah, that's if we don't enter a time. And  
3 like I said, that's not something that's required.

4 Q. From start to finish, between the time you got  
5 involved and the time that this matter was closed,  
6 actually was just eight days; isn't that right?

7 A. The file was closed on the 25th. So it looks  
8 as though it would be more like 13 days.

9 Q. 12, right?

10 A. What?

11 Q. 12 days? Did I do that right?

12 A. It was opened on 7-12.

13 Q. 7-12. 13 days, yes, 13 days. Do you recall  
14 who you dealt with in the company in resolving this  
15 complaint?

16 A. I do not.

17 Q. But would it be fair to say that whomever you  
18 dealt with, they were professional and responsive to  
19 your request?

20 A. Yes.

21 Q. And, again, you testified that they didn't file  
22 the report in connection with Mr. Trombetta's claim?

23 A. I have no knowledge.

24 Q. You have no knowledge whether they did or they  
25 didn't, right?

1 A. Correct.

2 Q. If they had filed a report, you would have put  
3 it in here; isn't that right?

4 A. If they had filed, what?

5 Q. The report; you would have entered it?

6 A. No.

7 Q. Or is it because it goes to the other division;  
8 you don't know?

9 A. Are you talking about the report that's  
10 required per NAC?

11 Q. Yes.

12 A. No, I would not know that.

13 Q. Okay. In your letter, on page two, just out of  
14 curiosity, is this the text of the letter that went onto  
15 a letter sent by you to Mr. Trombetta?

16 A. Are you talking about the July 25th one?

17 Q. Yes.

18 A. Yes. Okay.

19 Q. It has his address. And, I think, it even says  
20 "Dear Mr. Trombetta"; right? Yes, it does. You  
21 indicated to us that -- your letter indicates that "Our  
22 examiners use complaint date for performing audits"?

23 A. Yes, that's correct.

24 Q. Did you ever recommend HWAN to be audited?

25 A. Did I ever recommend --

1 Q. Did you ever recommend that this company, HWAN,  
2 be audited by the Division?

3 A. Not to my recollection.

4 Q. Have you ever recommended a company, that is a  
5 service contractor provider, be audited?

6 A. Okay. Let me correct. I don't, I don't  
7 recommend any companies be audited. I would simply  
8 refer them to another section for further review, and  
9 then they would do the process. That's not something I  
10 do.

11 Q. I understand. Did you ever refer HAWN to that  
12 other section for review?

13 A. Not that I recall.

14 Q. Have you ever referred a service contract  
15 provider to that other section for --

16 A. Yes.

17 Q. You have. About how many different companies  
18 have you referred to --

19 A. I can't say.

20 Q. Was it more than one?

21 A. Probably, yes.

22 Q. More than five?

23 A. I don't know.

24 Q. More than 10?

25 A. I don't know.

1           Q.    I just want to try to understand your job  
2 description a little bit better.  Do you only deal with  
3 the complaints that come in to you, that are assigned to  
4 you?

5           A.    Do I only deal with complaints that I'm -- the  
6 companies that I'm assigned to?

7           Q.    Yes.  The complainants that are assigned to  
8 you?

9           A.    Most often, yes.

10          Q.    So you don't survey any particular company for  
11 performance; that is not in your job description?

12          A.    No.

13          Q.    That's handled by somebody else?

14          A.    Yes.

15          Q.    Exhibit 25, if you could just look at that  
16 briefly.

17          A.    25?

18          Q.    Yes.

19          A.    Okay.

20          Q.    Exhibit 25, I think, Mr. Yien might have  
21 characterized as a vendor complaint, right, from a man  
22 named -- I think, his name is Ott?

23          A.    Yes.

24          Q.    Opp actually, O-P-P?

25          A.    O-P-P, yes.



1 Q. A Las Vegas person, right? This is not your  
2 case, right?

3 A. Right. This is Tanishia's.

4 Q. And, but this is the format in which complaints  
5 are received?

6 A. Correct, yes.

7 Q. Is Ms. Brown somebody that you continue to work  
8 with?

9 A. Tanishia?

10 Q. Yeah.

11 A. Tanishia's in our Las Vegas office. And, yes,  
12 she has the same position and title as I do.

13 Q. In connection with HWAN, do you recall ever  
14 reviewing or even just handling a vendor complaint?

15 A. Of HWAN?

16 Q. Yes.

17 A. Yes.

18 Q. Are they reflected in any of the documents that  
19 are here before this body today?

20 A. Can you repeat that?

21 Q. To the extent that you investigated any vendor  
22 complaints against the company, are they in any of the  
23 documents that are before the hearing examiner today?

24 A. No.

25 Q. Just give me a moment.

1           Some of these complaints are categorized as  
2 "delay." Are there any guidelines in your particular  
3 section as to what is a reasonable time frame for an  
4 insurer to deal with an insured?

5           A. Well, yes, we would probably look at it, and if  
6 it was over 30 days, we would probably enter it as a  
7 delay.

8           Q. Okay. Are those published for purposes of the  
9 service contract provider community, those guidelines?

10          A. Not that I'm aware of.

11          Q. Are there any guidelines available to you as to  
12 how long the Division will review a complaint and how  
13 long they'll permit an insurer to respond to you?

14          A. If they're claim-related complaints, they are  
15 to respond, the company is to respond to the Division  
16 within 10 business days.

17          Q. Is an email considered a response?

18          A. Yes, you can certainly email the response.

19          Q. Is a telephone call a response?

20          A. No. We like a written response. That's what  
21 we require.

22          Q. You call -- I don't mean you, individually.  
23 But we can use you as an example. In connection with  
24 any case that you're assigned to, you will call the  
25 company and say, ask them to give you an explanation,

1 right?

2 A. No, I would require the written response. If I  
3 had additional questions, then, yes, I would call the  
4 company, but I do ask them to put that in writing.

5 Q. So anything that might transpire on the phone  
6 you would ask them to confirm in an email or a letter?

7 A. Yes, most often.

8 Q. Do you have authority to ask them to give you  
9 information in your present capacity?

10 A. Ask them to what?

11 Q. Provide you with information about how they are  
12 handling a particular complaint?

13 A. No, I don't.

14 Q. Or backup documentation with respect to how  
15 they handled a particular person?

16 A. Okay. Yes.

17 Q. You have the authority to ask for that?

18 A. Yes. Oh, I'm sorry. I misunderstood.  
19 Definitely.

20 Q. Do you have a recollection, when you were  
21 dealing with HWAN complaints, that you asked them for  
22 supplemental information at any time?

23 A. Yes, I believe, I have on other complaints.

24 Q. And did they provide that to you in a timely  
25 way?

1 A. I can't say.

2 Q. Well, did they provide it?

3 A. If they did not provide it, I would contact the  
4 company again, so. I'm sure they did.

5 MS. GRIFA: Okay. I don't have any additional  
6 questions for the witness. But one moment, please.

7 BY MS. GRIFA:

8 Q. I just want to -- I'm not trying to be  
9 argumentative. I'm just not sure if I asked you this.

10 A. Okay. That's fine.

11 Q. Do you have a recollection of during the course  
12 of your work how many complaints you handled with  
13 respect to HWAN; can you put a number on that?

14 A. I don't.

15 Q. Okay.

16 A. No.

17 MR. GRIFA: Thank you.

18 I have no additional questions for the witness.

19 HEARING OFFICER EMMERMANN: Before I launch  
20 into redirect and recross, I'm going to ask my question.  
21 That way, you guys can handle it on redirect and  
22 recross.

23 And I actually only have one question for you,  
24 Ms. Kuhlman. You said, in your response to a question  
25 by Mr. Yien, that a claim was covered by contract. Who

1 made that determination; did you, or did somebody else?

2 THE WITNESS: So if it was the one that I spoke  
3 with Derick about, and I don't know if that's the one  
4 you're referring to, we would have determined it  
5 together.

6 HEARING OFFICER EMMERMANN: Okay. Thank you.

7 Redirect?

8 MR. YIEN: Yes. And my first question kind of  
9 dovetails with yours, Madam Hearing Officer.

10

11 REDIRECT EXAMINATION

12 BY MR. YIEN:

13 Q. If you, in fact, did discuss a contract issue  
14 with a colleague, would you have necessarily documented  
15 it in your files?

16 A. No, not always. But it appears I did in this  
17 case.

18 Q. Okay.

19 A. It's not always documented.

20 Q. Ms. Grifa went through exhibits 24 and 38 with  
21 you and some dates that correspond with when the  
22 complainant filed the complaint, I'm sorry, when the  
23 complainant had their initial problem and when they  
24 finally filed a complaint with the Nevada Division of  
25 Insurance?

1 A. M-hm (affirmative).

2 Q. Now, does that delay affect the respondent's  
3 requirement to have to self-report any emergency repairs  
4 within a certain amount of time?

5 A. I'm not aware of that.

6 Q. Okay. Oh. If I could, one last time, trouble  
7 you to go through those exhibits one more time.

8 A. Oh, that's okay.

9 Q. On Exhibit -- let's start with 11 again.

10 A. Okay.

11 Q. And you said that the area under Consumer  
12 Detail of Complaint, that language is filled out by the  
13 complainant?

14 A. Yes.

15 Q. And who do they think they have a contract  
16 with?

17 MS. GRIFA: Objection.

18 BY MR. YIEN:

19 Q. Who do they -- I'll rephrase. In their  
20 writing, who do they state they have a complaint with,  
21 the company?

22 A. Choice Home Warranty.

23 Q. Okay. Does it say Home Warranty of Nevada  
24 anywhere in there?

25 A. No, it just says Choice Home Warranty.

1 Q. Let's go to Exhibit 24. Again, in the Consumer  
2 Detail of Complaint, who does Ms. Greenlee believe --  
3 I'm sorry. Who does Ms. Greenlee file this report  
4 against, who was she complaining?

5 A. Choice Home Warranty.

6 Q. Do you see Home Warranty of Nevada anywhere in  
7 there, in her complaint?

8 A. No.

9 Q. And then Exhibit -- is it 38? Can you read the  
10 second sentence in Mr. Trombetta's --

11 A. I called --

12 Q. -- consumer -- yeah.

13 A. "I called my warranty company, Choice Home  
14 Warranty, in Edison, New Jersey."

15 Q. Is it fair to say he believes his home warranty  
16 company is Choice Home Warranty, of Edison, New Jersey?

17 MS. GRIFA: Objection.

18 HEARING OFFICER EMMERMANN: Based on?

19 MS. GRIFA: He's asked the witness if  
20 Mr. Trombetta believes. And she would have no way of  
21 knowing that.

22 HEARING OFFICER EMMERMANN: Can you rephrase  
23 the question, please?

24 MR. YIEN: I'll withdraw it. I'll just let the  
25 record stand that Ms. Kuhlman read the second sentence

1 into the record.

2 BY MR. YIEN:

3 Q. If I could go down to the respondent  
4 information, who is this, who is the complaint actually  
5 against, the name?

6 A. Home Warranty Administrator of Nevada, Inc. dba  
7 Choice Home Warranty.

8 MR. YIEN: Okay. I have no further questions.

9 HEARING OFFICER EMMERMANN: Recross?

10 MS. GRIFA: Yes, please.

11

12 RECROSS-EXAMINATION

13 BY MS. GRIFA:

14 Q. When these consumers make complaints, and they  
15 provide the name of the company against who, against  
16 whom, I guess, which, I guess, the claim's being made,  
17 it is incumbent upon the department to identify whether  
18 it's a licensed entity, right?

19 A. Well, the complainant would, obviously, note  
20 the company, but we're the ones that log it into our  
21 database.

22 Q. So in Exhibit 11, at page four, Mr. Naughten  
23 made a complaint against Choice Home Warranty, but the  
24 Division listed the entity as Home Warranty  
25 Administrator of Nevada, right?



1 A. What are you looking at?

2 Q. Well, on page four, in the narrative,  
3 Mr. Naughten listed his complaint against Choice Home  
4 Warranty, but the Division cataloged that complaint  
5 against Home Warranty Administrator of Nevada, right?

6 A. Okay. Yes, I see that.

7 Q. And then jump ahead to Exhibit 24, page one.

8 A. Okay.

9 Q. And Ms. Greenlee made a complaint against  
10 Choice Home Warranty, and the Division logged that  
11 complaint against Home Warranty Administrator of Nevada,  
12 right?

13 A. Dba Choice Home Warranty.

14 Q. And the same is true for Mr. Trombetta in  
15 Exhibit 38?

16 A. What number is that?

17 Q. Exhibit 38, page one.

18 A. Okay. Yes.

19 Q. So without regard to what the consumer is  
20 reporting to you, the Division always knew that the  
21 respondent, who is responsible, was responsible to the  
22 consumer and with respect to these particular three  
23 individuals?

24 A. Well, Choice Home Warranty added the dba. So I  
25 don't know, I'm sorry, I don't recall how that was

1 logged in or how it came about being logged in under  
2 that one.

3 Q. That's not what I'm asking you. I'm not asking  
4 anything about the dba.

5 A. That's not what? I'm sorry.

6 Q. That's not what I've asked you.

7 A. Okay.

8 Q. So let me try again.

9 A. Can you repeat it?

10 Q. Yes. When the complaints came in from these  
11 various individuals to the department --

12 A. Uh-huh (affirmative).

13 Q. -- the department immediately was able to  
14 identify that Home Warranty Administrator of Nevada was  
15 the responsible party?

16 A. It appears that way.

17 MS. GRIFA: Thank you. I don't have any  
18 additional questions.

19 HEARING OFFICER EMMERMANN: All right. Thank  
20 you, Ms. Kuhlman. As a reminder, please don't discuss  
21 your testimony with anybody until the final order is  
22 issued.

23 THE WITNESS: Okay.

24 HEARING OFFICER EMMERMANN: Okay? And you are  
25 excused, then.

1           Mr. Yien, do you want to call your next  
2 witness?

3           MR. YIEN:   You guys okay to continue?

4           MS. GRIFA:   Yeah.

5           MR. LENHARD:   Yeah.

6           MR. YIEN:   Okay.   The Division calls Derick  
7 Dennis.

8           HEARING OFFICER EMMERMANN:   Good afternoon,  
9 Mr. Dennis.

10          THE WITNESS:   Good afternoon.

11          HEARING OFFICER EMMERMANN:   The court reporter  
12 will swear you in, and then we will begin.   Please wait  
13 for the question to be fully asked.   If you don't  
14 understand the question, do ask for clarification.  
15 Speak up, and always use a verbal response.   And if you  
16 need a break, just ask.   Do you have any questions?

17          THE WITNESS:   No.

18          HEARING OFFICER EMMERMANN:   Okay.   All right.  
19 Can you please swear the witness in.

20

21                   D E R I C K   D E N N I S,  
22   having been first duly sworn/affirmed by the Reporter,  
23                   was examined and testified as follows:

24   ///

25   ///

DIRECT EXAMINATION

BY MR. YIEN:

Q. Mr. Dennis, can you state your name for the record and spell it?

A. Derick Dennis, D-E-R-I-C-K, D-E-N-N-I-S.

Q. And what is your position with the Division?

A. My position is Actuarial Analyst.

Q. And how long have you been working with the Division?

A. Two years. Oh. Since 2009 with the Division.

Q. Any other past roles you've had with the Division?

A. Yes, I have had multiple past roles.

Q. Do you want to talk a little about it?

A. Sure. I started off as an Accounting Technician. I moved to a Management Analyst One, Management Analyst Two, Management Analyst Three, Actuarial Analyst One.

Q. And what kind of training have you had?

A. I was trained by the Lead Actuary, the Chief Insurance Examiner, as well as internal training procedures.

Q. Okay. And can you briefly tell the court, how did you come to know the respondent, how did you begin working on any of their cases or materials?

1           A.   My first time I spoke with -- about Choice or  
2 with Victor Mandalawi was in 2013 regarding their  
3 renewal. It was not sent to us on time. So I had sent  
4 them an email requesting the renewal application.

5           Q.   Okay. And did he respond in time?

6           A.   He did respond. And that took care of that.

7           Q.   Okay. In your past dealings with  
8 Mr. Mandalawi, did you ever have to tell him to provide  
9 financial documents, as part of your job duties?

10          A.   Yes.

11          Q.   So is he aware that he needs to provide these  
12 financial documents with these applications?

13          A.   Yes.

14          Q.   Have you had a chance to review the two  
15 thousand and -- the most recent renewal application?

16          A.   I have not.

17          Q.   Oh, okay. If on that application they did not  
18 submit renewal -- or financials, would you consider it  
19 complete or incomplete?

20               MR. LENHARD: I'm going to object as  
21 speculation. He hasn't seen the document.

22               MR. YIEN: I'm asking him for his opinion as to  
23 if there was a --

24               HEARING OFFICER EMMERMANN: Hold on. Hold on.

25               So, yeah, my understanding is we've moved on

1 from the question he just asked.

2 MR. LENHARD: Right, I understand.

3 HEARING OFFICER EMMERMANN: Are you talking  
4 about that specific question?

5 MR. LENHARD: Yes, I'm talking about an opinion  
6 referencing a document he hasn't seen. If he's going to  
7 render an opinion, he's got to see the document first.

8 HEARING OFFICER EMMERMANN: Mr. Yien --

9 MR. LENHARD: He's rendering an opinion in a  
10 vacuum.

11 HEARING OFFICER EMMERMANN: Yeah, hold on a  
12 second.

13 Mr. Yien, so could you repeat the question.  
14 Because my understanding was you moved on from that  
15 question once Mr. Dennis answered it, so.

16 MR. YIEN: I actually went back. I'm sorry.  
17 Let me try to rephrase. The question I asked was if, in  
18 the renewal application, financial documentation was not  
19 submitted with that application, if Mr. Dennis would  
20 consider that application complete.

21 HEARING OFFICER EMMERMANN: Right. And I got  
22 that. And then you asked about the two -- the most  
23 recent application.

24 MR. YIEN: That's the one I'm talking about.

25 HEARING OFFICER EMMERMANN: But he said he

1 hasn't had a chance to review it.

2 MR. YIEN: That's correct.

3 HEARING OFFICER EMMERMANN: And so your  
4 objection is to this next question?

5 MR. LENHARD: Right.

6 HEARING OFFICER EMMERMANN: So I would sustain  
7 that objection. Because if you're asking about  
8 something he hasn't reviewed, he has no personal  
9 knowledge.

10 BY MR. YIEN:

11 Q. Okay. You work with applications in general?

12 A. I used to, yes.

13 Q. Okay. If an application was submitted without  
14 financials, would you consider it complete or  
15 incomplete?

16 A. Incomplete.

17 Q. Now, you say that you didn't work with the  
18 respondents, you didn't deal with any of the  
19 respondents' work until about 2013. But have you had a  
20 chance to review some of the applications from previous  
21 years?

22 A. I did review the renewal applications from  
23 2012, '13 and '14.

24 Q. Okay. And can I have you, then, turn to  
25 Exhibit 4, 2012-2013 application?

1 HEARING OFFICER EMMERMANN: What exhibit?

2 MS. GRIFA: Four.

3 MR. YIEN: It's Exhibit 4.

4 BY MR. YIEN:

5 Q. And can you read into the record; what does  
6 question three state?

7 A. Since the last application, has the applicant  
8 or any of the officers listed in question one ever -- do  
9 you want me to read all, (a) through (e)?

10 Q. No just read (d) actually.

11 A. (d), been fined any state or governmental  
12 agency, been fined by any state or governmental agency  
13 or authority in any matter regarding service contracts?

14 Q. So if the respondent had been fined, would they  
15 have been required to check yes on that box?

16 A. Yes.

17 Q. And what is the checkmark on this box?

18 A. No.

19 Q. May I have you turn to Exhibit 3. And on page  
20 29 of 39. And under the order section, can you verify  
21 whether Choice Home Warranty had to pay a fine of  
22 \$15,000?

23 A. Yes, they did.

24 Q. And if you could turn two pages over, on page  
25 31 of 39. When is this document dated?



1 A. Looks like December 29th of 2011.

2 Q. And who is it signed by?

3 A. Victor Mandalawi.

4 Q. And what is his title there?

5 A. Representative of respondent.

6 Q. Now, going back to that application, Exhibit  
7 Number 4, on page one, who's the president, who is the  
8 president of Home Warranty Administrator of Nevada?

9 A. Victor Mandalawi.

10 Q. So based on that and the Oklahoma action that  
11 we just referenced, was Victor Mandalawi required to  
12 check yes on question 3(d)?

13 MR. LENHARD: Of Exhibit 4 again?

14 MR. YIEN: Yes.

15 MR. LENHARD: Okay. Thank you.

16 THE WITNESS: Yes.

17 MR. YIEN: Did we get his answer in, on the  
18 record?

19 THE WITNESS: Yes.

20 THE REPORTER: Yes.

21 BY MR. YIEN:

22 Q. Can you turn to Exhibit 2? And, again, read  
23 into the record question three. It's on page two of  
24 three.

25 A. Since the last application, has applicant or

1 any of the officers listed in question one ever --

2 Q. Just (d).

3 A. Been fined any state or governmental agency,  
4 been fined by any state or governmental agency or  
5 authority in any matter regarding service contracts.

6 Q. Can you verify for the record when this  
7 application was received by the Nevada Division of  
8 Insurance?

9 A. November 2nd, 2011.

10 Q. So if Mandalawi was fined in the year prior to  
11 this application, were they required to disclose that?

12 A. Yes.

13 Q. If I could have you turn to Exhibit 1, page 15.  
14 And under number seven, which is on line 17, can you  
15 just read that into the record?

16 A. Choice, Choice shall pay a fine in the amount  
17 of \$10,000 within 30 days of receipt of an invoice from  
18 the Commissioner. The payment shall be mailed to the  
19 California Department of Insurance, Division of  
20 Accounting, 300 Capitol Mall, 13th Floor, Sacramento,  
21 California, 95814.

22 Q. And if you could turn the page, page 16 of 16.  
23 Do you see a signature there on behalf of Choice Home  
24 Warranty?

25 A. Yes.

1 Q. And what is the print of -- whose signature is  
2 it?

3 A. Victor Mandalawi.

4 Q. And what's the date that it's executed, this  
5 document?

6 A. December 28th, 2010.

7 Q. No, there's two dates.

8 A. Or --

9 Q. And let's make sure we get them both on the  
10 record.

11 A. There's one that says December 24th, 2010 as  
12 well.

13 Q. Okay. And so, based on that information that  
14 you just read, was Mr. Mandalawi required to check yes  
15 on question 3(d) in Home Warranty Administrator of  
16 Nevada doing business as Choice Home Warranty's renewal  
17 contract?

18 A. Yes.

19 Q. Do you consider this a false answer?

20 A. Yes.

21 Q. On each of those two renewal applications, I'd  
22 like you to verify the email address of Mr. Mandalawi,  
23 and if you could read that into the record. So we'll  
24 start with Exhibit 2, which is the respondent's  
25 2011-2012 renewal application. What is that email

1 address?

2 A. It's VMandalawi@HomeWarrantyAdministrators.com.

3 Q. So if the Division were to send something to  
4 that address, they would expect that it would get to the  
5 respondent?

6 A. Yes.

7 Q. And on the renewal application for, what was  
8 it, Exhibit 4, I believe, same thing, can you read into  
9 the record the email address that Victor Mandalawi  
10 provides to the Nevada's Division of Insurance?

11 A. VMandalawi@HomeWarrantyAdministrators.com.

12 MR. YIEN: I have no further questions at this  
13 time.

14 HEARING OFFICER EMMERMANN: Cross-exam?

15 MR. LENHARD: Yes, thank you.

16

17 CROSS-EXAMINATION

18 BY MR. LENHARD:

19 Q. Let's go back to -- good afternoon, Mr. Dennis.

20 A. Good afternoon.

21 Q. Can you go back to Exhibit 1? We're going to  
22 kind of work through some of these orders or whatever.  
23 Okay?

24 A. Okay.

25 Q. And so you and I are clear, Exhibit 1 concerns

1 California, right?

2 A. Yes, it does.

3 Q. Okay. And so I want to be certain you and I  
4 are on the same page. Can you go to page 16 of the  
5 exhibit, I believe. The signature of Victor Mandalawi  
6 under the heading Choice Home Warranty; is that correct?

7 A. Correct.

8 Q. Who is the entity being fined by the State of  
9 California; it was Choice Home Warranty, wasn't it?

10 A. Correct.

11 Q. It wasn't Victor Mandalawi individually, was  
12 it?

13 A. Victor signed the document.

14 Q. Right. He signed on behalf of Choice Home  
15 Warranty, correct, sir?

16 A. Correct.

17 Q. Okay. So Choice Home Warranty's being fined,  
18 according to Exhibit 1; fair enough?

19 A. Correct, yes.

20 Q. All right. The licensee or registrant in  
21 Nevada in Exhibit 2 is HWAN; am I correct?

22 A. Correct.

23 Q. Okay. Now, let's go to 3(a) through (d).  
24 that's on page two. I'm sorry, Mr. Dennis. Since the  
25 last application, has applicant or any of the officers

1 listed in question one ever; then we have the four  
2 questions, right?

3 A. Yes.

4 Q. And it's your belief that the letter (d), small  
5 D, was answered incorrectly or falsely; is that correct?

6 A. Correct.

7 Q. Been fined in any state governmental agency or  
8 authority in any matter regarding service contracts?  
9 Victor Mandalawi wasn't fined, was he?

10 A. Victor was the president of the company.

11 Q. I appreciate that. But he wasn't the one being  
12 fined by the state. Do I have to read every page of  
13 this?

14 HEARING OFFICER EMMERMANN: Can you let the  
15 witness answer the question?

16 MR. LENHARD: I sure will.

17 THE WITNESS: I'm sorry. Repeat your  
18 question.

19 BY MR. LENHARD:

20 Q. I'll start over. Victor Mandalawi, Victor M.,  
21 signed, on behalf of Choice Home Warranty, the order;  
22 can we agree to that?

23 A. Yes.

24 Q. Al right. Can we also agree that the entity  
25 being fined was Choice Home Warranty?

1 A. Yes.

2 Q. Okay. Now, looking at 3(d): Been fined by any  
3 state or governmental agency or authority in any matter  
4 regarding service contracts? The applicant on this  
5 exhibit is HWAN, isn't it?

6 A. I'm sorry. Say that again.

7 Q. The applicant on this exhibit is HWAN, Home  
8 Warranty Administrators of Nevada, correct?

9 A. Correct.

10 Q. They were not fined in California, were they?

11 A. They are not listed on that, correct.

12 Q. Okay. Now, this is for clarity's sake. let's  
13 go to page one. Question one, which is referenced in  
14 question number three; do you see that?

15 A. Yes.

16 Q. We're kind of hopping back and forth. It's  
17 always difficult. Have there been any changes in the  
18 executive officers or the officers responsible for  
19 service contract business since your last applications?  
20 Did I read that correctly?

21 A. Yes.

22 Q. That's the number one being referenced in  
23 question number three, isn't it?

24 A. I believe, three is referring to (a) through  
25 (d), and one is referring to the executive officer.

1 Q. Since the last application, has applicant or  
2 any of the officers listed in question one ever; then we  
3 have four letters, right?

4 A. Correct.

5 Q. Did I read that correctly?

6 A. Correct.

7 Q. I think, you and I can both agree -- if you  
8 can't, tell me -- that there was no change in the  
9 officers of HWAN in 2011, was there?

10 A. Correct.

11 Q. Now, if we can go to the Oklahoma fine, which  
12 is Exhibit 3. And I'm going to ask you to refer --  
13 well, first of all, the first page shows, one of 39  
14 shows State of Oklahoma, ex rel. John D. Doak, I  
15 believe, Insurance Commissioner, petitioner, versus  
16 Choice Home Warranty, an unlicensed service warranty  
17 association. Did I read that correctly?

18 A. Yes.

19 Q. The respondent was Choice Home Warranty,  
20 correct?

21 A. Yes.

22 Q. Not Victor Mandalawi individually; is that  
23 correct?

24 A. That's correct.

25 Q. Then, if you go to page 31 -- bear with me a



1 second. It looks like we have a signature on a  
2 five-page document. Let's get it straight. Go to 27 of  
3 39. I'm sorry. It says "Consent Order"; do you see  
4 that?

5 A. Yes.

6 Q. Okay. Once again, the petitioner is State of  
7 Oklahoma, ex rel. John D. Doak, Insurance Commissioner,  
8 correct, sir?

9 A. Yes.

10 Q. And the respondent is Choice Home Warranty, an  
11 unlicensed service warranty company; is that correct,  
12 sir?

13 A. Yes.

14 Q. Okay. And this says "Consent Order," right?

15 A. Yes.

16 Q. Looks like it's filed-stamped January, I think  
17 it's 9th, I'm not sure, 2012?

18 A. Yes.

19 Q. Okay. Then, if you go to page five, we have a  
20 signature of the hearing examiner.

21 HEARING OFFICER EMMERMANN: Which page five,  
22 Mr. Lenhard?

23 MR. LENHARD: You know what, you're correct.  
24 Page five on the lower case. It's 31 of 39 on the top.

25 HEARING OFFICER EMMERMANN: Okay.

1 BY MR. LENHARD:

2 Q. I'm sorry, Mr. Dennis, we got too many numbers  
3 here.

4 A. Page 39? Or 31?

5 Q. 31 of 39; do you have that, sir?

6 A. Yes.

7 Q. It looks like there's a notary stamp of some  
8 sort there?

9 A. Yes.

10 Q. Okay. And it's signed by a -- it looks like  
11 the hearing examiner; do you see that?

12 A. Yes.

13 Q. And then it's signed by Victor Mandalawi as the  
14 representative of respondent; is that correct, sir?

15 A. Yes.

16 Q. Now, if we can go to the next application that  
17 we were shown by Mr. Yien. And this is Exhibit 4. And  
18 I'm going ask you to look at two of three in number  
19 four.

20 A. Question two?

21 Q. Yes, sir.

22 A. Okay.

23 Q. Excuse me. Page two. I'm sorry. It's  
24 question number three. I'm sorry, sir.

25 A. Okay.

1 Q. Are you with me?

2 A. Yes.

3 Q. Since the last application, has applicant or  
4 any of the officers listed in question one ever. And  
5 you said he answered falsely. (d), been fined by any  
6 state governmental agency or authority in any matter  
7 regarding service contracts? Am I correct, sir?

8 A. Correct, yes.

9 Q. Now, it's true from looking at the previous  
10 order, that the order was entered against Choice Home  
11 Warranty, an unlicensed service provider, correct?

12 A. Yes.

13 Q. Not Victor Mandalawi individually, correct?

14 A. Correct, Victor signed off on it.

15 Q. As the representative?

16 A. Yes.

17 Q. Okay. And it's the same question I asked you  
18 on the last exhibit. If you would turn to one of three.  
19 Actually, I keep hopping back. I apologize. Three, on  
20 page two of three, three says "Since the last  
21 application, has applicant or any of the officers listed  
22 in question one"; okay, do you see that?

23 A. Yes.

24 Q. Now, let's go back to question one. It's on  
25 page one. Have there been any changes in the executive

1 officers or any officers responsible for service  
2 contract business since your last application? Did I  
3 read that correctly?

4 A. Correct.

5 Q. And in truth and in fact, there had not been  
6 any changes to HWAN in that previous year, had there, as  
7 far as the officers?

8 A. Correct.

9 Q. Just briefly, Mr. Yien didn't go into this, but  
10 I want to be sure that you and I are on the same page on  
11 something. It looks like -- and I read. I got to know  
12 you very well through your emails. There's a string of  
13 emails that you did --

14 A. Yes.

15 Q. -- concerning the -- I call it the dba?

16 A. Okay.

17 Q. Or the fictitious name?

18 A. Sure, yes.

19 Q. It appears, and correct me if I'm wrong, that  
20 you were heavily involved, from the department  
21 standpoint, in either assisting or guiding my client  
22 through the dba process. If I misstated that, tell me.

23 A. I was involved. I wasn't involved heavily. I  
24 was involved in making sure that the dba was processed  
25 and that the certificate of registration came back to me

1 and that the new one was issued.

2 Q. And in truth and in fact, my clients, at the  
3 request of the department, again through you, did  
4 process a dba, didn't they?

5 A. They did process the dba. It was not  
6 through -- well, it came in through me, but I wasn't  
7 the --

8 Q. I'm not implying you were the one processing  
9 it.

10 A. Sure.

11 Q. I wasn't implying they processed it. But it  
12 was you were involved in the request to process?

13 A. Yes.

14 Q. And there was no pushback from them, was there,  
15 they cooperated?

16 A. Correct.

17 Q. And they got you the documents you needed, and  
18 eventually the dba was, in fact, filed with the  
19 department, correct?

20 A. Yes.

21 MR. LENHARD: Thank you, sir.

22 HEARING OFFICER EMMERMANN: I have one  
23 question, and then I'll open it to redirect and recross.

24 Can you tell me what makes up a renewal  
25 application, what goes into it?

1 THE WITNESS: Yes. So do you mind if I look at  
2 it?

3 HEARING OFFICER EMMERMANN: Yeah, as long as  
4 it's on the record what exhibit you're looking at.

5 MR. YIEN: Just state what exhibit you're  
6 looking at.

7 THE WITNESS: Okay. I'm looking at Exhibit 2,  
8 which is an older one. And, basically, we just ask for  
9 updated information. The question three, any updates  
10 since the previous one, if there have been any  
11 governmental actions or fines or anything like that. We  
12 also ask for updated financials regarding the reserve  
13 account and the security deposit. We ask for  
14 complaints, the gross revenue, claims paid, number of  
15 complaints, and a list of their active, or their  
16 approved forms.

17 HEARING OFFICER EMMERMANN: And you process  
18 applications when they come in?

19 THE WITNESS: Yes.

20 HEARING OFFICER EMMERMANN: So you would --  
21 okay. That answered, essentially, what I was looking  
22 for.

23 Any redirect?

24 MR. YIEN: Yes, I do have a question. Perhaps  
25 two.

REDIRECT EXAMINATION

BY MR. YIEN:

Q. Who is the applicant in Exhibit 2 in front of you; is Victor Mandalawi the applicant?

A. The applicant is the -- Home Warranty Administrator of Nevada is the provider. Victor is the president who filled out the application.

Q. So is Victor Mandalawi submitting this application on behalf of Home Warranty Administrator of Nevada?

A. Yes.

Q. Is he the applicant?

A. Yes.

MR. YIEN: No further questions.

RECROSS-EXAMINATION

BY MR. LENHARD:

Q. Wait, wait. Let's back up a second here. You're saying that he -- are you treating Mr. Mandalawi, as a corporate officer, as an individual applicant; is that what you're saying?

A. I'm not treating him, no. I don't understand what you're saying.

Q. I just wanted, I just wanted to make sure I didn't misunderstand your response, sir. The Hearing

1 Officer asked a couple questions about the renewal  
2 process, and that reminded me of something. There were  
3 times, admittedly, that HWAN, when they would submit  
4 their renewals, omitted something or were late; is that  
5 fair?

6 A. Yes, multiple.

7 Q. Because, if I recall correctly, and tell me if  
8 I'm wrong, you would send email saying, you know,  
9 gentlemen, you're late on this, I need this  
10 documentation; you would try to help?

11 A. Yes, I tried to help multiple times, and Victor  
12 was nonresponsive most of the time.

13 Q. Well, didn't you eventually get most of your  
14 information?

15 A. I did, with the help of my -- with the help of  
16 the Chief --

17 Q. All right.

18 A. -- of the Property and Casualty, yes.

19 Q. What I'm saying is, when you would reach out to  
20 try to assist, which is certainly appreciated, if you  
21 didn't get the response you wanted, somebody else would  
22 reach out, but, ultimately, you got the information you  
23 needed?

24 A. Yes.

25 Q. Okay. Will you look at Exhibit Z. This just



1   arose from another witness.   And, admittedly, I'm a  
2   little bit confused.

3           A.   I'm sorry.   Exhibit?

4           Q.   Exhibit Z as in zebra.

5           MR. YIEN:   Is this on your exhibits?

6           MS. GRIFA:   Yes.

7           MR. YIEN:   Let me go get that for you, Derick.

8           HEARING OFFICER EMMERMANN:   I'm going to grant  
9   you some leeway, Mr. Lenhard, but this was not in the  
10   direct, cross, my questions, or redirect.

11          MR. LENHARD:   That's right.

12          HEARING OFFICER EMMERMANN:   So we're going into  
13   something totally new here.

14          MR. LENHARD:   That's right.   And if you tell me  
15   I can't, I won't, and I'll just come back later, but.

16          HEARING OFFICER EMMERMANN:   We'll just see how  
17   relevant it is.   Interesting.

18          MR. LENHARD:   Sounds like a threat.

19          HEARING OFFICER EMMERMANN:   Yeah.   All right.

20   BY MR. LENHARD:

21          Q.   I just am asking about SERFF.   You state you  
22   encourage using the electronic form filing process  
23   through SERFF; is that correct?

24          A.   We do, yes.

25          Q.   And that's a system that your company, your

1 company, your agency encourages and utilizes?

2 A. Yes.

3 HEARING OFFICER EMMERMANN: Hold on one second.

4 Mr. Yien, are you looking for something?

5 MR. YIEN: Yeah, I'm looking for my copy of  
6 Exhibit Z.

7 HEARING OFFICER EMMERMANN: Oh. Let's not go  
8 yet until he has that.

9 MR. LENHARD: Sorry.

10 HEARING OFFICER EMMERMANN: I thought you were  
11 looking for something else.

12 MR. YIEN: There's six of these, and they're  
13 everywhere.

14 MR. LENHARD: I thought he was box-wrestling.

15 MS. GRIFA: He is box-wrestling.

16 MR. YIEN: And, of course, it's the one way out  
17 in the middle. I'm sorry. Mine, mine aren't tabbed.

18 MR. LENHARD: Do you want mine, Richard?

19 MR. YIEN: Yeah, I think, I can just look over  
20 your shoulder.

21 MR. LENHARD: Sure, that's fine.

22 MR. YIEN: That's fine, if that works for you.

23 MR. LENHARD: Ms. Reporter, to save time, could  
24 you just read back the question.

25 (The Reporter read back as requested.)

1 MR. LENHARD: I was just asking about the SERFF  
2 system and whether you --

3 MR. YIEN: Oh, okay. I apologize. I was just  
4 looking for the document.

5 HEARING OFFICER EMMERMANN: I want to make sure  
6 you have the document to look at this while we're going  
7 over it.

8 MR. LENHARD: That's all I had.

9 HEARING OFFICER EMMERMANN: And that's all your  
10 question?

11 MR. LENHARD: That's all it was.

12 MR. YIEN: Thank you both.

13 HEARING OFFICER EMMERMANN: All right.

14 MS. GRIFA: Thank you very much.

15 HEARING OFFICER EMMERMANN: So that was  
16 recross.

17 And, Mr. Dennis, you are excused. Please do  
18 not, as a reminder, do not discuss your testimony with  
19 anybody until after the final order is issued. And  
20 thank you.

21 THE WITNESS: Thank you.

22 HEARING OFFICER EMMERMANN: Do we need a break?

23 MS. GRIFA: (Nodded head affirmatively.)

24 HEARING OFFICER EMMERMANN: Yes. Okay. So we  
25 will take about a seven-minute break. It is 2:48 right

1 now.

2 \* \* \* \* \*

3 (A break was taken, 2:48 to 3:01 p.m.)

4 \* \* \* \* \*

5 HEARING OFFICER EMMERMANN: All right. Back on  
6 the record.

7 Okay. So I apologize for the delay. But we  
8 have a few things that I want to go over, some questions  
9 that came up. So I said I would address them on the  
10 record.

11 Number one, the supplemental exhibits we got  
12 this morning from HWAN, Joanna Grigoriev, apparently,  
13 didn't have a copy. So my clerk has taken it upstairs  
14 so that they can scan a copy to her.

15 Mr. Jain asked if he could be excused at 3:30  
16 today. And to the extent you'll be -- you'll do your  
17 examination tomorrow?

18 MR. LENHARD: Yes. And there's a -- I had a  
19 chance to kind of revisit everything over the noon hour.  
20 I would say that the odds are at least 50/50 I won't  
21 recall him at all. And I'll let you know that first  
22 thing in the morning.

23 HEARING OFFICER EMMERMANN: All right. So,  
24 Mr. Jain, you're excused for today.

25 MR. RAJAT JAIN: Thank you.

1 HEARING OFFICER EMMERMANN: Mr. Ghan, Tim Ghan,  
2 asked if he could be excused till tomorrow. He's got a  
3 family medical emergency.

4 MR. LENHARD: Of course.

5 HEARING OFFICER EMMERMANN: So he's asked to be  
6 excused until tomorrow.

7 So we'll see you tomorrow, then, Mr. Ghan.

8 And then Mr. Dennis asked, if he was done  
9 completely, if he could be excused from the rest of the  
10 hearing.

11 Is that correct?

12 MR. DERICK DENNIS: Well, I just needed to  
13 leave. I don't need to be excused to go home.

14 HEARING OFFICER EMMERMANN: All right. Then,  
15 does anybody need him again today?

16 MR. LENHARD: No, he could be excused.

17 HEARING OFFICER EMMERMANN: Okay.

18 MR. LENHARD: My feelings are hurt that he  
19 doesn't like listening to us.

20 MR. DERICK DENNIS: No, I'm listening.

21 HEARING OFFICER EMMERMANN: Fascinating topic.

22 And another thing I'd like to bring up to the  
23 parties today, I want to get a sense if we're going to  
24 need to continue to Thursday. Because if we do, we have  
25 two locations, but we only have our court reporter for

1 the morning. And I don't want to have to get a new  
2 court reporter who's unfamiliar with everything so far.  
3 And so we would have to, then, continue Thursday through  
4 the morning and then Friday. And I want to get a sense  
5 of do you guys think we will need Thursday and Friday?

6 MR. LENHARD: I don't know.

7 HEARING OFFICER EMMERMANN: We can reserve it,  
8 and then, just as we get closer, we can cancel it.

9 MR. LENHARD: We've sped up a little bit with  
10 the last two witnesses. So maybe we're starting to get  
11 a little bit of a momentum going.

12 HEARING OFFICER EMMERMANN: Okay. All right.

13 MR. YIEN: I'm sorry. I didn't hear what you  
14 said.

15 MR. LENHARD: I said maybe we're getting some  
16 momentum going here. You know, we got through  
17 Mr. Dennis pretty quickly.

18 HEARING OFFICER EMMERMANN: So, then, what I  
19 will do is we will reserve for Thursday morning and then  
20 Friday. And then, based on tomorrow afternoon, we'll  
21 revisit to get a sense of where we will be Thursday and  
22 Friday.

23 MR. YIEN: I think, I only have four more  
24 witnesses. And two I intend to get through today. So I  
25 don't know if that helps you guys to estimate as to how

1 long, how much longer we'll need.

2 HEARING OFFICER EMMERMANN: Okay.

3 MR. YIEN: But, yeah, that sounds like a plan.

4 MR. LENHARD: I don't anticipate any questions  
5 at all for -- is it Ms. Casta?

6 MS. GRIFA: Casci.

7 MR. YIEN: Casci, yeah, and she's actually --  
8 her testimony is very short.

9 MR. LENHARD: I would assume so. And  
10 Ms. Strong, we have some questions, but I don't expect  
11 it taking hours on end, so.

12 MR. YIEN: Okay.

13 HEARING OFFICER EMMERMANN: Okay. So, then,  
14 I'm going to go ahead and have my clerk reserve  
15 everything, have it ready to go. And then tomorrow  
16 afternoon we'll revisit to see where we are.

17 Okay. And then, Ms. Renta, my clerk, just  
18 brought in some waters. So if you would like some.

19 Thank you.

20 MR. LENHARD: Thank you.

21 HEARING OFFICER EMMERMANN: With that, do we  
22 have anything else that is not directly related to  
23 witnesses that we need to discuss, now that we are not  
24 with a witness on the stand?

25 MR. LENHARD: Lori, are you all right?

1 MS. GRIFA: I'm good, thank you.

2 HEARING OFFICER EMMERMANN: All right.

3 Mr. Yien, if you will call your next witness, please.

4 MR. YIEN: The Division calls Felecia Casci.

5 HEARING OFFICER EMMERMANN: Good afternoon.

6 THE WITNESS: Good afternoon.

7 HEARING OFFICER EMMERMANN: So the court  
8 reporter will be swearing you in, and then we will  
9 begin. Please wait until the question has been  
10 completely asked of you. And if you don't understand  
11 the question, ask for clarification. Speak up, and use  
12 verbal responses. Please don't shrug or shake your head  
13 or nod. And if you need a break, just ask. Okay?

14 THE WITNESS: Okay.

15 HEARING OFFICER EMMERMANN: Please swear the  
16 witness in.

17

18 F E L E C I A C A S C I,

19 having been first duly sworn/affirmed by the Reporter,  
20 was examined and testified as follows:

21

22 DIRECT EXAMINATION

23 BY MR. YIEN:

24 Q. Ms. Casci, can you state your name for the  
25 record and spell it?



1           A.    Felecia Casci, F-E-L-E-C-I-A, last name Casci,  
2 C-A-S-C-I.

3           Q.    And what is your position at the Division of  
4 Insurance?

5           A.    I am the Supervising Legal Secretary.

6           Q.    And how did you come to know about this case?

7           A.    Being the head legal secretary, I work with all  
8 of the cases, as we assign each secretary to one of the  
9 cases. And I have helped Mr. Yien with filing some of  
10 the -- some of the documents.

11          Q.    Okay. And can I have you turn to Exhibit 27?  
12 Can you look through these documents and tell me whether  
13 or not you recognize them?

14          A.    Yes, I do.

15          Q.    And can you describe to the court what they  
16 are?

17          A.    They are emails from Choice Warranty regarding  
18 offers.

19          Q.    Okay. And how many of them are there?

20          A.    Two.

21          Q.    And who are they sent to?

22          A.    My personal email address.

23          Q.    Okay. And that would be?

24          A.    The FeleciaCasci@gmail.com.

25          Q.    Okay. Do you see Home Warranty of Nevada

1 anywhere on the ads?

2 A. No.

3 Q. And were you in Nevada when you received these?

4 A. Yes.

5 Q. Are you a Nevada resident?

6 A. Yes.

7 Q. When did you receive these email ads?

8 A. I received one on August 21st, 2017 and one on  
9 August 16th, 2017.

10 Q. Is there sort of a motto on here that Choice  
11 Home Warranty has that you can identify, perhaps on page  
12 one and page five in the first page of each ad?

13 A. It says "Never pay for covered home repairs  
14 again" on both of them.

15 Q. And on the last page of each ad, so it would be  
16 page four of nine and nine of nine, for each one,  
17 starting with page four of nine, can you read the  
18 address that is stated in their advertisement?

19 A. 1090 King Georges Post Road, Edison,  
20 New Jersey, 08837. Do you want me to read it on page  
21 nine of nine as well?

22 Q. Yes, please do.

23 A. 1090 King Georges Post Road, Edison,  
24 New Jersey, 08837.

25 MR. YIEN: And I don't believe this exhibit has

1 been admitted. And I move to admit this as evidence,  
2 Exhibit 27, on the Division's. It's titled CHW Email  
3 Advertisements.

4 MR. LENHARD: No objection.

5 HEARING OFFICER EMMERMANN: Exhibit 27 is  
6 admitted.

7 (Exhibit 27 was admitted.)

8 MR. YIEN: I have no further questions.

9 HEARING OFFICER EMMERMANN: Cross-examination?

10 MR. LENHARD: Yeah, just real brief.

11

12 CROSS-EXAMINATION

13 BY MR. LENHARD:

14 Q. Ms. Casci, I'm trying to figure out. You know,  
15 I'm not that great on emails sometimes. Where does it  
16 show the delivery, the deliver time? It see one of  
17 these.

18 A. On page one of nine, up in the top left-hand  
19 corner, I guess.

20 Q. Okay. Here it says August 21st, 2017, and that  
21 would be the nine-page ad?

22 A. I believe, there's two separate emails there,  
23 and there's one on page five of nine.

24 Q. Okay. Let me be sure I've got this right.

25 Okay. This is August 16th, which is then five through

1 nine; is that right?

2 A. Correct.

3 Q. All right. So this is on a separate page. And  
4 you were requested, I would assume you were requested --  
5 or did you solicit these ads?

6 A. Not that I'm aware of.

7 Q. Okay. How did they come to you?

8 A. I have no idea how they came to me. They --

9 Q. Well, they came in your email?

10 A. They were in my junk email, correct.

11 Q. Okay. Your spam?

12 A. Yes.

13 MR. LENHARD: Okay. Nothing further.

14 MR. YIEN: Thank you, Ms. Casci.

15 HEARING OFFICER EMMERMANN: All right.

16 Reminder, please don't discuss your testimony with  
17 anyone until after the final order is issued. Okay?

18 THE WITNESS: Thank you.

19 HEARING OFFICER EMMERMANN: Thank you.

20 Your next witness, Mr. Yien?

21 MR. YIEN: The Division calls Mary Strong.

22 HEARING OFFICER EMMERMANN: Good afternoon,  
23 Ms. Strong.

24 THE WITNESS: Good afternoon.

25 HEARING OFFICER EMMERMANN: The court reporter

1 will be swearing you here, swearing you in here shortly,  
2 and then we will begin. Please wait until the question  
3 has been asked by each attorney, and then answer the  
4 question. If you don't, if you don't understand the  
5 questions, ask for clarification. Speak up, and always  
6 use verbal responses. Please try to avoid shrugging or  
7 nodding or shaking your head. And if you need a break,  
8 just ask for it. Okay?

9 THE WITNESS: Okay.

10 HEARING OFFICER EMMERMANN: Thank you.

11 Can you please swear the witness in?

12

13 M A R Y S T R O N G,  
14 having been first duly sworn/affirmed by the Reporter,  
15 was examined and testified as follows:

16

17 DIRECT EXAMINATION

18 BY MR. YIEN:

19 Q. Ms. Strong, can you state and spell your name  
20 for the record?

21 A. Mary Strong, M-A-R-Y, S-T-R-O-N-G.

22 Q. Ms. Strong, what is your position with the  
23 Nevada Division of Insurance?

24 A. I'm a Management Analyst Three.

25 Q. Okay. And can you describe the sort of the

1 duties of your position?

2 A. I review service contract provider  
3 applications, renewals, and service contracts that are  
4 going to be sold in the state of Nevada.

5 Q. And how long have you worked with the  
6 Division?

7 A. Four years.

8 Q. And can you comment on the training that you  
9 have?

10 A. It's continuous. Every -- it's just  
11 continuous. There's always new things coming up, always  
12 new situations. Everything's always constantly  
13 training. And also with the NAIC.

14 Q. Okay. And can you just briefly describe how  
15 you came upon working with the respondent in this case?

16 A. The renewal application came to my desk. And  
17 there were some conflicting information. So I was  
18 instructed by my supervisor to inform him when the  
19 application came in.

20 Q. Did you request information about CHW's open  
21 accounts?

22 A. Yes, I did.

23 Q. And did they initially provide them to you?

24 A. No.

25 Q. Then, how did you -- did you end up getting

1 them?

2 A. Yes, through a subpoena.

3 Q. Okay. What about information regarding CHW's  
4 reserve account; did you ever request information?

5 A. Yes, I did.

6 Q. And if I could have you turn to Exhibit 33.  
7 Was this the email that you sent requesting information  
8 about CHW's reserve account?

9 A. Yes.

10 Q. Did they ever reply?

11 A. No.

12 Q. Did you eventually get some information about  
13 the reserve account?

14 A. Yes, via subpoena.

15 Q. Okay. Did you request that they clarify  
16 whether it was a sole account dedicated for Nevada  
17 consumers?

18 A. Yes.

19 Q. And did you ever request the account number of  
20 the reserve account?

21 A. Yes.

22 Q. Did they provide either?

23 A. Through subpoena, an account number was listed,  
24 but it was X'd out.

25 Q. And did you ever, did you ever get

1 clarification from the respondent as to whether it was  
2 the sole account for Nevada consumers?

3 A. No.

4 Q. Can you read out the email address that you  
5 sent this to?

6 A. To VMandalawi@HomeWarrantyAdministrators.com.

7 Q. And is this the email address that was provided  
8 to DOI, to the Nevada Division of Insurance, in the  
9 respondent's initial and renewal applications?

10 A. Yes.

11 Q. Before, another witness had testified about a  
12 law that requires service contract providers to  
13 self-report in events of emergencies. Are you aware of  
14 that law as well?

15 A. Yes.

16 Q. And are you the person at the Nevada Division  
17 of Insurance that would receive such a report?

18 A. Yes.

19 Q. And has respondent ever submitted any such  
20 report?

21 A. No.

22 Q. Can I have you turn to Exhibit 38? And can I  
23 have you review the Consumer Detail of Complaint. It's  
24 on page one of four.

25 A. Okay.



1 Q. After reading the Consumer Detail of Complaint,  
2 would you consider that this was an emergency situation  
3 that would have required a self-report to the Nevada  
4 Division of Insurance due to the emergency?

5 A. Yes.

6 Q. And, again, you just testified that did you not  
7 receive a report, correct?

8 A. Correct, I have not.

9 MR. YIEN: Okay. That's all the questions I  
10 have.

11

12 CROSS-EXAMINATION

13 BY MR. LENHARD:

14 Q. Good afternoon, Ms. Strong. Go back to  
15 Exhibit 33, for a second, if you can. This is a -- are  
16 you with me?

17 A. Yes.

18 Q. This is an email that you sent to  
19 Mr. Mandalawi, correct?

20 A. Yes, sir.

21 Q. It's dated July 17, 2017, correct?

22 A. Yes, sir.

23 Q. And that was just a couple weeks before this  
24 matter was originally scheduled to go to trial, wasn't  
25 it, or if you know?

1 A. I don't understand. Trial?

2 Q. Hearing.

3 A. Oh. Yes.

4 Q. Okay. Now, who asked you to send this email?

5 A. My supervisor.

6 Q. And your supervisor is who?

7 A. Or my section chief. Excuse me. Rajat Jain.

8 Q. Okay. So Mr. Jain asked you to send this email  
9 on July 17, 2017, correct?

10 A. Yes, sir.

11 Q. Were you personally aware that there was  
12 litigation and a hearing scheduled and that my clients  
13 had counsel?

14 A. Yes, sir.

15 Q. Okay. Did Mr. Jain ever suggest to you that  
16 maybe this request should be made to counsel?

17 A. No, sir.

18 Q. And you never made it to counsel, either, did  
19 you, you never made any request to the lawyers, me, for  
20 instance?

21 A. No, sir, I don't have your email address.

22 Q. I can represent to you I'm pretty easy to find.  
23 You didn't try to find me, did you?

24 HEARING OFFICER EMMERMANN: I'm sorry, but  
25 could you refrain from using a commentary. Is there a

1 question in there?

2 MR. LENHARD: Yes.

3 BY MR. LENHARD:

4 Q. Did you try to find me?

5 A. No, sir.

6 Q. Did you try to find my name?

7 A. No, sir.

8 Q. You've testified that the bank records were, in  
9 fact, produced pursuant to a subpoena, right?

10 A. Yes, sir.

11 Q. Okay. And the subpoena was issued by the  
12 department, correct?

13 A. My understanding, yes.

14 Q. And you referred to the fact that there was  
15 certain data, I believe, or information that was  
16 redacted; I believe, the account number?

17 A. Yes, sir.

18 Q. Do you know, as you sit here today, who  
19 redacted the account number?

20 A. No, sir.

21 Q. Ms. Strong, one of the exhibits that, I think,  
22 was produced to us through Mr. Yien was a memo you  
23 prepared on June 26th, 2017 to Barbara D. Richardson,  
24 Commissioner of Insurance. It's marked as Exhibit S.  
25 Can you pull that up, please?

1 HEARING OFFICER EMMERMANN: Mr. Yien, could you  
2 check to make sure that --

3 MR. YIEN: Yes, of course.

4 HEARING OFFICER EMMERMANN: -- your witness has  
5 the --

6 MR. YIEN: Is it Exhibit D, dog?

7 MR. LENHARD: No, S, S as in Sam.

8 MR. YIEN: S. Oh, I totally missed that. Of  
9 course, it's the last document in this binder.

10 MR. LENHARD: Sorry about that.

11 BY MR. LENHARD:

12 Q. Do you have S in front of you, Ms. Strong?

13 A. Yes.

14 HEARING OFFICER EMMERMANN: And, Mr. Lenhard,  
15 if you can wait a moment, since Mr. Yien had to go --

16 MR. LENHARD: Oh, sure. Sure.

17 HEARING OFFICER EMMERMANN: -- set it up. I  
18 want to give him a chance to get his S.

19 MR. LENHARD: Sure.

20 MR. YIEN: Thank you. I've got it.

21 MR. LENHARD: Are you ready to go?

22 HEARING OFFICER EMMERMANN: I'm not. I'm still  
23 struggling with my binder.

24 Okay.

25 ///

1 BY MR. LENHARD:

2 Q. I have in front of you, Ms. Strong, Exhibit S.  
3 This is the memo that you drafted?

4 A. Yes, sir.

5 Q. Were you requested to draft this memo by  
6 anybody?

7 A. No, sir.

8 Q. Okay. It looks like -- I don't understand the  
9 language. So help me. It says "To Barbara D.  
10 Richardson through Rajat Jain, Tim Ghan." What does  
11 "through" mean; can you tell me, how does that work?

12 A. It means it's reviewed by.

13 Q. Okay. And then the fact they initialed this  
14 document indicates they reviewed it and then a date  
15 next to it; is that correct?

16 A. Yes.

17 Q. Okay. Now, you did the homework or the  
18 background work to prepare this document; is that  
19 correct?

20 A. Yes.

21 Q. Okay. And if I understand correctly what  
22 you're stating, there's a misrepresentation by my client  
23 in the answer to questions number five of the most  
24 recent renewal application; is that correct?

25 A. Yes.

1 Q. Okay. And the most recent renewal application  
2 would have been the one dated November 8, 2016; is that  
3 correct?

4 A. Yes.

5 Q. And, in fact, the department received that  
6 renewal application around November 8, 2016; is that  
7 correct?

8 A. I'm not sure. I'd have to look at the  
9 application.

10 Q. Okay. If I'm -- I want to be sure I have this  
11 right. The last two lines on page one of three reads as  
12 follows: Upon review of each renewal application  
13 submitted since becoming an approved service contract  
14 provider, Choice Home Warranty responded that there has  
15 not been any action taken against the company. However,  
16 there have been multiple state actions. Did I read that  
17 correctly?

18 A. Yes.

19 Q. Okay. First of all, so you and I are on the  
20 same page, the applicant is, in fact, Home Warranty  
21 Administrators of Nevada; isn't that correct, ma'am?

22 A. No.

23 Q. Db a Choice Home Warranty?

24 A. No. The applicant is Victor Mandalawi.

25 Q. Let's pull out Exhibit 21. I want to be sure

1 we're on the same page here. Okay. First of all, the  
2 first page of Exhibit 21 appears to be a service  
3 contract provider application renewal; is that correct?

4 A. Correct.

5 Q. Okay. And the contact is listed as Victor  
6 Mandalawi; is that correct?

7 A. Correct.

8 Q. The provider name is Home Warranty  
9 Administrator of Nevada dba Choice Home Warranty; is  
10 that correct?

11 A. Correct.

12 Q. Is that the applicant?

13 A. Together they are the applicant.

14 Q. Okay. So you're treating Mr. Mandalawi as an  
15 individual applicant even though he's the president of  
16 Home Warranty Administrator of Nevada; isn't that  
17 correct?

18 A. Yes.

19 Q. Now, with that understanding, let's go to the  
20 back page to ensure we see how it's signed. Okay. Down  
21 towards the bottom, Ms. Strong, it's name of service  
22 contract provider, Home Warranty Administrator of  
23 Nevada, Incorporated. Did I read that correctly?

24 A. Yes.

25 Q. Once again, that's the contract provider,

1 correct, ma'am?

2 A. Yes.

3 Q. And it's by signature of officer in full. Then  
4 there is a horrific looking signature that, I think, is  
5 Victor Mandalawi; is that correct?

6 A. Yes.

7 Q. Let's assume it is for the time being. Below  
8 it is another typed name, Victor Mandalawi, President;  
9 is that correct?

10 A. Correct.

11 Q. Okay. Now, if we can go back to Exhibit S, you  
12 list four bullet points for multiple state actions; am I  
13 correct, ma'am?

14 A. Yes.

15 Q. Okay. The first action is Amanda Kernahan  
16 versus Home Warranty Administrator of Florida,  
17 Incorporated dba Choice Home Warranty, May 27, 2016,  
18 State of New Jersey. Did I read that correctly?

19 A. Yes.

20 Q. Do you see the term Home Warranty of Nevada in  
21 those first two lines?

22 A. No.

23 Q. Okay. The second bullet point, John J. Hoffman  
24 versus CHW Group, Inc. dba Choice Home Warranty, June 9,  
25 2015, State of New Jersey. Same question, do you see



1 the term Home Warranty Administrator of Nevada in those  
2 two lines?

3 A. No.

4 Q. Bullet point number three, State of Oklahoma  
5 versus Choice Home Warranty, February 7, 2014, State of  
6 Oklahoma. Same question, do you see the term Home  
7 Warranty Administrators of Nevada in those two lines?

8 A. No.

9 Q. Finally, State of Washington, Office of  
10 Insurance Commissioner versus CHW Group, Incorporated  
11 dba Choice Home Warranty, January 27, 2010, State of  
12 Washington. Same question, ma'am, do you see the term  
13 Home Warranty Administrator of Nevada in those three  
14 lines?

15 A. No.

16 Q. Okay. Did you actually read the four documents  
17 that are in the bullet points?

18 A. Yes.

19 Q. Okay. And it's true, is it not, that the term  
20 Home Warranty Administrator of Nevada does not appear  
21 in any one of those documents, does it?

22 A. No, it does not.

23 Q. Do you even know if the first complaint, the  
24 first bullet point, is a state action or is an  
25 individual lawsuit; can you tell me?

1 A. I believe, it's an individual action.

2 Q. Okay. Ms. Strong, going back to Exhibit 21 a  
3 second, please, this appears to be, again, the  
4 application in November 2016. Did you take any part in  
5 drafting this document?

6 A. Yes, sir.

7 Q. Okay. Can you tell me what part you took in  
8 drafting the document?

9 A. Typing it.

10 Q. Okay. Well, then, I used the wrong term. And  
11 I appreciate you may have done the mechanical work. Did  
12 you draft the language of the document?

13 A. No, sir.

14 Q. Okay. Do you know who did?

15 A. Three people.

16 Q. Okay. Can you identify them, please?

17 A. Rajat Jain, Tim Ghan, and myself.

18 Q. What role did you have in preparing Exhibit 21?

19 A. Basically, typing it.

20 Q. Okay. Well, that's fair enough. Let me ask  
21 you it this way. Question number one says: List all  
22 aliases or names under which the company conducts  
23 business, paren, doing business as, close paren, in  
24 Nevada. Provide supporting documentation filed with the  
25 county clerk of the county in which the company is doing

1 business. You typed that language. I understand that.  
2 Did you actually prepare the language or write it out,  
3 draft it?

4 A. No, sir.

5 Q. Okay. That would be Mr. Jain and Mr. Ghan?

6 A. I'm not sure if this particular question was  
7 already on the application or if it was a new question.

8 Q. Okay. There is a -- the last exhibit in our  
9 package, is it GG? Do you have that handy, or can you  
10 get that, Ms. Strong?

11 HEARING OFFICER EMMERMANN: Mr. Lenhard?

12 MR. LENHARD: I'm sorry?

13 HEARING OFFICER EMMERMANN: Clarification.  
14 Which, it was the last?

15 MR. LENHARD: It's the very last exhibit we  
16 submitted, Exhibit GG.

17 HEARING OFFICER EMMERMANN: Hold on. One  
18 person at a time, because we're still on the record.

19 So not the supplement from this morning?

20 MR. LENHARD: No.

21 HEARING OFFICER EMMERMANN: Okay. So GG.

22 MR. YIEN: GG. Okay.

23 THE WITNESS: Yes.

24 MR. YIEN: Oh, you've got it?

25 THE WITNESS: M-hm (affirmative).

1 BY MR. LENHARD:

2 Q. Exhibit GG appears to be a revised form of the  
3 renewal application; am I correct?

4 HEARING OFFICER EMMERMANN: Hold on one second,  
5 be Mr. Lenhard.

6 Mr. Yien, have you found it?

7 MR. YIEN: Some of mine aren't tabbed. And I  
8 can just stand over the witness, if that's okay with  
9 everyone.

10 HEARING OFFICER EMMERMANN: Do you want to take  
11 a minute or two to go through?

12 MR. LENHARD: Yeah.

13 HEARING OFFICER EMMERMANN: It's one of the  
14 thinner binders.

15 MR. YIEN: Which binder is it in?

16 HEARING OFFICER EMMERMANN: It's one of the  
17 thinner binders.

18 MS. GRIFA: It's T to GG.

19 MR. YIEN: So is it one of three, two of three,  
20 three of three?

21 MS. GRIFA: It's volume three, exhibits T  
22 through GG. It's the last one.

23 HEARING OFFICER EMMERMANN: Mr. Yien?

24 MR. YIEN: Yes?

25 HEARING OFFICER EMMERMANN: Check the binders

1 behind you on the podium as well.

2 MR. YIEN: Okay.

3 MR. LENHARD: He can use mine. I know what it  
4 says. It's no problem.

5 MR. YIEN: It's over here.

6 MR. LENHARD: You got it?

7 MR. YIEN: Yeah.

8 MR. LENHARD: Okay.

9 MR. YIEN: I've got it.

10 BY MR. LENHARD:

11 Q. Okay. We'll start all over again, Ms. Strong.  
12 Do you have in front of you Exhibit GG?

13 A. Yes.

14 Q. Okay. That appears to be a revised form of the  
15 service contract provider application, dash, renewal; am  
16 I correct?

17 A. Yes.

18 Q. When was this prepared?

19 A. August 3rd, 2017.

20 Q. That's in the footer down below; is that  
21 correct?

22 A. Yes.

23 Q. Okay. Now, did you type this, also?

24 A. Yes.

25 Q. Who actually took part in drafting this

1 document? Drafting being preparing the actual language.  
2 I'm sorry.

3 A. The section chief, Rajat Jain, my supervisor,  
4 Tim Ghan, and myself.

5 Q. Okay. Specifically, questions number one and  
6 two. And I'm not going to read them into the record.  
7 You can see them. Take a look at them. Do you believe  
8 the language in questions one and two were drafted by  
9 Mr. Jain and Mr. Ghan?

10 A. I believe that those have previously been on  
11 the applications and may have been in conjunction with  
12 the previous section chief. I am not sure who actually  
13 wrote these questions.

14 Q. Okay. If you would look now at question number  
15 five, which has, on page two, five, let's say, bad acts  
16 that aren't supposed to occur, it says "Since the last  
17 application, has the applicant or any of the officers  
18 listed in question one or two in the last 10 years," and  
19 it lists five things; do you see that?

20 A. Yes, sir.

21 Q. Do you know who prepared that question, would  
22 it be Mr. Ghan and Mr. Jain again?

23 A. Yes.

24 Q. And this would have been, again, in August of  
25 2017, last month?

1 A. I believe so.

2 Q. Ms. Strong, when you were doing the  
3 investigation to determine if there were falsehoods on  
4 the November 2016 renewal application, did you ever call  
5 anybody at HWAN or, for that matter, CHW to ask for  
6 their explanation as to their answers?

7 A. No.

8 Q. Were you requested to do that by anybody from  
9 the department?

10 A. No.

11 Q. Earlier today, earlier this afternoon, Mr. Yien  
12 asked you a question about the July 17 letter you sent,  
13 I believe. I'm going to get you a number in just a  
14 second, or a letter.

15 MS. GRIFA: I think, we're going to need the  
16 very thin binder for the witness. HH. II. I'm sorry.

17 MR. YIEN: The witness is -- oh, you got it  
18 back. Great.

19 BY MR. LENHARD:

20 Q. Exhibit II, this was sent to Mr. Mandalawi on  
21 July 21st, 2017; is that correct?

22 A. Yes.

23 Q. That was authored by you and directed to him,  
24 correct?

25 A. Yes.

1 Q. Okay. Who instructed you to send this email?

2 A. Rajat Jain.

3 Q. And this email was sent, if I understand it,  
4 because it was the position of the department that the  
5 registration had not been renewed; is that correct?

6 A. Correct.

7 Q. Is this the first notification that my client  
8 had that their registration had not been renewed, that  
9 you're aware of?

10 A. That I'm aware.

11 Q. You're not aware of any other notice being  
12 sent, are you?

13 A. No.

14 Q. And as a result of sending this notice and  
15 declaring the renewal nonexistent, you also made the  
16 decision to list my client as inactive on the  
17 department's website, didn't you?

18 A. No.

19 Q. Who made that decision, can you tell me?

20 A. Rajat Jain.

21 Q. Can you tell me when that decision was made?

22 A. The day the email was sent.

23 Q. This email does not state why the renewal has  
24 not been treated as renewed, what errors there were on  
25 the renewal, does it?



1 A. No.

2 Q. It just said it automatically expires, in this  
3 case, I guess, about seven months ago; is that right?

4 A. Approximately, yes.

5 Q. So the decision was made to treat this renewal  
6 as it expired, seven months later, and list on the  
7 website for the world to see that my client was now  
8 inactive, and that was made by Mr. Jain; is that  
9 correct?

10 A. Yes.

11 Q. Okay. I've been asked to ask you about  
12 Exhibit J, Ms. Strong. I'm going to represent to you it  
13 appears to be a computer run, approximately five pages.

14 MR. YIEN: Just one second.

15 HEARING OFFICER EMMERMANN: Mr. Lenhard, hold  
16 on one second, please.

17 MR. LENHARD: Sure. Sure.

18 HEARING OFFICER EMMERMANN: Thank you.

19 And, Mr. Yien, Betsy Gould is here. So she can  
20 help with the witness binders.

21 MR. YIEN: Okay.

22 HEARING OFFICER EMMERMANN: So that you can  
23 concentrate on getting your stuff.

24 MR. YIEN: Okay. Thank you.

25 HEARING OFFICER EMMERMANN: What Exhibit are we

1 on, Mr. Lenhard?

2 MR. LENHARD: We're on J first, and then I'm  
3 going to move to another one, and I'll be done.

4 BY MR. LENHARD:

5 Q. Do you have J, Ms. Strong?

6 A. Yes.

7 Q. Okay. It appears to be a computer run. I  
8 think, it looks like it's dated, it looks like it's  
9 sometime, it looks like, in March 2017? Maybe your  
10 eyesight's better than mine.

11 A. Yes.

12 Q. Okay. Did you do this computer run?

13 A. No.

14 Q. Do you prepare it? Do you know who did it?

15 A. No.

16 Q. Okay. Show me Exhibit -- if you would,  
17 Ms. Strong, Exhibit W.

18 MR. YIEN: Sorry. I'm not there yet.

19 MR. LENHARD: No problem. I have more hands to  
20 help me than you do.

21 MR. YIEN: There in my binders, just they're  
22 not tabbed, so.

23 HEARING OFFICER EMMERMANN: Found it?

24 MR. YIEN: Yeah, I tried to make an excuse, but  
25 it was clearly right in front of me.

1 HEARING OFFICER EMMERMANN: All right.

2 Mr. Lenhard.

3 MR. LENHARD: Thank you.

4 BY MR. LENHARD:

5 Q. Do you have Exhibit W, Ms. Strong?

6 A. Yes.

7 Q. It appears, it appears to be five pages; am I  
8 correct? At least it says one of five, two of five?

9 A. Correct.

10 Q. Okay. If you look at the upper right-hand  
11 corner of the document, it says "Consumer Complaints";  
12 do you see that?

13 A. Yes.

14 Q. Logged into Nevada Division of Insurance as  
15 Mary Strong. So did you do this?

16 A. Yes.

17 Q. Okay. And it's a listing of various consumer  
18 complaints; is that right?

19 A. Correct.

20 Q. Did you do any homework or make any effort to  
21 determine what the status was of these complaints as of  
22 the date this document was run?

23 A. No.

24 Q. Okay. It looks -- well, so I can understand  
25 the document, go to the very bottom. It looks like we

1 have the first complaint and Maryam T-A-V-A-K-O-L-I. Do  
2 you see that?

3 A. On which page?

4 Q. First page, ma'am, first one.

5 A. Okay.

6 Q. Do you see that?

7 A. Yes.

8 Q. It says "Status Open"; is that correct?

9 A. Yes.

10 Q. Would that indicate to you that the file was  
11 still open?

12 A. Yes.

13 Q. Okay. Same with the next one?

14 A. Correct.

15 Q. Status open, correct?

16 A. Yes.

17 Q. Then go to the top of the next page. We have  
18 the third one, status open, right?

19 A. Yes.

20 Q. Now, I want you to go down the rest of this  
21 page, the entirety of the next page, the entirety of the  
22 next page, and the entirety of the final page. They're  
23 all closed, aren't they?

24 A. Correct.

25 Q. Do you know why they were closed?

1 A. No, sir.

2 Q. Now, earlier you had testified -- and I may  
3 have this a little bit fouled up, so. Earlier you had  
4 testified if there's an emergency situation, the insurer  
5 or the service provider has an absolute obligation to  
6 notify the department within a certain period of time;  
7 is that correct?

8 A. Correct.

9 Q. And that period of time was what, again?

10 A. Three days.

11 Q. Three days. My co-counsel was --

12 A. If there's a --

13 Q. Parson me?

14 A. If there's a situation which renders a home  
15 unsafe or uninhabitable, that they must report to the  
16 homeowner and the Division.

17 Q. Okay. So they have to report to the homeowner;  
18 is that correct?

19 A. And the Division.

20 Q. And which statute are you referring to that  
21 they have to report to the Division; do you know?

22 A. It's a bulletin, 08, dash, 010.

23 Q. So it's not in the NAC?

24 A. I believe, it is. But I refer to it through  
25 the -- via the bulletin.

1 Q. Okay. So there's a bulletin out there that  
2 says the provider is supposed to report to the Division  
3 as well as the homeowner. Just for the record, I'm  
4 looking at NAC 690C.110. Do you think that's the one I  
5 should be referring to?

6 A. I would have to look at the statutes to verify.

7 Q. Okay. I'm not going to ask you to do that  
8 right now. But as you're sitting here today, so we're  
9 on the same page, it's your belief that there is also an  
10 administrative code, I'll call it a statutory provision,  
11 requiring the same type of notice; is that right, to the  
12 homeowner and to the department?

13 A. I'm not sure if it's an administrative code or  
14 the Nevada Revised Statutes.

15 Q. Okay. Either one, either NRS or NAC?

16 A. I believe, there is something --

17 Q. As well as the --

18 A. -- yes.

19 Q. I'm sorry. I talked over you. I didn't mean  
20 to.

21 A. I believe, there is something that the bulletin  
22 refers to, yes.

23 Q. All right. And what was the date; can you  
24 recall the date of the bulletin, ma'am?

25 A. When it was issued, I'm not sure, but it's 08,

1 dash, 010.

2 MR. LENHARD: Thank you, Ms. Strong.

3 HEARING OFFICER EMMERMANN: I have one  
4 question, and then we'll go to redirect and recross.

5 Ms. Strong, you had testified about  
6 Mr. Mandalawi and Home Warranty Administrators of Nevada  
7 as being part of the applicant. I just want  
8 clarification. Does the Division usually get like  
9 individuals that apply, or is it companies, or can you  
10 explain that a little bit to me?

11 THE WITNESS: Yes. When an application comes  
12 in, we review who the applicant is, not only the company  
13 name, but who is actually applying. The certificate of  
14 registration is nontransferable. So we, the Division,  
15 look at the company as a whole. The applicant and the  
16 company are one and the same. So whoever is the  
17 primary, president, owner, is what is reviewed.

18 In the initial application, that's what we're  
19 looking at, is who owns the company a hundred percent.  
20 If it comes in, and a corporation owns the warranty  
21 company, that can change, that can change officers. But  
22 if that company is then sold, we revoke that certificate  
23 of registration, require a new application with the new  
24 owners be submitted and completed for verification and  
25 approval.

1           Just because someone comes in and purchases an  
2 established service contract company does not mean that  
3 the certificate of registration transfers to that new  
4 owner. We revoke it, we inactivate them, we make them  
5 establish as a new entity unto themselves.

6           HEARING OFFICER EMMERMANN: Can you explain  
7 why?

8           THE WITNESS: That means a company that has  
9 been evicted from the state in another company can then  
10 purchase an established company and then try and,  
11 basically, they sneak into the state that way by not  
12 being approved.

13          HEARING OFFICER EMMERMANN: Okay.

14          THE WITNESS: And that is, basically, to  
15 keep -- it's, basically, a way of keeping track of who  
16 the owners of the companies are and keeping them  
17 accountable for the actions of their company.

18          HEARING OFFICER EMMERMANN: Okay. That's all  
19 of my questions.

20          Mr. Yien, do you have any redirect?

21          MR. YIEN: I do. My first one sort of  
22 dovetails, again, on the Hearing Officer's question.

23        ///  
24        ///  
25        ///  
26        ///  
27        ///  
28        ///  
29        ///  
30        ///  
31        ///  
32        ///  
33        ///  
34        ///  
35        ///  
36        ///  
37        ///  
38        ///  
39        ///  
40        ///  
41        ///  
42        ///  
43        ///  
44        ///  
45        ///  
46        ///  
47        ///  
48        ///  
49        ///  
50        ///  
51        ///  
52        ///  
53        ///  
54        ///  
55        ///  
56        ///  
57        ///  
58        ///  
59        ///  
60        ///  
61        ///  
62        ///  
63        ///  
64        ///  
65        ///  
66        ///  
67        ///  
68        ///  
69        ///  
70        ///  
71        ///  
72        ///  
73        ///  
74        ///  
75        ///  
76        ///  
77        ///  
78        ///  
79        ///  
80        ///  
81        ///  
82        ///  
83        ///  
84        ///  
85        ///  
86        ///  
87        ///  
88        ///  
89        ///  
90        ///  
91        ///  
92        ///  
93        ///  
94        ///  
95        ///  
96        ///  
97        ///  
98        ///  
99        ///  
100        ///  
101        ///  
102        ///  
103        ///  
104        ///  
105        ///  
106        ///  
107        ///  
108        ///  
109        ///  
110        ///  
111        ///  
112        ///  
113        ///  
114        ///  
115        ///  
116        ///  
117        ///  
118        ///  
119        ///  
120        ///  
121        ///  
122        ///  
123        ///  
124        ///  
125        ///  
126        ///  
127        ///  
128        ///  
129        ///  
130        ///  
131        ///  
132        ///  
133        ///  
134        ///  
135        ///  
136        ///  
137        ///  
138        ///  
139        ///  
140        ///  
141        ///  
142        ///  
143        ///  
144        ///  
145        ///  
146        ///  
147        ///  
148        ///  
149        ///  
150        ///  
151        ///  
152        ///  
153        ///  
154        ///  
155        ///  
156        ///  
157        ///  
158        ///  
159        ///  
160        ///  
161        ///  
162        ///  
163        ///  
164        ///  
165        ///  
166        ///  
167        ///  
168        ///  
169        ///  
170        ///  
171        ///  
172        ///  
173        ///  
174        ///  
175        ///  
176        ///  
177        ///  
178        ///  
179        ///  
180        ///  
181        ///  
182        ///  
183        ///  
184        ///  
185        ///  
186        ///  
187        ///  
188        ///  
189        ///  
190        ///  
191        ///  
192        ///  
193        ///  
194        ///  
195        ///  
196        ///  
197        ///  
198        ///  
199        ///  
200        ///  
201        ///  
202        ///  
203        ///  
204        ///  
205        ///  
206        ///  
207        ///  
208        ///  
209        ///  
210        ///  
211        ///  
212        ///  
213        ///  
214        ///  
215        ///  
216        ///  
217        ///  
218        ///  
219        ///  
220        ///  
221        ///  
222        ///  
223        ///  
224        ///  
225        ///  
226        ///  
227        ///  
228        ///  
229        ///  
230        ///  
231        ///  
232        ///  
233        ///  
234        ///  
235        ///  
236        ///  
237        ///  
238        ///  
239        ///  
240        ///  
241        ///  
242        ///  
243        ///  
244        ///  
245        ///  
246        ///  
247        ///  
248        ///  
249        ///  
250        ///  
251        ///  
252        ///  
253        ///  
254        ///  
255        ///  
256        ///  
257        ///  
258        ///  
259        ///  
260        ///  
261        ///  
262        ///  
263        ///  
264        ///  
265        ///  
266        ///  
267        ///  
268        ///  
269        ///  
270        ///  
271        ///  
272        ///  
273        ///  
274        ///  
275        ///  
276        ///  
277        ///  
278        ///  
279        ///  
280        ///  
281        ///  
282        ///  
283        ///  
284        ///  
285        ///  
286        ///  
287        ///  
288        ///  
289        ///  
290        ///  
291        ///  
292        ///  
293        ///  
294        ///  
295        ///  
296        ///  
297        ///  
298        ///  
299        ///  
300        ///  
301        ///  
302        ///  
303        ///  
304        ///  
305        ///  
306        ///  
307        ///  
308        ///  
309        ///  
310        ///  
311        ///  
312        ///  
313        ///  
314        ///  
315        ///  
316        ///  
317        ///  
318        ///  
319        ///  
320        ///  
321        ///  
322        ///  
323        ///  
324        ///  
325        ///  
326        ///  
327        ///  
328        ///  
329        ///  
330        ///  
331        ///  
332        ///  
333        ///  
334        ///  
335        ///  
336        ///  
337        ///  
338        ///  
339        ///  
340        ///  
341        ///  
342        ///  
343        ///  
344        ///  
345        ///  
346        ///  
347        ///  
348        ///  
349        ///  
350        ///  
351        ///  
352        ///  
353        ///  
354        ///  
355        ///  
356        ///  
357        ///  
358        ///  
359        ///  
360        ///  
361        ///  
362        ///  
363        ///  
364        ///  
365        ///  
366        ///  
367        ///  
368        ///  
369        ///  
370        ///  
371        ///  
372        ///  
373        ///  
374        ///  
375        ///  
376        ///  
377        ///  
378        ///  
379        ///  
380        ///  
381        ///  
382        ///  
383        ///  
384        ///  
385        ///  
386        ///  
387        ///  
388        ///  
389        ///  
390        ///  
391        ///  
392        ///  
393        ///  
394        ///  
395        ///  
396        ///  
397        ///  
398        ///  
399        ///  
400        ///  
401        ///  
402        ///  
403        ///  
404        ///  
405        ///  
406        ///  
407        ///  
408        ///  
409        ///  
410        ///  
411        ///  
412        ///  
413        ///  
414        ///  
415        ///  
416        ///  
417        ///  
418        ///  
419        ///  
420        ///  
421        ///  
422        ///  
423        ///  
424        ///  
425        ///  
426        ///  
427        ///  
428        ///  
429        ///  
430        ///  
431        ///  
432        ///  
433        ///  
434        ///  
435        ///  
436        ///  
437        ///  
438        ///  
439        ///  
440        ///  
441        ///  
442        ///  
443        ///  
444        ///  
445        ///  
446        ///  
447        ///  
448        ///  
449        ///  
450        ///  
451        ///  
452        ///  
453        ///  
454        ///  
455        ///  
456        ///  
457        ///  
458        ///  
459        ///  
460        ///  
461        ///  
462        ///  
463        ///  
464        ///  
465        ///  
466        ///  
467        ///  
468        ///  
469        ///  
470        ///  
471        ///  
472        ///  
473        ///  
474        ///  
475        ///  
476        ///  
477        ///  
478        ///  
479        ///  
480        ///  
481        ///  
482        ///  
483        ///  
484        ///  
485        ///  
486        ///  
487        ///  
488        ///  
489        ///  
490        ///  
491        ///  
492        ///  
493        ///  
494        ///  
495        ///  
496        ///  
497        ///  
498        ///  
499        ///  
500        ///  
501        ///  
502        ///  
503        ///  
504        ///  
505        ///  
506        ///  
507        ///  
508        ///  
509        ///  
510        ///  
511        ///  
512        ///  
513        ///  
514        ///  
515        ///  
516        ///  
517        ///  
518        ///  
519        ///  
520        ///  
521        ///  
522        ///  
523        ///  
524        ///  
525        ///  
526        ///  
527        ///  
528        ///  
529        ///  
530        ///  
531        ///  
532        ///  
533        ///  
534        ///  
535        ///  
536        ///  
537        ///  
538        ///  
539        ///  
540        ///  
541        ///  
542        ///  
543        ///  
544        ///  
545        ///  
546        ///  
547        ///  
548        ///  
549        ///  
550        ///  
551        ///  
552        ///  
553        ///  
554        ///  
555        ///  
556        ///  
557        ///  
558        ///  
559        ///  
560        ///  
561        ///  
562        ///  
563        ///  
564        ///  
565        ///  
566        ///  
567        ///  
568        ///  
569        ///  
570        ///  
571        ///  
572        ///  
573        ///  
574        ///  
575        ///  
576        ///  
577        ///  
578        ///  
579        ///  
580        ///  
581        ///  
582        ///  
583        ///  
584        ///  
585        ///  
586        ///  
587        ///  
588        ///  
589        ///  
590        ///  
591        ///  
592        ///  
593        ///  
594        ///  
595        ///  
596        ///  
597        ///  
598        ///  
599        ///  
600        ///  
601        ///  
602        ///  
603        ///  
604        ///  
605        ///  
606        ///  
607        ///  
608        ///  
609        ///  
610        ///  
611        ///  
612        ///  
613        ///  
614        ///  
615        ///  
616        ///  
617        ///  
618        ///  
619        ///  
620        ///  
621        ///  
622        ///  
623        ///  
624        ///  
625        ///  
626        ///  
627        ///  
628        ///  
629        ///  
630        ///  
631        ///  
632        ///  
633        ///  
634        ///  
635        ///  
636        ///  
637        ///  
638        ///  
639        ///  
640        ///  
641        ///  
642        ///  
643        ///  
644        ///  
645        ///  
646        ///  
647        ///  
648        ///  
649        ///  
650        ///  
651        ///  
652        ///  
653        ///  
654        ///  
655        ///  
656        ///  
657        ///  
658        ///  
659        ///  
660        ///  
661        ///  
662        ///  
663        ///  
664        ///  
665        ///  
666        ///  
667        ///  
668        ///  
669        ///  
670        ///  
671        ///  
672        ///  
673        ///  
674        ///  
675        ///  
676        ///  
677        ///  
678        ///  
679        ///  
680        ///  
681        ///  
682        ///  
683        ///  
684        ///  
685        ///  
686        ///  
687        ///  
688        ///  
689        ///  
690        ///  
691        ///  
692        ///  
693        ///  
694        ///  
695        ///  
696        ///  
697        ///  
698        ///  
699        ///  
700        ///  
701        ///  
702        ///  
703        ///  
704        ///  
705        ///  
706        ///  
707        ///  
708        ///  
709        ///  
710        ///  
711        ///  
712        ///  
713        ///  
714        ///  
715        ///  
716        ///  
717        ///  
718        ///  
719        ///  
720        ///  
721        ///  
722        ///  
723        ///  
724        ///  
725        ///  
726        ///  
727        ///  
728        ///  
729        ///  
730        ///  
731        ///  
732        ///  
733        ///  
734        ///  
735        ///  
736        ///  
737        ///  
738        ///  
739        ///  
740        ///  
741        ///  
742        ///  
743        ///  
744        ///  
745        ///  
746        ///  
747        ///  
748        ///  
749        ///  
750        ///  
751        ///  
752        ///  
753        ///  
754        ///  
755        ///  
756        ///  
757        ///  
758        ///  
759        ///  
760        ///  
761        ///  
762        ///  
763        ///  
764        ///  
765        ///  
766        ///  
767        ///  
768        ///  
769        ///  
770        ///  
771        ///  
772        ///  
773        ///  
774        ///  
775        ///  
776        ///  
777        ///  
778        ///  
779        ///  
780        ///  
781        ///  
782        ///  
783        ///  
784        ///  
785        ///  
786        ///  
787        ///  
788        ///  
789        ///  
790        ///  
791        ///  
792        ///  
793        ///  
794        ///  
795        ///  
796        ///  
797        ///  
798        ///  
799        ///  
800        ///  
801        ///  
802        ///  
803        ///  
804        ///  
805        ///  
806        ///  
807        ///  
808        ///  
809        ///  
810        ///  
811        ///  
812        ///  
813        ///  
814        ///  
815        ///  
816        ///  
817        ///  
818        ///  
819        ///  
820        ///  
821        ///  
822        ///  
823        ///  
824        ///  
825        ///  
826        ///  
827        ///  
828        ///  
829        ///  
830        ///  
831        ///  
832        ///  
833        ///  
834        ///  
835        ///  
836        ///  
837        ///  
838        ///  
839        ///  
840        ///  
841        ///  
842        ///  
843        ///  
844        ///  
845        ///  
846        ///  
847        ///  
848        ///  
849        ///  
850        ///  
851        ///  
852        ///  
853        ///  
854        ///  
855        ///  
856        ///  
857        ///  
858        ///  
859        ///  
860        ///  
861        ///  
862        ///  
863        ///  
864        ///  
865        ///  
866        ///  
867        ///  
868        ///  
869        ///  
870        ///  
871        ///  
872        ///  
873        ///  
874        ///  
875        ///  
876        ///  
877        ///  
878        ///  
879        ///  
880        ///  
881        ///  
882        ///  
883        ///  
884        ///  
885        ///  
886        ///  
887        ///  
888        ///  
889        ///  
890        ///  
891        ///  
892        ///  
893        ///  
894        ///  
895        ///  
896        ///  
897        ///  
898        ///  
899        ///  
900        ///  
901        ///  
902        ///  
903        ///  
904        ///  
905        ///  
906        ///  
907        ///  
908        ///  
909        ///  
910        ///  
911        ///  
912        ///  
913        ///  
914        ///  
915        ///  
916        ///  
917        ///  
918        ///  
919        ///  
920        ///  
921        ///  
922        ///  
923        ///  
924        ///  
925        ///  
926        ///  
927        ///  
928        ///  
929        ///  
930        ///  
931        ///  
932        ///  
933        ///  
934        ///  
935        ///  
936        ///  
937        ///  
938        ///  
939        ///  
940        ///  
941        ///  
942        ///  
943        ///  
944        ///  
945        ///  
946        ///  
947        ///  
948        ///  
949        ///  
950        ///  
951        ///  
952        ///  
953        ///  
954        ///  
955        ///  
956        ///  
957        ///  
958        ///  
959        ///  
960        ///  
961        ///  
962        ///  
963        ///  
964        ///  
965        ///  
966        ///  
967        ///  
968        ///  
969        ///  
970        ///  
971        ///  
972        ///  
973        ///  
974        ///  
975        ///  
976        ///  
977        ///  
978        ///  
979        ///  
980        ///  
981        ///  
982        ///  
983        ///  
984        ///  
985        ///  
986        ///  
987        ///  
988        ///  
989        ///  
990        ///  
991        ///  
992        ///  
993        ///  
994        ///  
995        ///  
996        ///  
997        ///  
998        ///  
999        ///  
1000        ///  
1001        ///  
1002        ///  
1003        ///  
1004        ///  
1005        ///  
1006        ///  
1007        ///  
1008        ///  
1009        ///  
1010        ///  
1011        ///  
1012        ///  
1013        ///  
1014        ///  
1015        ///  
1016        ///  
1017        ///  
1018        ///  
1019        ///  
1020        ///  
1021        ///  
1022        ///  
1023        ///  
1024        ///  
1025        ///  
1026        ///  
1027        ///  
1028        ///  
1029        ///  
1030        ///  
1031        ///  
1032        ///  
1033        ///  
1034        ///  
1035        ///  
1036        ///  
1037        ///  
1038        ///  
1039        ///  
1040        ///  
1041        ///  
1042        ///  
1043        ///  
1044        ///  
1045        ///  
1046        ///  
1047        ///  
1048        ///  
1049        ///  
1050        ///  
1051        ///  
1052        ///  
1053        ///  
1054        ///  
1055        ///  
1056        ///  
1057        ///  
1058        ///  
1059        ///  
1060        ///  
1061        ///  
1062        ///  
1063        ///  
1064        ///  
1065        ///  
1066        ///  
1067        ///  
1068        ///  
1069        ///  
1070        ///  
1071        ///  
1072        ///  
1073        ///  
1074        ///  
1075        ///  
1076        ///  
1077        ///  
1078        ///  
1079        ///  
1080        ///  
1081        ///  
1082        ///  
1083        ///  
1084        ///  
1085        ///  
1086        ///  
1087        ///  
1088        ///  
1089        ///  
1090        ///  
1091        ///  
1092        ///  
1093        ///  
1094        ///  
1095        ///  
1096        ///  
1097        ///  
1098        ///  
1099        ///  
1100        ///  
1101        ///  
1102        ///  
1103        ///  
1104        ///  
1105        ///  
1106        ///  
1107        ///  
1108        ///  
1109        ///  
1110        ///  
1111        ///  
1112        ///  
1113        ///  
1114        ///  
1115        ///  
1116        ///  
1117        ///  
1118        ///  
1119        ///  
1120        ///  
1121        ///  
1122        ///  
1123        ///  
1124        ///  
1125        ///  
1126        ///  
1127        ///  
1128        ///  
1129        ///  
1130        ///  
1131        ///  
1132        ///  
1133        ///  
1134        ///  
1135        ///  
1136        ///  
1137        ///  
1138        ///  
1139        ///  
1140        ///  
1141        ///  
1142        ///  
1143        ///  
1144        ///  
1145        ///  
1146        ///  
1147        ///  
1148        ///  
1149        ///  
1150        ///  
1151        ///  
1152        ///  
1153        ///  
1154        ///  
1155        ///  
1156        ///  
1157        ///  
1158        ///  
1159        ///  
1160        ///  
1161        ///  
1162        ///  
1163        ///  
1164        ///  
1165        ///  
1166        ///  
1167        ///  
1168        ///  
1169        ///  
1170        ///  
1171        ///  
1172        ///  
1173        ///  
1174        ///  
1175        ///  
1176        ///  
1177        ///  
1178        ///  
1179        ///  
1180        ///  
1181        ///  
1182        ///  
1183        ///  
1184        ///  
1185        ///  
1186        ///



REDIRECT EXAMINATION

BY MR. YIEN:

Q. So going back to the problem question in each of the renewal applications, sometimes it appears as question five, and sometimes it appears as question four. Do you consider that Mandalawi is the applicant in that question and that he needs to disclose in section (d) whether he had been fined or have had any administrative actions taken against him?

A. Yes.

Q. Can you go back to the respondents Exhibit II?

Part of the respondent's defense is that they never received this. Or perhaps we didn't provide them the proof that they received it.

MR. LENHARD: No, we never --

MR. YIEN: Let me rephrase. Part of the allegations are that the Division never proved that respondents received this.

MS. GRIFA: It's not in here.

MR. YIEN: I'm pretty sure it's in there.

HEARING OFFICER EMMERMANN: Let's not argue. Do you want to just phrase your question?

MR. YIEN: Sure, yes.

BY MR. YIEN:

Q. Can you tell me the address where you sent this

1 email to on July the 21st, 2017?

2 A. VMandalawi@HomeWarrantyAdministrators.com.

3 Q. And do you know the email address that's  
4 provided by the applicant in each of the renewal  
5 applications, including the initial application? And if  
6 you need to review it or go through each one of those,  
7 we can.

8 A. It's the same address that I have on file.

9 Q. Okay. Are you aware of it ever being changed  
10 throughout the years?

11 A. No, it has not been changed.

12 Q. Okay. So if you were to reach out to the  
13 president of the respondent, you would send something to  
14 that email address and expect that it been read?

15 A. Correct.

16 Q. So I had a question earlier for a different  
17 witness that couldn't answer. Perhaps you can, because  
18 you had stated that you are the person that receives any  
19 report when an emergency repair can't be done within a  
20 certain amount of time; is that correct?

21 A. Yes.

22 Q. Does it matter whether or not the consumer  
23 files a complaint with the Nevada Division of Insurance?  
24 I guess, my question is whether the consumer files the  
25 complaint with the Nevada Division of Insurance or not,

1 does that affect that time period on when they're  
2 supposed to self-report?

3 A. No.

4 MR. YIEN: Okay. That's all I have.

5

6 RECROSS-EXAMINATION

7 BY MR. LENHARD:

8 Q. First, in response to the Hearing Officer's  
9 question, so we're clear, since you have been involved  
10 in the renewal applications of HWAN, there's been no  
11 transfers, have there, no sales, no transfers of the  
12 company?

13 A. Correct.

14 Q. Okay. So you and I are on the same page. It  
15 appears -- sometimes lawyers miscommunicate. It's just  
16 the nature of the beast. We are not claiming you didn't  
17 send this and we didn't receive Exhibit II. Okay?

18 A. Yes.

19 Q. I will acknowledge on the record that it was  
20 received by my client. So that should put that issue to  
21 bed, assuming it is an issue.

22 That said, your complaint, well, your complaint  
23 on the renewal was you thought that the renewal  
24 application submitted sometime, and I would say sometime  
25 in November 2018, 2016, excuse me, was somehow

1 incomplete or false; is that correct?

2 A. Can you state that again, please?

3 Q. It wasn't very well put, so I'm going to try it  
4 again. Let's look at II. The certificate of  
5 registration automatically expires as a matter of law.  
6 As such, the status in Nevada is inactive. Do you see  
7 that?

8 A. Yes.

9 Q. Okay. The reason it expired was because there  
10 was something wrong in the renewal application in  
11 November; is that correct?

12 A. Yes.

13 Q. Okay. And what Mr. Yien has asked you about is  
14 question 5(d) on Exhibit 21; isn't that correct? And  
15 that's -- do you have Exhibit 21 in front of you?

16 A. I do.

17 Q. And he asked you whether Mr. Mandalawi should  
18 have responded to 5(d) with a yes; is that correct?

19 A. Yes.

20 Q. And it's your belief he should have; is that  
21 right? Do you understand my question? Maybe I should  
22 rephrase it.

23 A. Could you rephrase it, please.

24 Q. Okay. Is it your belief that Mr. Mandalawi  
25 should have answered 5(d) with a yes rather than a no?

1 A. Yes, given the facts that I received.

2 Q. Right. And that would be what happened in the  
3 New Jersey consent order; is that correct?

4 A. Correct.

5 Q. Okay. Now, question five says "Since the last  
6 application, has the applicant or any of the officers  
7 listed in question one ever"; do you see that?

8 A. Yes.

9 Q. So it refers to question one, doesn't it,  
10 Ms. Strong? First of all, does it refer to question  
11 one?

12 A. Yes.

13 Q. And question one reads as follows, does it:  
14 List all aliases or names under which the company  
15 conducts business, doing business as, in Nevada.  
16 Provide supporting documentation filed with the county  
17 clerk of the county in which the company is doing  
18 business. Did I read that correctly?

19 A. Yes.

20 Q. There's no reference to officers or anything  
21 else, is there; there's reference to a dba and nothing  
22 else; isn't that correct?

23 A. Correct.

24 MR. LENHARD: Thank you very much, Ms. Strong.

25 MR. YIEN: I think, it would be better if I --

1 can I have a few more questions for this witness?

2 HEARING OFFICER EMMERMANN: Yes.

3 MR. YIEN: I think, it would be better if I  
4 went through each of the renewal applications. And I'm  
5 sorry, this is going to be a tedious effort. But to  
6 clarify the questions that I had asked Ms. Strong in  
7 advance, before.

8

9 RE-REDIRECT EXAMINATION

10 BY MR. YIEN:

11 Q. Just to state again, you stated that you  
12 believe Mr. Mandalawi is the applicant; is that correct?

13 A. Yes.

14 Q. Okay. And in question -- let's start with the  
15 first renewal application.

16 MS. GRIFA: Can I have the exhibit number,  
17 please?

18 MR. YIEN: Yes. Let me find it. So let's go  
19 to Exhibit 2, the 2011-2012.

20 MR. LENHARD: Mr. Yien, before you ask the  
21 question, let me note my objection. I think, she's been  
22 employed with the department for four years. So she  
23 would have only been involved with renewal applications  
24 for four years at the most. Is that correct?

25 MR. YIEN: I don't know. You can ask her that

1 on recross.

2 MR. LENHARD: No, I'm objecting. I think, it's  
3 beyond the scope of her direct knowledge.

4 MR. YIEN: I haven't asked a question yet.

5 MR. LENHARD: I'm referring to -- go ahead.

6 BY MR. YIEN:

7 Q. So if you could go to Exhibit 2. And perhaps I  
8 should build a foundation. You worked on these  
9 applications and in the drafting of these applications?  
10 I think, that's already been established.

11 A. Yes.

12 Q. Okay. And, again, you consider Victor  
13 Mandalawi to be the applicant?

14 A. Yes.

15 Q. On Exhibit 2, it's question three. Can you  
16 read the question?

17 A. Question two?

18 Q. Question three.

19 A. Since the last application, has applicant or  
20 any of the officers listed in question one ever.

21 Q. And then just go straight to (d).

22 A. Been fined by any state or government,  
23 governmental agency or authority in any matter regarding  
24 service contracts?

25 Q. Now, if the applicant, Mr. Mandalawi, had been

1    fined in any state or government agency or authority in  
2    any matter regarding service contracts since the prior  
3    application, would he have to check yes on that  
4    question?

5           A.    Correct.

6           Q.    Okay.  Let's go Exhibit 4, 2012-2013 service  
7    contractor provider renewal application.  Can you read  
8    question three?  It appears on page two of three.  
9    Again, just in reference to D.  So just read the  
10   question and D.

11          A.    Since the last application, has applicant or  
12   any of the officers listed in question one ever, (d),  
13   been fined by any state or government agency or  
14   authority in any matter regarding service contracts?

15          Q.    And as you consider Mr. Mandalawi to be the  
16   applicant, should he have checked yes to this answer if  
17   he had been fined by any state or government agency or  
18   authority in any matter regarding service contracts?

19          A.    Yes.

20          Q.    Let's go to Exhibit 5, the 2013-2014,  
21   respondent's renewal application.  Can you read question  
22   three again in that application?

23          A.    Since the last application, has applicant or  
24   any of the officers listed in question one ever, (d),  
25   been fined by any state or governmental agency or



1 authority in any matter regarding service contracts?

2 Q. And if Mr. Mandalawi, the applicant, had been  
3 fined, should he have checked yes on that question?

4 A. Yes.

5 Q. Exhibit 7, 2014-2015 application?

6 A. Since the last application, has applicant or  
7 any of the officers listed in question one ever, (d),  
8 been fined by any state or governmental agency or  
9 authority in any matter regarding service contracts?

10 Q. And, for the record, that question is question  
11 four now, correct, it's different?

12 A. Yes.

13 Q. But it's pretty much the same question?

14 A. Correct.

15 Q. Okay. And Victor Mandalawi, as president, on  
16 the first page, is the applicant. Would you consider  
17 that you would have to check yes to that answer if he  
18 had been fined within the past year? Or since the last  
19 application? I'm sorry.

20 A. Yes.

21 Q. Okay. So would you consider a no answer to be  
22 false?

23 A. Yes.

24 Q. In all of the applications that I just went  
25 over with you?

1 A. Yes.

2 MR. YIEN: I don't believe I have any other  
3 questions right now.

4 HEARING OFFICER EMMERMANN: Recross?  
5

6 RE-RECROSS-EXAMINATION

7 BY MR. LENHARD:

8 Q. I apologize, Ms. Strong, as we keep going back  
9 and forth. I promise I'm not going to go through every  
10 one of these again. But go to Exhibit 2, please. I  
11 just want to be certain I understand your testimony. Do  
12 you have it in front of you, ma'am?

13 A. Yes.

14 MR. LENHARD: Do you have it, Mr. Yien?

15 MR. YIEN: I do. Thank you.

16 BY MR. LENHARD:

17 Q. The provider name is Home Warranty  
18 Administrator of Nevada, Inc., right?

19 A. Yes.

20 Q. The contact is Victor Mandalawi, president,  
21 correct?

22 A. Yes.

23 Q. On page three, the name of the corporation is  
24 Home Warranty Administrator of Nevada, Inc. The  
25 signature of the officer in full is Victor Mandalawi; is

1 that correct?

2 A. Yes.

3 Q. Are you testifying here today that since  
4 Mr. Mandalawi signed this application as the president  
5 of this corporation, he is a personal applicant; is that  
6 what you're telling us?

7 A. As a sole owner of the company, yes.

8 Q. Okay. I just want to be sure for the record.  
9 Since he is the sole stockholder and the president and  
10 sole officer and director, you're treating him as a  
11 personal applicant as well as a corporate applicant,  
12 that's the position you're taking; is that correct,  
13 ma'am?

14 A. Yes.

15 Q. And that's true for each one of these  
16 applications; is that correct, ma'am?

17 A. Yes.

18 Q. Okay. Have you -- has that position been  
19 discussed -- I don't want to hear about your counsel.  
20 Has that position been discussed internally within the  
21 department, what you just testified to?

22 A. Yes.

23 Q. With Mr. Jain?

24 A. Yes.

25 Q. Okay. And Mr. Ghan?

1 A. Yes.

2 Q. So if I ask them to testify here and ask them  
3 this question, it's your belief they will also say,  
4 since Victor Mandalawi signed as the president of the  
5 corporation, a corporation that he's the sole member of,  
6 he's also an individual applicant; is that your belief,  
7 ma'am?

8 A. Yes.

9 MR. LENHARD: Thank you very much, Ms. Strong.

10 THE WITNESS: M-hm (affirmative).

11 HEARING OFFICER EMMERMANN: We're done?

12 MR. YIEN: Yeah.

13 HEARING OFFICER EMMERMANN: Okay.

14 MR. LENHARD: Believe it or not.

15 HEARING OFFICER EMMERMANN: Ms. Strong, just as  
16 a reminder, please do not discuss your testimony from  
17 today until after the final order is issued in this  
18 matter. Thank you.

19 MR. YIEN: How are you guys doing?

20 MR. LENHARD: We're fine.

21 MS. GRIFA: We're fine.

22 MR. LENHARD: It's always easier when you're  
23 crossing.

24 MR. YIEN: So by that theory, I'll have a  
25 better day tomorrow.

1           HEARING OFFICER EMMERMANN: So one second. It  
2 is 4:07 p.m. I have to leave by 5:00 o'clock. Just my  
3 life right now.

4           So how are we on witnesses? Do you think we  
5 can call one and get them done today, or what are you  
6 thinking, Mr. Yien?

7           MR. YIEN: I had intended to call Mr. Ghan.

8           MR. LENHARD: He is here.

9           MR. YIEN: And so I don't know if you care to  
10 mix it up, if you think you can get one of yours done  
11 within an hour.

12           MS. GRIFA: Mr. Hakim and Mr. Mandalawi will be  
13 very lengthy witnesses. So I think that we'll prefer to  
14 wait.

15           MR. YIEN: Yeah, and I had actually instructed  
16 our other witness that he would likely testify tomorrow.

17           HEARING OFFICER EMMERMANN: How many witnesses  
18 do you have left?

19           MR. YIEN: Two, I believe.

20           HEARING OFFICER EMMERMANN: Mr. Ghan.

21           MR. YIEN: No, Mr. Ghan and Mr. Hall.

22           HEARING OFFICER EMMERMANN: Mr. Hall. Is  
23 Mr. Hall's testimony expected to be lengthy?

24           MR. YIEN: Yes, he's going to -- yes, he has to  
25 talk about each of the regulatory actions involved, and

1 there's quite a few. So.

2 MR. LENHARD: Is he going to be describing what  
3 happened in California, et cetera, et cetera; is that  
4 what we're talking about?

5 MR. YIEN: Yes.

6 MR. LENHARD: All right.

7 HEARING OFFICER EMMERMANN: Well, then, shall  
8 we adjourn for the day?

9 MS. GRIFA: I suppose.

10 HEARING OFFICER EMMERMANN: Okay.

11 MR. LENHARD: It sounds like we're guaranteed  
12 to go into Thursday, doesn't it?

13 HEARING OFFICER EMMERMANN: A little bit, yes.

14 We're going to start tomorrow morning at 9:00.

15 All right. Well, then, let's just start  
16 promptly tomorrow morning. If you guys want to leave  
17 things here, we can. Is that easier for you?

18 MS. GRIFA: Yes, it's an awful lot to carry.

19 HEARING OFFICER EMMERMANN: All right. So with  
20 that, we will break until tomorrow. The time is 4:09.  
21 And we'll start at 9:00. Thank you.

22 MR. LENHARD: Thank you.

23 \* \* \* \* \*

24 (The Hearing adjourned at 4:09 p.m.)

25 -oOo-

REPORTER'S CERTIFICATE

I, SHANNON L. TAYLOR, a Certified Court Reporter, Nevada CCR #322, do hereby certify:

That I was present at the Department of Business and Industry, Division of Insurance, 1818 East College Parkway, 1st Floor Hearing Room, Carson City, Nevada, at 9:00 a.m. on Tuesday, September 12, 2017, and commencing at 9:11 a.m. took verbatim stenotype notes of the first of three days of a Hearing had upon the matter captioned within, Cause Number 17.0050;

That the witnesses were duly sworn/affirmed by me to tell the truth, the whole truth, and nothing but the truth;

That I thereafter transcribed the aforementioned stenotype notes into typewriting as herein appears, and that the within transcript, consisting of pages 1 through 271, is a full, true and correct transcription of said stenotype notes of said Hearing.

DATED: At Carson City, Nevada, this 28th day of September, 2017.

\_\_\_\_\_  
SHANNON L. TAYLOR  
Nevada CCR #322, RMR

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INSURANCE  
BEFORE HEARING OFFICER ALEXIA M. EMMERMANN

-oOo-

IN THE MATTER OF  
Cause No. 17.0050  
Home Warranty Administrator of  
Nevada, Inc. dba Choice Home  
Warranty,  
Respondent.

=====

HEARING  
Wednesday, September 13, 2017  
9:00 a.m.  
Carson City, Nevada  
(Videoconferenced to Las Vegas)

REPORTED BY: SHANNON L. TAYLOR, CCR, CSR, RMR  
Certified Court, Shorthand and Registered Merit Reporter  
Nevada CCR #322, California CSR #8753, Idaho CSR #485  
(775) 887-0472



A P P E A R A N C E S

The Hearing Officer:

Alexia M. Emmermann, Esq.  
Insurance Counsel  
Division of Insurance

For the Division of Insurance:

Richard Yien, Esq.  
Deputy Attorney General  
100 N. Carson Street  
Carson City, Nevada 89701

Joanna N. Grigoriev, Esq. (Las Vegas)  
Senior Deputy Attorney General  
Office of the Attorney General  
Las Vegas, Nevada

Rajat Jain  
Timothy Ghan  
Derick Dennis

For the Respondent:

Kirk B. Lenhard, Esq.  
Travis F. Chance, Esq.  
Brownstein Hyatt Farber Schreck, LLP  
100 North City Parkway  
Las Vegas, NV 89106-4614

Lori Grifa, Esq.  
Archer & Greiner, P.C.  
Court Plaza South, West Wing  
21 Main Street, Suite 353  
Hackensack, NJ 07601-7095

Victor Mandalawi  
Victor Hakim

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

WITNESSES

Witness	Page
Timothy Ghan:	
Direct Examination by Mr. Yien	6
Cross-Examination by Mr. Lenhard	46
Redirect Examination by Mr. Yien	77
David Hall:	
Direct Examination by Mr. Yien	87
Cross-Examination by Mr. Lenhard	109
Victor Mandalawi	
Direct Examination by Ms. Grifa	125
Cross-Examination by Mr. Yien	234
Marla Ramirez:	
Direct Examination by Ms. Grifa	270

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DIVISION'S EXHIBITS

Exhibit	Description	Mkd	Adm
19	"Warranty Company notorious for denying claims" Click2Houston News Report		30 34
19-A	Video, Click2Houston News Report	37	37
20	"Home Warranty Company Accused of Not Paying Up" NBC Chicago 5 News Report		34
20-A	Video, NBC Chicago 5 News Report	37	37
26	CHW Internet Advertisement		124
39	Fox 4 Problem Solvers: Overland Park man wants to warn others about home warranty		34
39-A	Video, Fox 4 (Withdrawn)	37	37 42

RESPONDENT'S EXHIBITS

(None were noted as being marked or admitted today.)

1 CARSON CITY, NEVADA, WEDNESDAY, SEPTEMBER 13, 2017,

2 9:00 A.M.

3 -oOo-

4 HEARING OFFICER EMMERMANN: The time is  
5 9:00 o'clock. Are we ready to go on the record?

6 MR. LENHARD: Yes.

7 HEARING OFFICER EMMERMANN: All right. Good  
8 morning, everyone. I don't think we need the  
9 formalities of introduction for the record, since it's a  
10 continuation from the hearing in Home Warranty  
11 Administrator of Nevada doing business as Choice Home  
12 Warranty, Cause Number 17.0050.

13 Mr. Yien, you were still on stage. Are you  
14 ready to proceed with your next witness?

15 MR. YIEN: Yes, we are.

16 HEARING OFFICER EMMERMANN: Okay.

17 MR. YIEN: The Division calls Timothy Ghan.

18 HEARING OFFICER EMMERMANN: Good morning,  
19 Mr. Ghan.

20 THE WITNESS: Good morning.

21 HEARING OFFICER EMMERMANN: The court reporter  
22 will swear you in shortly, and then we will begin. If  
23 you could wait until the question's been asked  
24 completely before answering. That way, we don't have  
25 two people speaking over each other. If you don't

1 understand the question, ask for clarification. Please  
2 speak up, and always use a verbal response. Don't shrug  
3 your shoulders or nod your head. It makes it difficult  
4 to capture in the transcript. And if you need a break,  
5 please let us know.

6 THE WITNESS: Will do.

7 HEARING OFFICER EMMERMANN: Okay. Please swear  
8 the witness in.

9  
10 T I M O T H Y G H A N,  
11 having been first duly sworn/affirmed by the Reporter,  
12 was examined and testified as follows:

13  
14 DIRECT EXAMINATION

15 BY MR. YIEN:

16 Q. Good morning, Mr. Ghan.

17 A. Good morning.

18 Q. Could you state your name and spell it for the  
19 record.

20 A. Timothy Scott Ghan, T-I-M-O-T-H-Y, S-C-O-T-T,  
21 G-H-A-N.

22 Q. And what is your position at the Nevada  
23 Division of Insurance?

24 A. I'm the Assistant Chief in Property and  
25 Casualty.

1 Q. And how long have you worked with the Division?

2 A. Well, the first time was about four and a half  
3 years, that was going back almost some 24 years ago,  
4 where I was hired initially to do the IT, which I did  
5 for about a year and a half and then moved over to the  
6 casualty actuarial section. I'll go in between and then  
7 get to where I am currently. But I left the Division to  
8 go over to the State Industrial Insurance System where I  
9 worked as an actuary doing workers' compensation for  
10 about six years. And then I moved on to two years as  
11 Executive Branch audit for the State of Nevada. After  
12 that, I became an independent agent for about 12 years.  
13 And after that, I decided to come back to the state,  
14 when I saw an opening in the Property and Casualty  
15 Section, as an Actuary Two. And I believe it was  
16 July 7th, 2015, I moved up to the Assistant Chief. So.

17 Q. Quite a long time with the Division?

18 A. Yes.

19 Q. Can you tell the court about your training  
20 and/or education?

21 A. Yes. I have an AA in construction technology.  
22 I have a BS in economics and a master's degree in  
23 applied economics. I also have property/casualty, life,  
24 health and variable annuity licenses that are currently  
25 inactive, when I came back to the Division. And I also

1 have a C-20 and C-43 license in heating, ventilating,  
2 air conditioning and sheet metal.

3 Q. And, Mr. Ghan, how did you come to start  
4 working on this case or work with the respondent's  
5 matter?

6 A. When I became Assistant Chief, I started to  
7 supervise the position of staff involved with the  
8 information that was, basically, coming out on a claims  
9 document that came by my desk, which showed the number  
10 of claims that Choice Home Warranty had incurred over a  
11 period of time, and they were, from what I saw in the  
12 document, leading the industry by a substantial amount.

13 Q. Had you at any point reviewed respondent's  
14 renewal applications?

15 A. I have reviewed it after Mary had received it,  
16 and we had some discussion concerning some of the things  
17 that were in the application.

18 Q. Okay. And do you consider an application to be  
19 any book, report or statement?

20 A. I consider it to be the statement because of  
21 the fact that it is an attestation to the facts provided  
22 in the application.

23 Q. Okay. And if I could have you turn to  
24 Division's Exhibit 7. And do you recognize that  
25 document?

1 A. Yes, I do.

2 Q. And what is it, can you describe it?

3 MS. GRIGORIEV: I'm sorry. Which exhibit? I  
4 can't hear Richard.

5 MR. YIEN: Division's Exhibit 7.

6 MS. GRIGORIEV: Seven. Okay. If you can speak  
7 up, Richard. I'm having a hard time hearing you.

8 MR. YIEN: Okay. I will. I'll try.

9 MS. GRIGORIEV: Thank you.

10 BY MR. YIEN:

11 Q. Can you describe that, who's the applicant and  
12 what year, when was it submitted to the Nevada Division  
13 of Insurance, or when was it signed perhaps?

14 A. The provider name that it was submitted under  
15 is Home Warranty Administrators of Nevada, Inc. dba  
16 Choice Home Warranty. It was submitted and signed by  
17 Victor Mandalawi on November 12th of 2014.

18 Q. Okay. Are you aware that CH -- or CHW was  
19 fined by Oklahoma in February of 2014?

20 A. Yes, I am.

21 Q. And would they have been required to disclose  
22 that fine under question 4(d)?

23 A. In my opinion, it should have been disclosed.

24 Q. Okay. And if I could have you -- wait. Let me  
25 see here. I think, it should be on the record where we



1 have that fine. If I could have you turn to Exhibit 3,  
2 page 31 of 39. I'm sorry, 29 of 39 first. And under  
3 that order, is there, do you see a fine?

4 A. Yes, \$15,000.

5 Q. And then let's go 31 of 39. Is there a date  
6 there as to when this fine was assessed?

7 A. Yes. It's dated, well, the Final Order on the  
8 31st day following the receipt of the order. Witness my  
9 hand and official seal this 29th day of December of  
10 2011.

11 MR. YIEN: Okay. If I could have a moment,  
12 Madam Hearing Officer.

13 HEARING OFFICER EMMERMANN: Yes.

14 BY MR. YIEN:

15 Q. So I made a mistake. I actually was referring  
16 to the wrong regulatory order. So let's go to the same  
17 exhibit, and still on Exhibit 3, and page four of 39.  
18 In paragraph three, is there a fine there?

19 A. Yes, \$10,000.

20 Q. Okay. And then let's go to page five, the next  
21 page. And when is that dated?

22 A. This is dated the 7th day of January, 2014.

23 Q. 2014, right?

24 A. Correct.

25 Q. Okay. And let's go to the first page of

1 Exhibit 3. Who's this case against?

2 A. Choice Home Warranty, an unlicensed service  
3 warranty association.

4 Q. Okay. And you just testified that Victor  
5 Mandalawi had signed as a representative. Did you? No.  
6 Let's go to 31 of 39. Victor Mandalawi, a  
7 representative --

8 MR. LENHARD: I'm sorry. What page? I'm  
9 sorry, Mr. Yien.

10 MR. YIEN: 31 of 39.

11 MR. LENHARD: Thank you.

12 BY MR. YIEN:

13 Q. And did Victor Mandalawi sign as a  
14 representative of the respondent?

15 A. Yes, he did.

16 Q. Okay. I think, I got it. Let's go to 27 of  
17 39, too. And who's that case against, State of Oklahoma  
18 versus?

19 A. Choice Home Warranty.

20 Q. Okay. So should Victor Mandalawi have  
21 disclosed the 2014 fine in his 2014-2015 application?

22 A. As a representative, yes, it should have been  
23 disclosed, in my opinion.

24 Q. Under question 4(d)?

25 A. Yes.

1 Q. So do you consider his question under question  
2 4(d) as no to be false?

3 A. False or misleading.

4 Q. Okay. And you can --

5 HEARING OFFICER EMMERMANN: Mr. Yien, when you  
6 talk about 4(d), what are you referencing?

7 MR. YIEN: I'm referencing 4(d) on the  
8 application. So that would be Exhibit 7. That is the  
9 renewal application of Home Warranty Administrator of  
10 Nevada signed by Victor Mandalawi on November the 12th,  
11 2014.

12 HEARING OFFICER EMMERMANN: I got it. Thank  
13 you.

14 MR. YIEN: Okay. And question 4(d) appears on  
15 page two of four.

16 BY MR. YIEN:

17 Q. Mr. Ghan, would you consider that a violation  
18 of NRS 686A.070, falsifying a material fact in the  
19 statement?

20 A. Yes, I would.

21 Q. And did you review respondent's 2015-2016  
22 application?

23 A. Yes, I did.

24 Q. Can you turn to Exhibit 12? And do you  
25 recognize that document?

1 A. Yes, I do.

2 Q. Is it the respondent's 2015-2016 service  
3 contract provider renewal application?

4 A. Yes. You said the -- pardon me. Would you  
5 repeat that, the 20 --

6 Q. 2015-2016 application?

7 A. Yes.

8 Q. When was it submitted by Mr. Mandalawi?

9 A. It was submitted November 17th, 2015.

10 Q. Okay. Let's go to page two of four. Question  
11 four.

12 A. Yes.

13 Q. Can you read the question four and as it  
14 applies to (d)?

15 A. Since the last application, has applicant or  
16 any of the officers listed in question one ever, (d),  
17 been fined by any state or governmental agency or  
18 authority in any matter regarding service contracts?

19 Q. And are you aware of a fine from the State of  
20 New Jersey from the year preceding that application?

21 A. Yes, I am.

22 Q. So should the respondent have checked yes on  
23 that answer?

24 A. In my opinion, yes.

25 Q. And would you consider the no answer on that

1 page to be false?

2 A. False, misleading.

3 Q. And is that a violation of NRS 686A.070,  
4 falsifying material fact in a statement?

5 A. Yes, it is.

6 Q. Let's, for the record, turn to the New Jersey  
7 action, which is Exhibit 6. And can you just read the  
8 first sentence of the press release on page one of 43?

9 A. It says: Newark, Edison-based CHW Group, Inc.,  
10 which does business as Choice Home Warranty, has agreed  
11 to pay the state \$779,913.93 including consumer  
12 restitution, revise its business practices, and retain a  
13 compliance monitor for at least one year under a Final  
14 Consent Judgment resolving the lawsuit brought by the  
15 New Jersey Division of Consumer Affairs in July 2014  
16 against the company and its current and former  
17 principals, Victor Mandalawi, Victor Hakim and, if I  
18 pronounce it right, David Seruya.

19 Q. Okay. And if you'd turn to page 30 of 43. Do  
20 you see a signature there from Victor Mandalawi?

21 A. Three of them, yes. Or actually, no, just one.  
22 I'm sorry.

23 HEARING OFFICER EMMERMANN: I'm sorry.  
24 Mr. Yien, what page are you on?

25 MR. YIEN: It's 30 of 43 on Exhibit 6.

1 HEARING OFFICER EMMERMANN: Thank you.

2 BY MR. YIEN:

3 Q. And there's actually two?

4 A. Two.

5 Q. And I'm just referring to the first one. When  
6 is it dated by Victor Mandalawi?

7 A. 5-21-2015.

8 Q. Okay. So this was in the year preceding the  
9 2015 renewal application?

10 A. Correct.

11 Q. So he should have disclosed this on that  
12 application, this fine?

13 A. In my opinion, yes, 4(d) should have been  
14 marked no on the application.

15 Q. Okay. And just to clarify --

16 A. Pardon me. May I correct that, 4(d) should  
17 have been marked yes on the application and not no.

18 Q. Okay. And it was marked no?

19 A. Correct.

20 Q. Right. And that is a false answer?

21 A. Correct.

22 Q. For the record, too, under his signature, what  
23 is his title?

24 A. President.

25 Q. Of who?

1           A.    And it says CHW Group, Inc. dba Choice Home  
2   Warranty.

3           Q.    And can you, for the record, read the address?

4           A.    The address is 1090 King Georges Post Road,  
5   Edison, New Jersey, 08837.

6           Q.    Do you happen to recognize this address?

7           A.    From recent documents, yes.

8           Q.    And would you say it's the same address as the  
9   respondent's address? We can verify that later.

10          A.    I can't guarantee that, because there's several  
11   addresses that are submitted, so.

12          Q.    Okay. So in both the 2014-2015, 2015 and 2016  
13   applications, do you consider that Victor Mandalawi was  
14   an applicant?

15          A.    Yes.

16          Q.    And as an applicant, was he required to  
17   disclose that fine?

18          A.    I would believe that he should have, because  
19   he's attesting to the fact of not only himself but the  
20   corporation as well, which he's president of.

21          Q.    Have you had an opportunity to review  
22   respondent's most recent renewal application?

23          A.    Yes, I have.

24          Q.    Okay. And do you consider it complete?

25          A.    No, I do not.

1 Q. And why not?

2 A. A few reasons. Number one, again, the question  
3 number four, it's marked no, in the application, the  
4 4(d) question. And do you have a copy of it, by any  
5 chance?

6 Q. I do, yes. I'm sorry. I should have. So the  
7 most recent application is, it's Division's Exhibit 21,  
8 titled 2016-2017 Service Contract Provider Renewal  
9 Application.

10 A. And in this application I was referring to  
11 5(d). Hold on. Yes, 5(d), not 4(d).

12 The other issues with the application was that  
13 it did not have submitted at the same time as the  
14 renewal application the security deposit based on prior  
15 year's premiums that were received. It also did not  
16 have financial statements submitted with it. There was  
17 information missing at the bottom under 9.F., basically  
18 referring to number of customer complaints by Nevada  
19 residents for the calendar year 2014 and calendar year  
20 2015.

21 And if you look up above, in item D, if using  
22 financial security option two, complete the following,  
23 the dates are not consistent. And I do not know why  
24 they're not consistent as they had been in past filings.  
25 I did not know if it was a typo. So the accuracy is in



1 question on that document.

2 And, therefore, I felt it was incomplete.

3 Q. And do you consider respondent to be operating  
4 without a certificate in Nevada at this date?

5 A. Currently, yes, because the renewal was not  
6 processed.

7 Q. Are you aware if the Division had requested  
8 open contracts from the respondent?

9 A. Yes.

10 Q. At some point in it time?

11 A. Yes.

12 Q. Okay. And did the Division initially receive  
13 those contracts?

14 A. I don't remember initially receiving them, at  
15 least in a format that was something that we could work  
16 with.

17 Q. Okay. But did you eventually receive some of  
18 them?

19 A. Yes, we did receive for the period that you had  
20 requested in the subpoena.

21 Q. Was it a rather large file?

22 A. It was. There was open contracts, about  
23 12,390.

24 Q. Okay. And did you have the opportunity to  
25 review all of those contracts?

1           A.    I didn't review them all.  I, basically, did  
2   some search on them just to find out the commonalities  
3   between them and to see if the contracts were  
4   consistent.

5           Q.    And can I have you turn to Exhibit 37?  And is  
6   this sort of a -- can you describe it; is it a sample of  
7   one of the contracts you had reviewed?

8           A.    Yes, it's one of them that was printed from the  
9   document that was submitted.

10          Q.    And based on your review of all the contracts,  
11   is it close to, relatively the same, the same, in your  
12   opinion?

13          A.    It's close, but it's not what was approved by  
14   the State of Nevada.

15          Q.    It was not what was approved by the State of  
16   Nevada?

17          A.    No.

18                MS. GRIFA:  Excuse me.  I don't think we have  
19   37.

20                MR. YIEN:  Oh, you don't have 37?

21                MS. GRIFA:  Can we have a copy, can we have a  
22   copy perhaps?

23                MR. YIEN:  Sure.  It's one of the --

24                MS. GRIFA:  We're not saying you didn't serve  
25   it.  We just want some type of copy.

1 MR. YIEN: Sure, yes.

2 MS. YVONNE RENTA: Do you want me to go and  
3 make a copy real quick?

4 MR. YIEN: No, it's okay. I'll just...

5 MS. GRIFA: Maybe just borrow it.

6 MR. YIEN: Yeah, the witness has his own.

7 Perhaps I can just stand over the witness.

8 HEARING OFFICER EMMERMANN: We can make a  
9 photocopy.

10 MR. LENHARD: I was going to say, I just need  
11 to cross him with it, and if we can do that, that's  
12 fine.

13 MR. YIEN: I'll just hand it over on cross; is  
14 that okay?

15 MR. LENHARD: Yeah, that's fine.

16 MR. YIEN: Okay.

17 MS. GRIFA: Apologize for the interruption.

18 MR. YIEN: Oh, no worries.

19 MR. LENHARD: We just couldn't find it.

20 Thanks, Richard.

21 BY MR. YIEN:

22 Q. Okay. So Exhibit 37 was one of the contracts  
23 that the respondent had provided to the Division?

24 A. The Division per the subpoena, yes.

25 Q. Per the subpoena. Okay. And you had just

1 testified also that it was not the approved contract by  
2 the Division?

3 A. It is not. Which would mean it's not in  
4 compliance with NAC 690C.100.

5 Q. Okay. So let's turn to the contract that was  
6 approved by the Division, then, which is somewhere; 35,  
7 Exhibit 35. And do you recognize that document,  
8 Mr. Ghan?

9 A. Yes, I do.

10 Q. Is that the contract that was approved by the  
11 Division?

12 A. Yes, it was, July 19th, 2012, I believe.

13 Q. Okay. And you had just testified that there's  
14 a violation here because the contract they're using is  
15 not the same as the contract approved by the Division?

16 A. Correct.

17 Q. And can you tell me how so?

18 A. Well, going back to NAC 690C.100, it basically  
19 states that a contract provider will not issue, sell or  
20 offer for sale a contract that has not been approved by  
21 the Division. Okay. In item 2(a) and (b), I believe,  
22 going to the best of my recollection, it basically talks  
23 about the application that has to be submitted and  
24 disclosed and all documents pertaining to it, and then  
25 also the contract and all documents pertaining to it.

1           In this situation, there's been some changes.  
2   For the most part, it's similar. However, when you go  
3   down to the coverage plan, while Nevada was given a plan  
4   called the Gold Plan, I could not find the Gold Plan in  
5   any documentation that was submitted to the subpoena.  
6   And I also checked records to see if we had ever been  
7   notified of any change, and I could not find or locate  
8   anything regarding this matter.

9           Secondly, the address in this document, which  
10   was approved, said 510 Thornall Street, Edison,  
11   New Jersey. The address in the new one, which you  
12   referred to a few minutes ago in the other exhibit, was  
13   1090 King Georges Road, I believe, or Post Road, or  
14   something to that effect.

15           The other thing is -- and that's also on page  
16   one and on page two at the very top where it says this  
17   agreement is administered by Choice Home Warranty  
18   Administrators, 510 Thornall Street. That's what was  
19   approved. Aside from the last thing, which is the form  
20   number, which is down on the bottom right-hand corner of  
21   the form, which is HWA, hyphen, NV, hyphen, 0711. And  
22   when a document has been approved, the intent is for  
23   that form number to be consistent throughout all forms  
24   submitted to the public, for identification.

25           Q. Can you comment on the policy as to why the

1 Division insists that service contractor providers use a  
2 certain approved form?

3 A. So that we know what's been filed, so that we  
4 know what's being delivered to the public, so that we  
5 know that we can protect the public by looking after the  
6 documents that are out in the public.

7 Q. And so is there a danger to the public, then,  
8 if somebody's using a form other than the one that was  
9 approved by the Division?

10 A. There is when the company doesn't provide that  
11 information to the Division, because then the Division  
12 is unaware of these type of circumstances.

13 Q. And I'm sorry. Did you state that this was a  
14 violation of a statute or a reg?

15 A. This is Nevada Administrative Code 690C.100.

16 Q. Okay. Moving on, part of the respondent's  
17 defense is that CHW and HWAN, as they refer to the  
18 title, are separate entities. Can I have you turn to  
19 Exhibit 3? And if you could at the same time sort of  
20 keep Exhibit 37 open, so we can compare the two.

21 A. And I'm sorry. What page number?

22 Q. So it would be Exhibit 3. And it's hard with  
23 this binder because there's so many pages in between.  
24 But it's Exhibit 3, which is the Oklahoma regulatory  
25 action. Do you have a copy? I apologize. I didn't --

1 MR. LENHARD: Which? I'm sorry.

2 MS. GRIFA: Exhibit 3. No, we have it. We  
3 have it. Thank you.

4 MR. LENHARD: What page is it?

5 MS. GRIFA: Oh, I'm sorry. What page?

6 BY MR. YIEN:

7 Q. So it's Exhibit 3, which is the Oklahoma  
8 regulatory action. And on Exhibit 3, it's page 21 of  
9 39. And if you recall, the Oklahoma action was against  
10 Choice Home Warranty. The Division's position is that  
11 Choice Home Warranty and the respondent are one and the  
12 same entity. Can you compare the contract they're using  
13 in Nevada with the exhibit in the Oklahoma action and  
14 tell me what similarities you see?

15 A. Yes. Again, this one, of course, is called the  
16 Total Plan in this document, where the one that was  
17 approved in Nevada was the Gold Plan.

18 Q. I'm sorry. I'm sorry. I'd like you to compare  
19 the Exhibit 37, which is --

20 A. Is it 37 or 35?

21 Q. No, 37.

22 A. Okay.

23 Q. 37 is one of the --

24 A. Right.

25 Q. -- contracts that the respondent provided to

1 the Nevada Division of Insurance in response to the  
2 subpoena.

3 A. Okay.

4 Q. Now, they claim that these, Choice Home  
5 Warranty and Home Warranty of Nevada, are different  
6 entities. So I'd like you to compare the similarities  
7 now between these two documents. Because this is the  
8 Oklahoma action in Exhibit 3, which applies to Choice  
9 Home Warranty. And Exhibit 37 is something from the  
10 respondent, Home Warranty of Nevada.

11 A. They're very similar.

12 Q. Okay. Can you describe the logo on the upper  
13 left-hand corner; are they the same?

14 A. Yes, it's the same four walls with a door and a  
15 window.

16 Q. Okay.

17 A. And it says "Choice Home Warranty" next to it.

18 Q. Okay. And can you take a look at the content  
19 in the letter, and carefully just read, you know, to  
20 yourself, the paragraphs in each one? Do you see any  
21 differences?

22 A. No, I don't.

23 Q. What's the phone number listed on the third  
24 paragraph?

25 A. 888-531-5403. It's the same phone number.



1 Q. It's consistent between the two documents?

2 A. Correct.

3 Q. And the website on the lower right corner of  
4 the last paragraph?

5 A. It is the same, [www.ChoiceHomeWarranty.com](http://www.ChoiceHomeWarranty.com).

6 Q. What about the phone number way on the bottom,  
7 lower right-hand corner?

8 A. Same telephone number.

9 Q. Okay. So the exhibit in the Oklahoma  
10 regulatory action is nearly identical to the respondent,  
11 Home Warranty of Nevada doing business as Choice Home  
12 Warranty's contract that they provided to the Nevada  
13 Division of Insurance?

14 A. Correct, aside from the phone, or not the phone  
15 number, but the address. The address at the bottom  
16 of -- pardon me. The address at the bottom on page 21  
17 of 39 in Exhibit 3 basically has the 510 Thornall  
18 Street. And the address submitted by Choice Home  
19 Warranty in Exhibit Number 37 on the first page is the  
20 1090 King Georges Post Road.

21 Q. Okay. Are you aware if respondent had ever  
22 moved locations?

23 A. I'm totally unaware. I haven't seen  
24 documentation come across that would support that.

25 MR. YIEN: Sorry, Madam Hearing Officer. If I

1 could just have a moment.

2 BY MR. YIEN:

3 Q. In comparing those two, would you think that  
4 they were from the same company?

5 A. On the face, yes.

6 Q. Okay. Mr. Ghan, have you had a chance to  
7 review the respondent's prehearing statement?

8 A. Yes, I have.

9 Q. And is there anything suspicious about it or  
10 about the numbers that they report, after having  
11 reviewed that document?

12 A. There was a few things that stood out. On the  
13 first page, I believe, going off my recollection, there  
14 was a number of claims stated to be 69,849, I believe.  
15 And on page four, similar, aside from there was  
16 apparently a typo there, to be the 69,849. And it says  
17 that those are service requests. And then, when you go  
18 to page nine, it says again that the 69,849 are claims.  
19 Which I find a little ironic because of the fact that  
20 when you go through and look at the applications, what  
21 we were provided with initially in the first few years  
22 was claims of like six and nine, or something to that  
23 effect. And then we weren't given any claims  
24 information whatsoever on Nevada claimants.

25 So I really had nothing to go to compare to.

1 However, when you go to look at the total contracts,  
 2 which I was able to estimate there's somewhere around  
 3 maybe 26,000, maybe more by now, the fact that they have  
 4 it in there at 69,849 claims seems substantially off,  
 5 for any company to have that many claims as compared to  
 6 contracts.

7           The other thing was that they had cited in  
 8 there a .01 percent. Which if you're looking at the 60  
 9 claims that are being stated as being, you know, filed  
 10 with the Division of Insurance -- which, I might add,  
 11 most individuals don't file with the Division or have  
 12 knowledge that they should file with the Division, for  
 13 that matter. If you were to take that percentage based  
 14 on just what was submitted to the Division from  
 15 consumers and the public, then that might be close to  
 16 being correct.

17           However, when I went through the subpoena  
 18 document, I found, in the open claims information that  
 19 was requested in the subpoena, some 1,615 open claims.  
 20 And that was for the period, I believe, of July 1st,  
 21 2016 through July 1st of 2017, or something of that  
 22 nature.

23           So it just doesn't add up that there's that  
 24 many claims that have existed with this company since  
 25 2010 when they first reported six and nine. So. 2010

1 or '11. I can't remember exactly.

2 Q. Okay.

3 A. In their application, so.

4 Q. So that, what is it, 0.01 percent, that's based  
5 on the number of complaints filed with the Division of  
6 Insurance?

7 A. Correct.

8 Q. And that's used to calculate the percentage  
9 of -- what is it, of claims?

10 A. Total claims, I guess, that have supposedly  
11 been submitted to the Division alone.

12 Q. But you're saying there's more claims out  
13 there?

14 A. Absolutely.

15 Q. Okay. And so would you consider that  
16 misleading or a distortion?

17 A. It appears to be, on both, actually. Because I  
18 received nothing else to confirm, when looking at past  
19 applications, that those claims were actually filed.  
20 And 69,000, almost 70,000 seems somewhat awkward,  
21 especially when every claim that we get from any other  
22 carrier has a unique identifier to it. And it is  
23 misstated in being claims on page one of nine but  
24 service request on page four. So I don't know.

25 Q. And you're distinguishing between service

1 requests and claims?

2 A. Correct. A service request would be a person  
3 calls in and asks a question. That's not a claim.

4 Q. Okay. Okay. Moving on, did at some point in  
5 time, did one of your staff do a Google search and find  
6 some news reports about the respondent?

7 A. Yes. I had asked one of my staff to Google  
8 out, and as Mr. Jain had as well, to go out and research  
9 the Internet and see what they could come up with, if  
10 there was anything out there.

11 Q. Okay. And did you get a chance to review what  
12 the information that came back?

13 A. Yes.

14 Q. And can I have you turn to Exhibit 19? And was  
15 that one of the news reports that had been uncovered?

16 A. Yes, it was.

17 MR. YIEN: The Division moves to admit  
18 Exhibit 19 into evidence.

19 HEARING OFFICER EMMERMANN: Any objection,  
20 Mr. Lenhard?

21 MR. LENHARD: In light of the past rulings, no.

22 HEARING OFFICER EMMERMANN: All right.  
23 Exhibit 19 is admitted.

24 (Exhibit 19 was admitted.)

25 ///

1 BY MR. YIEN:

2 Q. And was there a corresponding video to this,  
3 that you're aware of?

4 A. Yes, there was.

5 MR. YIEN: Okay. And the Division -- I don't  
6 know, Madam Hearing Officer, if the video is therefore  
7 also admitted, because this is just a document of what  
8 the video is. Do I need to separate --

9 MR. LENHARD: Is this the transcript of the  
10 video?

11 MR. YIEN: It's not in its entirety. So the  
12 video contains a little bit more. So, I guess, I'm  
13 requesting that the video be admitted.

14 HEARING OFFICER EMMERMANN: I didn't hear any  
15 foundation laid for the video. My understanding was it  
16 was just the written portion. So if you could just lay  
17 a foundation for that.

18 MR. YIEN: Sure.

19 BY MR. YIEN:

20 Q. So part of that research that your staff did,  
21 they uncovered -- did they uncover a video?

22 A. Yes.

23 Q. And was there a few videos?

24 A. There was a few videos, yes, about four videos.

25 Q. Okay. About four videos?

1 A. Correct.

2 Q. Okay. Can you quickly, then, take a look at  
3 exhibits 19, 20, 39 and 40?

4 MR. LENHARD: 20, 39, 40?

5 MR. YIEN: Yes, that's correct, 19, 20, 39 and  
6 40.

7 THE WITNESS: Yes.

8 BY MR. YIEN:

9 Q. Are these the videos that you are referring to?

10 A. Yes, it is. Or yes, I am.

11 Q. Okay. And do the hard-copy exhibits reflect  
12 what the videos are or reflect generally what the video  
13 is of?

14 A. A generalization, yes.

15 MR. YIEN: Okay. The Division moves again to  
16 admit exhibits 19, 20, 38 and 39 and the accompanying  
17 video into evidence.

18 HEARING OFFICER EMMERMANN: Mr. Yien, 38 is  
19 already in evidence.

20 MR. YIEN: I'm sorry, 39 and 40. So it's --  
21 here, let me do that again.

22 BY MR. YIEN:

23 Q. Mr. Ghan, did you just review exhibits 19, 20,  
24 39 and 40?

25 A. Yes, I did.

1 Q. And did you just testify that those news  
2 reports were the result of an investigation by some of  
3 your staff?

4 A. Yes.

5 MR. YIEN: Okay. The Division moves to admit  
6 exhibits 19, 20, 39 and 40 and the accompanying video  
7 into evidence.

8 HEARING OFFICER EMMERMANN: Mr. Lenhard, do you  
9 have any objection?

10 MR. LENHARD: Well, I do. Normally -- well,  
11 let me ask. How do you want me to do this, Ms. Hearing  
12 Officer? Madam Hearing Officer. Excuse me. The way  
13 I've been taught is I am allowed to voir dire the  
14 witness for his foundation. Do you want me to do that  
15 now or on cross-examination?

16 HEARING OFFICER EMMERMANN: I think, it'll be  
17 sufficient on cross-examination.

18 MR. LENHARD: All right.

19 HEARING OFFICER EMMERMANN: I mean the question  
20 is, you know, if he relied on it. If he looked at it as  
21 part of their investigation, then it would kind of make  
22 sense to me to admit it.

23 MR. LENHARD: Yeah, I'll defer to you on that.  
24 You know the questions I'm going ask. I've asked them  
25 before. It's no secret.



1 HEARING OFFICER EMMERMANN: Okay.

2 MR. LENHARD: If you want to do it that way, I  
3 won't, I won't object.

4 HEARING OFFICER EMMERMANN: So do you want to  
5 handle it on cross-examination, then?

6 MR. LENHARD: That's fine.

7 HEARING OFFICER EMMERMANN: Okay.

8 MR. LENHARD: I just want to be sure that you  
9 understand I have some foundational question I'll be  
10 raising.

11 HEARING OFFICER EMMERMANN: Okay. All right.  
12 Well, for now, they are admitted. That's exhibits 19,  
13 20, 39 and 40.

14 (Exhibits 19, 20, 39 and 40 were admitted.)

15 HEARING OFFICER EMMERMANN: Mr. Yien, the  
16 videos that accompany these.

17 MR. YIEN: I'd like to play them for the  
18 Hearing Officer.

19 HEARING OFFICER EMMERMANN: These were the ones  
20 that you --

21 MR. YIEN: They're already on, they should be  
22 on the computer.

23 MR. LENHARD: How long are they going to take,  
24 Richard?

25 MR. YIEN: I believe, they're -- they're short.

1 They're from like from a local news broadcast, little  
2 segments.

3 MR. LENHARD: I'm familiar with them.

4 MR. YIEN: So they might be, I don't know, four  
5 to five minutes each, give or take.

6 HEARING OFFICER EMMERMANN: So you want to  
7 watch them now? So I'm going to give you, Mr. Yien, the  
8 mouse and the keyboard.

9 For a mere moment, I have a question of the  
10 court reporter for functionality. We're going to have  
11 this off the record.

12 (There was a discussion off the record.)

13 HEARING OFFICER EMMERMANN: So back on the  
14 record. Okay. Thank you.

15 All right. So we've figured out how we're  
16 going to move forward with the video evidence.

17 So Mr. Yien, please proceed.

18 MR. YIEN: Okay. So, for clarity, we'd like to  
19 move that the accompanying video to exhibits 19, 20, 39  
20 and 40 be admitted as their own separate exhibit, and  
21 then we'll move to admit them independently of 19, 20,  
22 39 and 40.

23 I need the mouse to match them up.

24 MS. YVONNE RENTA: It's right there. I just  
25 put it there.

1 MR. YIEN: Okay. Thanks.

2 HEARING OFFICER EMMERMANN: Do you know what  
3 you're going to identify?

4 MR. YIEN: Yeah, that's what I'm trying to  
5 figure out right now. So let me see.

6 HEARING OFFICER EMMERMANN: Here, how about I  
7 make it easier for you, just do 19-A, 20-A, 39-A and  
8 40-A?

9 MR. YIEN: Okay. So 19-A is the video I'm  
10 going to play now. And I move the court to admit as  
11 evidence the current video. And, I believe, opposing  
12 counsel may object on foundation grounds after the  
13 video's played.

14 MR. LENHARD: I think, what I had agreed to was  
15 that we made it subject to my cross-examination.

16 MR. YIEN: Okay.

17 HEARING OFFICER EMMERMANN: Right, that's my  
18 understanding, too. But because now we've separated the  
19 exhibits, I'm going to want your -- your cross will deal  
20 with the videos only, not with the paper exhibits?

21 MR. LENHARD: Oh, no, no. I'm going to cross  
22 him on everything. And I'm assuming you're admitting  
23 these. And I'll just cross. And I can always move to  
24 strike the exhibits, or whatever, later.

25 HEARING OFFICER EMMERMANN: Okay.

1 MR. LENHARD: Okay. Does that work for you?

2 HEARING OFFICER EMMERMANN: Works for me.

3 Okay. Go ahead, Mr. Yien.

4 MR. YIEN: Okay. So is this properly admitted  
5 as Exhibit 19-A, Madam Hearing Officer?

6 HEARING OFFICER EMMERMANN: 19-A, 20-A, 39-A  
7 and 40-A have been admitted. And Mr. Lenhard will  
8 address each on cross.

9 (Exhibits 19-A, 20-A, 39-A and 40-A were marked  
10 and admitted.)

11 MR. YIEN: Great. Okay. So let's play the  
12 first video.

13 HEARING OFFICER EMMERMANN: One second,  
14 Mr. Yien.

15 Mr. Grigoriev, are you able to see the video  
16 and hear it?

17 MS. GRIGORIEV: Right. I see something, but.  
18 Okay.

19 HEARING OFFICER EMMERMANN: All right. Thank  
20 you.

21 MS. GRIGORIEV: I see the page that you're on,  
22 so.

23 HEARING OFFICER EMMERMANN: Okay. And if you  
24 could keep it on mute, because when the video plays,  
25 it's going to feed back to us. So it'll be annoying.

1 MS. GRIGORIEV: Yeah, I do keep it on mute. I  
2 do.

3 HEARING OFFICER EMMERMANN: All right. Thank  
4 you.

5 (Played video.)

6 MR. YIEN: I'd like the witness to testify  
7 about something in here. So I'm not going to play it in  
8 its entirety, but I'm going to pause it at a certain  
9 point.

10 MR. LENHARD: Which exhibit are you on now?

11 MS. GRIFA: 19-A.

12 MR. LENHARD: Still the same one?

13 MS. GRIFA: 19-A, yes.

14 MR. YIEN: Yeah, it's the Click2Houston. So  
15 that would be 19-A. And I apologize that we have to see  
16 this commercial.

17 (Played video.)

18 BY MR. YIEN:

19 Q. Okay. Mr. Ghan, in this news report, do you  
20 see a Better Business Review, does it show a Better  
21 Business Review report there?

22 A. Yes, it does.

23 Q. That the newscaster is referring to?

24 A. Yes.

25 Q. And what is the phone number?

1 A. 888-531-5403.

2 Q. If you could go to Exhibit 37 again. That's  
3 one of the contracts that the respondent is using in  
4 Nevada?

5 A. Yes.

6 Q. What's the phone number on the lower right-hand  
7 corner?

8 A. 888-531-5403.

9 MR. YIEN: Exhibit 20-A is from Chicago, NBC  
10 Chicago.

11 (Played video.)

12 MR. YIEN: I'm pausing here at mark 39, or at  
13 49 seconds.

14 BY MR. YIEN:

15 Q. Mr. Ghan, can you read the phone number on the  
16 lower right-hand corner?

17 A. I can see the 888-531-5. It looks like 403,  
18 but I can't really tell.

19 Q. Okay. Are the first six digits the same as the  
20 first six digits in the contract?

21 A. Yes.

22 Q. What about the logo and the title of the  
23 company; is it the same as Exhibit 37, the contract that  
24 the respondent is using?

25 A. Yes, same.

1 (Played video.)

2 MR. YIEN: Exhibit 39-A will be the next video  
3 that I'm going to play.

4 BY MR. YIEN:

5 Q. Well, I've clicked on it. And at the beginning  
6 of this report, there's a phone number. Mr. Ghan, can  
7 you read that phone number into the record?

8 A. Yes, it's 888-531-5403.

9 Q. And can you describe the logo and comment as to  
10 whether it appears to be the same logo that the  
11 respondent is using in their Nevada contracts?

12 A. It appears to be exactly the same logo.

13 MR. YIEN: Well, it looks like this video  
14 either is no longer available, or.

15 HEARING OFFICER EMMERMANN: Mr. Yien, there's a  
16 notice at the bottom.

17 MR. YIEN: Oh, okay.

18 HEARING OFFICER EMMERMANN: I can't read it.

19 MR. YIEN: Okay. The video will not play in  
20 the browser you are using.

21 Okay. You know, we'll just let Exhibit 39 on  
22 paper speak for itself and not rely on Exhibit 39-A.

23 MR. LENHARD: Is 39-A withdrawn?

24 MR. YIEN: We could just strike 39-A. There's  
25 no accompanying video.

1 Well, no. I'm sorry. I'd like to keep 39-A  
2 admitted, and because it, Mr. Ghan had testified that it  
3 was the same phone number on the news link that the  
4 respondent uses in the Nevada contracts, if that's okay  
5 with the Hearing Officer.

6 HEARING OFFICER EMMERMANN: Do you want to  
7 watch the video? Because I thought the notice said  
8 something about the browser. So I don't know if that's  
9 what the problem is.

10 MR. YIEN: Yes, it did. I mean do you want me  
11 to? I didn't want to delay.

12 HEARING OFFICER EMMERMANN: What browser is  
13 this?

14 MR. YIEN: This is Internet Explorer. And so  
15 it says we don't have the current version. But if  
16 there's Chrome or Firefox, I can go there, Chrome or  
17 Firefox.

18 HEARING OFFICER EMMERMANN: I don't know.  
19 Click All Programs. You could go to the bottom left,  
20 All Programs. It's at the bottom left. It may not be  
21 there.

22 MR. YIEN: Thanks for trying. But, yeah, it's  
23 fine. There's sufficient. There's still another one.  
24 And there's a hard copy of it. But I do want it on the  
25 record that Mr. Ghan had testified after we clicked on



1 the video that the phone number for the Choice Home  
2 Warranty that they were investigating is the same phone  
3 number that the respondent uses in their Nevada  
4 contracts.

5 HEARING OFFICER EMMERMANN: Okay. And,  
6 Mr. Yien, as I see it in Exhibit 39, it looked like the  
7 link you pulled up is what you have as Exhibit 39.

8 MR. YIEN: Okay.

9 HEARING OFFICER EMMERMANN: And that it looks  
10 like that document with that phone number and logo that  
11 Mr. Ghan testified about is there.

12 MR. YIEN: Oh, is there.

13 HEARING OFFICER EMMERMANN: So I don't know if  
14 you think the video still --

15 BY MR. YIEN:

16 Q. Perhaps I'll just ask Mr. Ghan to, if you can  
17 read the phone number on the top of Exhibit 39?

18 A. Yes. It's 888-531-5403.

19 MR. YIEN: That's all I need. That's fine,  
20 Madam Hearing Officer, to just strike Exhibit 39-A. I'm  
21 not going to rely on it or use it.

22 HEARING OFFICER EMMERMANN: All right. 39-A  
23 is, then, withdrawn or stricken.

24 (Exhibit 39-A was withdrawn.)

25 MR. LENHARD: However you want to do it.

1 MR. YIEN: And this is Action 9 News in  
2 Florida. It's Exhibit 40-A.

3 (Playing video.)

4 BY MR. YIEN:

5 Q. Can you read that, that sort of phrase that  
6 this company they're investigating uses, if you can read  
7 it?

8 A. Never pay for coverage home repairs again.

9 (Playing video.)

10 BY MR. YIEN:

11 Q. So based on your testimony and your review of  
12 their applications, Mr. Ghan, and some of the other  
13 information -- I know you've been sitting in the  
14 audience throughout these hearings -- do you consider  
15 that the respondent's actions are deceptive?

16 A. Yes, I do. I feel that they're misleading.

17 Q. Do you feel, do you have an opinion as to  
18 whether they're suitable to conduct business in the  
19 state of Nevada?

20 A. I think, the suitability is questionable  
21 because of the issues that we have observed, not only  
22 with the applications, not only with, you know, a number  
23 of complaints I've seen that have come in, but just on  
24 other things that I have seen. And I understand you  
25 have to take everything with a grain of salt. But

1 there's a lot of salt out there, so.

2 MR. YIEN: Thank you, Mr. Ghan.

3 I have no further questions for the witness.

4 HEARING OFFICER EMMERMANN: Cross-exam?

5 Do you need a break?

6 THE WITNESS: If I could have a couple minutes  
7 to stand up and stretch, if that's okay.

8 HEARING OFFICER EMMERMANN: Yeah, let's do  
9 that. We're off the record.

10 \* \* \* \* \*

11 (A break was taken, 10:08 to 10:14 a.m.)

12 \* \* \* \* \*

13 HEARING OFFICER EMMERMANN: Are we ready to get  
14 back on the record?

15 MR. LENHARD: Yes.

16 HEARING OFFICER EMMERMANN: Are you ready?

17 MR. YIEN: Yes.

18 HEARING OFFICER EMMERMANN: All right. Back  
19 on. Thank you.

20 MR. LENHARD: Can I go ahead?

21 HEARING OFFICER EMMERMANN: Mr. Lenhard,  
22 certainly.

23 MR. LENHARD: Thank you.

24 MR. YIEN: I'm sorry. Madam Hearing Officer,  
25 if I could, before, during the break, some of the staff,

1 one of the staff in the audience had approached me. And  
 2 they're uncomfortable because they have overheard  
 3 counsel making disparaging remarks about them, something  
 4 like they get paid for sitting around doing nothing.  
 5 And that, it makes them uncomfortable. They're public  
 6 servants. They work at the Nevada's Division of  
 7 Insurance. If the Hearing Officer could just ask  
 8 counsel not to make those types of remarks.

9 HEARING OFFICER EMMERMANN: I would hope that  
 10 we're all adults and professional here. So I don't want  
 11 to engage in any he-said-she-said debate during this  
 12 hearing. So just as a reminder, I expect everybody to  
 13 be professional. I hope I don't hear a complaint about  
 14 something like this again.

15 But I do want to say, you know, keep our time  
 16 focused on the matter at hand. And thank you for  
 17 letting me know. And we will just continue, but.

18 MR. LENHARD: Very briefly in defense of my  
 19 side, there is always banter amongst counsel and joking  
 20 among counsel. If someone took that in a different way,  
 21 I apologize.

22 HEARING OFFICER EMMERMANN: Thank you.

23 MR. LENHARD: Because it's -- anybody who knows  
 24 me and my practice knows that I have a sense of humor,  
 25 and I tend to have a gallows humor at times, and I tend

1 to joke around. And if someone's heard something out of  
2 context, like I said, I feel bad about that. I do not  
3 mean to be disparaging. But here, these are serious  
4 proceedings. And I'm sure these are civil, civil  
5 servants that are doing their job to the best of their  
6 ability.

7 HEARING OFFICER EMMERMANN: Thank you.

8 MR. LENHARD: May I proceed?

9 HEARING OFFICER EMMERMANN: Yes, please  
10 proceed.

11 MR. LENHARD: Thank you.

12

13 CROSS EXAMINATION

14 BY MR. LENHARD:

15 Q. We got off track, Mr. Ghan. I'm sorry. Good  
16 morning. How are you today?

17 A. Good. How are you doing?

18 Q. Well, I'm here. Let's start, if we can, with  
19 the TV videos we just saw and kind of work backwards.  
20 Okay?

21 A. Sure.

22 Q. And the first one, if I recall, we saw was  
23 19-A, which was the video of -- I'm not going to put the  
24 video up again. But it was coming out of Houston. Is  
25 that right, sir?

1 A. Correct.

2 Q. And that was brought to your attention by some  
3 of your staff people?

4 A. Correct.

5 Q. Investigators or whatever. And you looked, I  
6 assume you reviewed or saw the TV presentation before it  
7 was played here today?

8 A. Correct.

9 Q. All right. Now, at any time, did you contact  
10 anybody from that Houston TV station to verify their  
11 representations?

12 A. No, I did not.

13 Q. All right. Did you have anybody from your  
14 staff contact anybody from the Houston TV station to  
15 verify their representations?

16 A. No, I did not.

17 Q. Did you ask anybody from your staff to contact  
18 the investigators on behalf of the Houston TV station to  
19 find out how they happened to investigate the claims  
20 that were presented in this TV presentation?

21 A. No, I did not.

22 Q. Did you review the contract that was the  
23 subject of the claim in the Houston TV presentation?

24 A. No, I did not.

25 Q. There was a reference, and I'm reading my

1 notes, and if I'm wrong, correct me. There was a  
2 reference to a vendor actually going to the home in  
3 Houston; do you recall that?

4 A. I believe so.

5 Q. Okay. And if I misstate it, let me know. Did  
6 you at any time have any of your people or did you  
7 contact that vendor?

8 A. No, I did not.

9 Q. There's a reference in the Huston TV clip to a  
10 "hundreds of complaints." Did you verify whether these  
11 complaints were in Houston or nationally?

12 A. No, I did not.

13 Q. There was a reference also to there being a  
14 reimbursement in the Houston clip; do you recall that?

15 A. Yes.

16 Q. Did you verify whether that reimbursement  
17 occurred?

18 A. No, I did not.

19 Q. Did you verify the circumstances of the  
20 reimbursement?

21 A. No, I did not.

22 Q. Okay. If we can go on to Exhibit 20, paren, A,  
23 I believe, that's Chicago. And if my notes are -- well,  
24 first of all, is that correct? I'm sorry. I need to  
25 ask a question. I believe, that's Chicago; is that

1 correct, sir?

2 A. I believe so.

3 Q. Okay. And in the Chicago clip, there was  
4 reference to a preexisting condition; do you recall  
5 that, or something along that line?

6 A. Preexisting condition mentioned, yes.

7 Q. Yes. And did you verify, in your  
8 investigation, whether in truth and in fact there was a  
9 preexisting condition in Chicago?

10 A. No, I did not.

11 Q. Did you verify what repairs were attempted, if  
12 any, on behalf of the service provider?

13 A. No, we did not.

14 Q. There's a reference to hundreds of policies not  
15 being paid off in the video clip; do you recall that,  
16 sir?

17 A. Yes.

18 Q. Did you verify whether those hundreds of  
19 policies were national or local?

20 A. No, I did not.

21 Q. Did you verify whether they're Cook County,  
22 Dupage County?

23 A. No, I did not.

24 Q. If we could go on to 40-A, I believe, that  
25 is -- let me catch up here, sir.



1 MS. GRIFA: 40-A is Florida.

2 MR. LENHARD: Florida? Okay. Thank you.

3 BY MR. LENHARD:

4 Q. I believe, that's Florida, Mr. Ghan. It's  
5 dated -- I'm looking at the sheet first. Do you have  
6 that in front of you, the first page?

7 A. Yes.

8 Q. There's a picture of a couple of newscasters  
9 there?

10 A. Yes.

11 Q. It says "Updated August 19, 2013." Does that  
12 sound right?

13 A. Yes.

14 Q. So this clip would be -- if we're September of  
15 2017, that would lead you to believe the clip that was  
16 played was about four years old?

17 A. Yes, probably.

18 Q. Okay. Same question. Did anybody on your  
19 staff, at your request, investigate the allegations  
20 contained in the Action 9 investigation in Florida?

21 A. No.

22 Q. There's also a reference that Mr. Yien referred  
23 you to on page two. I'm going to refer to page two of  
24 the document. I think that what we're talking about was  
25 on the video. It's about eight lines down. Do you see

1 it? It's two of two. It's the seventh line down.

2 "Choice Home has an F rating"; do you see that, sir?

3 I'm sorry. I could be confused in my  
4 description.

5 A. I saw it on the video. I don't. I'm looking.

6 Q. Are you on the second page of the exhibit?

7 A. Yes.

8 Q. Okay. At the top, it says "It says right in  
9 the contract it covers leaks." Do you see that?

10 A. Yes.

11 Q. Okay. Then you have a four-line paragraph?

12 A. Right.

13 Q. Do you see that?

14 A. Right.

15 Q. And "What's good"; do you see that?

16 A. Yes.

17 Q. And next is "Choice Home has an F rating"; do  
18 you see that?

19 A. Yes.

20 Q. Okay. Did you personally verify whether  
21 Choice, or anybody on your staff verify whether Choice  
22 Home had an F rating with the Better Business Bureau  
23 with 775 complaints?

24 A. No, I did not.

25 Q. Okay.

1           A.    I have, however, looked at the Better Business  
2 Bureau site and looked at Choice Home Warranty. But I  
3 don't recollect everything that was in it.

4           Q.    Okay. As you sit here today, can you tell me  
5 what the present Choice Home Warranty rating is at the  
6 Better Business Bureau?

7           A.    I do not know at this point.

8           Q.    Mr. Ghan, earlier today you testified about a  
9 couple items on the -- I think, it's the 2015 renewal.  
10 And that's Exhibit 12, I believe, isn't it? Actually, I  
11 take that back. Exhibit 21. I'm sorry. The most  
12 recent renewal. And, I believe -- do you have it in  
13 front of you, sir? I'm sorry.

14          A.    Yes, I do.

15          Q.    Okay. And you have had a chance, have you not,  
16 to review Exhibit 21 prior to coming here today?

17          A.    Yes.

18          Q.    Okay. And, in fact, you answered some  
19 questions about Exhibit 21 from the deputy attorney  
20 general this morning; is that correct, sir?

21          A.    Yes.

22          Q.    And if I'm correct in my recollection, it was  
23 your testimony that this document is incomplete. Is  
24 that correct, sir?

25          A.    Correct.

1 Q. And part of the incompleteness was paragraph  
2 nine? I just want to be sure we're on the same page. I  
3 think, it was 9.F., you said?

4 A. Correct.

5 Q. It's left blank, right?

6 A. Correct.

7 Q. Is there any other item of incomplete, before I  
8 ask my next question, that you can recall?

9 A. Well, incomplete. As I said, it didn't have a  
10 service -- pardon me, not service, but it didn't have a  
11 security deposit, additional deposit required.

12 Q. Where are you referring to, Mr. Ghan?

13 A. This is on page three of four.

14 Q. Okay. And which number are you talking about?

15 A. This is option two.

16 Q. Okay. And are you saying the proof of option  
17 two wasn't provided with the renewal? Help me out.

18 A. Security deposit. Okay. Which submit  
19 documentation verifying that the security of 40 percent  
20 of unearned gross premium on all expired service  
21 contracts sold to Nevada residents.

22 Q. Okay.

23 A. Okay. The information provided over on the  
24 next page, I did mention that that doesn't appear to be  
25 accurate because of the dates that have been provided.

1 Q. All right.

2 A. I did mention monthly statements of the reserve  
3 account.

4 Q. Okay. So it's basically, if I -- correct me if  
5 I'm wrong. It's 9.F., the blank, and the failure to  
6 meet all the documentation requirements under option  
7 two; is that right?

8 A. Additional 10 percent security deposit.

9 Q. Right. Right. Okay. Have you read the  
10 amended complaint on file filed by the department --

11 HEARING OFFICER EMMERMANN: Hold on one second.  
12 We lost the connection.

13 Could we go off the record.

14 (There was a brief period off the record at  
15 10:27 a.m. to reestablish the videoconference connection  
16 with Las Vegas.)

17 HEARING OFFICER EMMERMANN: Okay. We're back  
18 on the record.

19 Ms. Grigoriev, what was the last thing that you  
20 heard down there, so that we can continue from there?

21 MS. GRIGORIEV: I believe, there was a  
22 question --

23 MS. SHIRLEY FOSTER (in Las Vegas): 9.F.

24 MS. GRIGORIEV: 9.F., yeah.

25 HEARING OFFICER EMMERMANN: Thank you.

1 Mr. Lenhard, okay. Are you finished chewing?

2 MR. LENHARD: Excuse me.

3 THE WITNESS: It's all right.

4 BY MR. LENHARD:

5 Q. Mr. Ghan, I think, I think, we need to kind of  
6 step back a second so everybody can catch up. If I  
7 recall, I asked you if 9.F., the blank in 9.F. and the  
8 deficiency in documentation under option two were two  
9 items of incompleteness. And I'm not trying to put  
10 words in your mouth. I'm just trying to get in front of  
11 it.

12 A. And the additional 10 percent security deposit.

13 Q. Okay. And those are items of incompleteness.  
14 Then I had shifted. I thought my next question was,  
15 have you seen or read the amended complaint that had  
16 been filed on behalf of the department in this matter?

17 A. I don't believe I have.

18 Q. Okay. Do you have independent knowledge as to  
19 whether the department is charging my client with an  
20 incomplete renewal application in 2016 in that document?

21 A. I can't say yes. I don't know.

22 Q. Because you haven't seen it and you haven't  
23 discussed it; fair enough?

24 A. No, I haven't.

25 Q. I don't want what you talked with lawyers.

1 A. I have not.

2 Q. Okay. Mr. Ghan, at the beginning of your  
3 testimony, Mr. Yien spent a little time going through  
4 your educational background. And due to the fact that  
5 you've rendered some opinions here today, I need to kind  
6 of revisit that for a second. Okay?

7 A. Okay.

8 Q. And I understand you have an associate of arts  
9 degree in the construction field?

10 A. Yes.

11 Q. Can you give me more definition on that; is it  
12 like a construction management, or?

13 A. Yes, construction management.

14 Q. All right. Then you have a bachelor of science  
15 degree?

16 A. In economics.

17 Q. Okay. And you also have a master's degree?

18 A. In applied economics.

19 Q. Okay. Do you have any legal education?

20 A. I've never taken legal courses.

21 Q. You haven't taken business law or --

22 A. There was an economics law that I took. That  
23 was it. Yes.

24 Q. I understand.

25 A. To correct that.

1 Q. You haven't taken con law, those type of  
2 classes; fair enough?

3 A. Yes.

4 Q. You certainly don't have a law degree?

5 A. No.

6 Q. Have you ever heard of the concept of piercing  
7 the corporate veil?

8 A. Yes.

9 Q. Do you know what that concept means?

10 A. Not in its entirety.

11 Q. Okay. Have you ever engaged in the exercise of  
12 attempting to pierce the corporate veil in your  
13 employment with the department?

14 A. No.

15 Q. I think --

16 MR. YIEN: Objection. Relevancy.

17 HEARING OFFICER EMMERMANN: I think, we're past  
18 that. I'm not sure what you're objecting to anyway.

19 MR. YIEN: Well, you're asking the witness  
20 questions about piercing the corporate veil. That's not  
21 an issue.

22 MR. LENHARD: Well, I -- may I respond? I  
23 shouldn't argue.

24 HEARING OFFICER EMMERMANN: Yes, please  
25 respond.



1 MR. LENHARD: Thank you.

2 You have rendered opinions that amount to legal  
3 conclusions.

4 MR. YIEN: None of which have to do with the  
5 piercing the corporate veil.

6 MR. LENHARD: I would respectfully disagree.

7 MR. YIEN: Okay.

8 MR. LENHARD: You have two separate  
9 corporations here, and you're trying to merge them. And  
10 that's where I'm heading with my questions right now.

11 MR. YIEN: The witness hasn't testified to  
12 anything that would --

13 MR. LENHARD: He has testified that in his  
14 opinion, they are one and the same. And he's treating a  
15 dba as one and the same. And, believe me, I'm going to  
16 ask some questions about it, unless I'm not allowed to.

17 HEARING OFFICER EMMERMANN: Okay. So let's  
18 stop the debate. I'm going to allow the question and  
19 see where it goes.

20 Proceed.

21 MR. LENHARD: Thank you.

22 BY MR. LENHARD:

23 Q. If we can go first to Exhibit 2. This is the  
24 renewal, I believe, yes, executed on October 31, 2011.  
25 Do you have that in front of you, sir?

1 A. Yes.

2 Q. Okay. I want you to keep that there, and then  
3 look at Exhibit -- is it Q?

4 MS. GRIFA: W.

5 MR. LENHARD: No, no, no. Q is the memo.

6 HEARING OFFICER EMMERMANN: Which exhibit?

7 MS. GRIFA: Q.

8 BY MR. LENHARD:

9 Q. It's the Scott Kipper memo, July 8th, 2014. Do  
10 you have it in front of you, Mr. Ghan?

11 A. Yes, I do.

12 HEARING OFFICER EMMERMANN: I do not. My  
13 binder's broken.

14 Okay.

15 MR. LENHARD: Good to go?

16 HEARING OFFICER EMMERMANN: I'm good to go.

17 BY MR. LENHARD:

18 Q. Mr. Ghan, I'm going to play with two exhibits  
19 for a moment. Do you have in front of you Exhibit Q,  
20 which purports to be a memo dated July 8th, 2014 to  
21 Scott Kipper from Derick Dennis? And so we're clear,  
22 Mr. Dennis is sitting in the room here today; is that  
23 correct?

24 A. Yes.

25 Q. And you heard him testify yesterday; is that

1 correct, sir?

2 A. Yes.

3 Q. All right. Have you seen this item before?

4 A. Not before yesterday. I didn't see it  
5 yesterday. I only saw in your presentation.

6 Q. Okay. Do you have any reason to doubt the  
7 authenticity of Exhibit Q?

8 A. No.

9 Q. Do you have any reason to doubt that the  
10 department requested in 2014 that my client file a  
11 fictitious name certificate under the name Choice Home  
12 Warranty?

13 A. I don't question it.

14 Q. And who was Scott Kipper?

15 A. He was the Commissioner of the Division of  
16 Insurance.

17 Q. In 2014?

18 A. Correct.

19 Q. And that was the position now presently held by  
20 Ms. Richardson?

21 A. Correct.

22 Q. Now, let's go to Exhibit 2.

23 A. I would like to add -- well, 7-2014, we should  
24 be good. Never mind.

25 Q. Okay. Now we go to Exhibit 2.

1 A. Okay.

2 Q. Page three of three, please.

3 A. Okay.

4 Q. The application is dated October 31, 2011; am I  
5 correct?

6 A. Yes.

7 Q. Three years or a little less than three years  
8 before the issue on the dba; is that correct, sir?

9 A. Correct.

10 Q. And it's signed Home Warranty Administrator of  
11 Nevada, Incorporated, name of corporation; do you see  
12 that?

13 A. Name of corporation, yes.

14 Q. Yes. Do you know, as you sit here today, where  
15 Home Warranty Association of Nevada, Incorporated is  
16 incorporated?

17 A. If it's saying "of Nevada," I would think it  
18 would be Nevada. So I don't really know.

19 Q. You haven't checked the corporate filings?

20 A. No, I haven't.

21 Q. Okay. Do you know, as you sit here today,  
22 where Choice Home Warranty Group, Incorporated is  
23 incorporated?

24 A. I would imagine New Jersey, but I don't know.

25 Q. You've not confirmed either way; is that

1 correct?

2 A. Well, if I was looking at a document, I could  
3 confirm it.

4 Q. Okay. I'm not going to ask you to look at the  
5 corporate records today.

6 A. Okay.

7 Q. You have no -- well, let me do it this way.  
8 You do understand that Choice Home Warranty Group,  
9 Incorporated is a corporation, wherever it's  
10 incorporated?

11 A. Yes.

12 Q. And you do understand that Home Warranty  
13 Administrator of Nevada, Incorporated is a corporation,  
14 wherever it's incorporated, correct?

15 A. Yes.

16 Q. Okay. Now, back to the exhibit, which is three  
17 of three on Exhibit Number 2, the signature is by Victor  
18 Mandalawi, President, signature of officer in full; is  
19 that correct?

20 A. Yes.

21 Q. So this document is being signed by Victor  
22 Mandalawi as the president of that corporation; that's  
23 the way it appears at least, right?

24 A. Correct.

25 Q. Okay. Now, we have had some discussion on

1 Exhibit 3 of a conditional administrative order from the  
2 State of Oklahoma, and that's page one of 39 on  
3 Exhibit 3. Do you see that?

4 A. Yes, I do.

5 Q. And the respondent is Choice Home Warranty, an  
6 unlicensed service warranty association, correct?

7 A. Correct.

8 Q. Not Home Warranty Administrators of Nevada,  
9 correct?

10 A. Correct.

11 Q. And if we can go back to the consent order,  
12 which, I think, was -- yes, page 27 of 39.

13 HEARING OFFICER EMMERMANN: Which exhibit?

14 MS. GRIFA: Six.

15 MR. LENHARD: Exhibit -- I'm sorry.

16 MS. GRIFA: Six.

17 MR. LENHARD: No, we're still on three.

18 MS. GRIFA: I'm sorry.

19 BY MR. LENHARD:

20 Q. Exhibit 3. The next round of questions all  
21 come on Exhibit 3. Are you with me?

22 A. 27 of 39.

23 Q. Yes, sir. And it says "Consent Order," that  
24 page. Do you have that, sir?

25 A. Yes.

1 Q. Okay. State of Oklahoma, ex rel. John D. Doak,  
2 Insurance Commissioner, versus Choice Home Warranty, an  
3 unlicensed service warranty company, respondent, again,  
4 correct?

5 A. Yes.

6 Q. Not Home Warranty Administrators of Nevada,  
7 correct?

8 A. Correct.

9 Q. Now, it's signed by Victor, just so we're  
10 clear, Victor Mandalawi, representative of respondent,  
11 correct?

12 A. Page?

13 Q. Oh, I'm sorry, 31 of 39. I'm sorry, sir.

14 A. Correct.

15 Q. This is filed 29 December, 2011, correct?

16 A. Correct.

17 Q. You were shown Exhibit 12, which is the renewal  
18 of 2015 by Home Warranty Administrators of Nevada. Do  
19 you have that in front of you, sir?

20 A. Yes.

21 Q. Okay. Once again, if you would look at page  
22 four of four, the last page. It's executed by  
23 Mr. Mandalawi as the president of Home Warranty  
24 Administrator of Nevada, correct?

25 A. Correct.

1 Q. Now, the dba was in effect at this time; is  
2 that correct? I will represent it is, if you would want  
3 to accept that.

4 A. No, I would agree, accordingly, and it's filed  
5 on the front page, also, as the provider name.

6 Q. All right. Now, it's your testimony -- I want  
7 to be sure I understand your opinion. And if I misstate  
8 that, correct me. You are testifying that as of this  
9 2015 application, Home Warranty Administrator of Nevada,  
10 with a dba of Choice Home Warranty, had an obligation to  
11 state that they were subject to a consent decree in  
12 another state; is that correct?

13 A. Correct.

14 Q. And the consent decree would be New Jersey; is  
15 that right?

16 A. Correct.

17 Q. Now, the New Jersey consent decree is  
18 Exhibit 6. Let's flip to that for a moment. And I'm  
19 talking about the corporate entity right now. The named  
20 corporate entity is CHW Group, Inc. dba Choice Home  
21 Warranty; is that right?

22 HEARING OFFICER EMMERMANN: What page are you  
23 on, Mr. Lenhard?

24 BY MR. LENHARD:

25 Q. I'm sorry. Three of 43?



1 A. You are on three of 43?

2 Q. Yes, sir. I don't care about the press  
3 release.

4 A. I just didn't know which page.

5 Q. No, it's my fault. It was an inartful  
6 question. Are you with me?

7 A. Yes.

8 Q. Okay. The consent judgment, the heading, the  
9 title is John J. Hoffman, Acting Attorney General. Do  
10 you see that?

11 A. Yes, I do.

12 Q. The defendants are CHW Group, Inc. dba Choice  
13 Home Warranty; do you see that?

14 A. Yes.

15 Q. Victor Mandalawi, Victor Hakim, David Seruya,  
16 Jane and John Does, et cetera; do you see that?

17 A. Yes.

18 Q. Okay. Now, going back to Exhibit 12, I want to  
19 be certain that I understand the full scope of your  
20 opinion. Are you saying that one of the  
21 misrepresentations is that Home Warranty Administrator  
22 of Nevada dba Choice Home Warranty had an obligation to  
23 admit as a corporation that they were subject to the  
24 New Jersey consent decree; is that what you're saying?

25 A. I said that was my opinion.

1 Q. Okay. Now, let's deal with Victor Mandalawi  
2 individually. And your opinion is based -- excuse me.  
3 Let me back up. And your opinion is based on the fact  
4 that Home Warranty Administrators of Nevada has a dba of  
5 Choice Home Warranty as of 2014; is that correct?

6 A. Yes.

7 Q. Okay. I just want to be sure we're on the same  
8 page. Okay. Now let's go back to Victor Mandalawi. He  
9 also signed the New Jersey consent decree; is that  
10 correct, sir?

11 A. And what page are we are?

12 Q. Go back to Exhibit 6. I'm sorry. I keep  
13 assuming that you've looked at all this like the lawyers  
14 have, and that's not fair.

15 A. No, I have another job to do. So.

16 Q. I appreciate that. I apologize for the  
17 inartful question. If you would look at page three of  
18 43 again.

19 A. Still there.

20 Q. Yes. If you look at the defendant, one of the  
21 named defendants is Victor Mandalawi; do you see that?

22 A. Yes.

23 Q. Are you aware as to whether Mr. Mandalawi is an  
24 officer of Choice Home Warranty Group, Inc.?

25 A. I don't know. I would presume from this, but I

1 don't know a hundred percent.

2 Q. All right. All right.

3 A. If I was provided a document, then I could  
4 confirm.

5 Q. Fair enough. Are you aware of whether he is  
6 the sole officer and director of Home Warranty  
7 Administrators of Nevada?

8 A. Yes.

9 Q. Okay.

10 A. I believe, president, director, treasurer.

11 Q. Right. Everything?

12 A. Yeah.

13 Q. Fair enough.

14 A. Secretary, whatever.

15 Q. Yeah. And, in fact, Mr. Mandalawi signed the  
16 consent decree on page 30 of 43. Let's just get this in  
17 the record. He signed it as CHW Group, Inc. dba Choice  
18 Home Warranty, the president; do you see that?

19 A. Yes.

20 Q. And he also signed it individually; do you see  
21 that?

22 A. Yes.

23 Q. Okay. Now, let's go to, back to Exhibit 12.  
24 Can you do that? Are with you me?

25 A. Yes.

1 Q. If I understand your opinion, one of the  
2 opinions is based on question 4(d), which is on page two  
3 of four. Are you with me?

4 A. Yes.

5 Q. Okay. And my understanding is that it's your  
6 opinion that Mr. Mandalawi answered question 4(d) as an  
7 officer incorrectly. Is that correct?

8 A. As an officer, yes.

9 Q. Okay. Now, will you read -- well, let me read  
10 this to you and ask you if I've read it correctly. The  
11 first line of question four states as follows: Since  
12 the last application, has applicant or any of the  
13 officers listed in question one ever. Then we have the  
14 four items. Is that right?

15 A. Correct.

16 Q. Okay. Now, let's go back and look at question  
17 one: List all aliases or names under which the company  
18 conducts business, doing business as. Provide  
19 supporting documentation. Do you see the word officers  
20 in there?

21 A. No, but I understood the intent of it.

22 Q. Okay. You may have understood the intent of  
23 it, and I appreciate that. But my question is, the word  
24 officers doesn't appear there, does it?

25 A. No, it doesn't. But I would like to say that I

1 do request that Secretary of State filings are reviewed  
2 by our office.

3 Q. Okay.

4 A. To make sure that not only has the entity  
5 filed, but that any officers have filed, provided their  
6 names, addresses, and so on.

7 Q. And I appreciate --

8 A. So that was my intent.

9 Q. No, and I appreciate that's your intent. But  
10 what I'm focused on is the question that goes to my  
11 client. And the question that goes to my client does  
12 not contain the word officers, does it, sir?

13 A. The word is not in that, in the sentence, no.

14 Q. Thank you. Did you take part in drafting  
15 Exhibit 12?

16 A. I had a part in it, yes.

17 Q. Did you take part in drafting question number  
18 one?

19 A. I don't remember drafting question one.

20 Q. Did you take part in drafting question 4(a),  
21 (b), (c), (d)?

22 A. I don't recall exactly what I was involved in.  
23 It was done on a group basis.

24 Q. Okay. All right. But you were part of the  
25 group that prepared it?

1 A. Correct.

2 Q. Are we safe in stating, as being part of the  
3 group that prepared it, you certainly understood what  
4 you were asking for, right?

5 A. What I understood?

6 Q. Yeah.

7 A. Yes.

8 MR. LENHARD: Can we put up 690C, can we put up  
9 the statute?

10 HEARING OFFICER EMMERMANN: Oh. Sure.

11 BY MR. LENHARD:

12 Q. Mr. Ghan, there was some testimony earlier  
13 about who was supposed to provide information to the  
14 department. And I'm standing here, because I don't have  
15 a copy of the statute, and I can't read it from there.

16 Is that okay?

17 HEARING OFFICER EMMERMANN: That's fine.

18 MR. LENHARD: All right. I hope I'm not  
19 blocking the people in Las Vegas.

20 HEARING OFFICER EMMERMANN: You will notice  
21 that the video on the right shows us. If you're not  
22 standing in front of it, they can see us.

23 MR. LENHARD: Okay.

24 BY MR. LENHARD:

25 Q. I have put in front of you NRS 690C.160,

1 application for certificate fees and renewal; do you see  
2 that, sir?

3 A. Yes.

4 Q. Can you read it from there?

5 A. Yes.

6 Q. Okay. Sub one, a provider, a provider who  
7 wishes to sell or offer for sale service contracts in  
8 this state must submit to the Commissioner. And there's  
9 five items that it must submit. Correct?

10 A. Correct.

11 Q. All right. And the provider in the case of the  
12 renewal application is, in fact, Home Warranty  
13 Administrators of Nevada, isn't it, the service  
14 provider?

15 A. Dba Choice Home Warranty, yes.

16 Q. Fair enough. That's the service provider,  
17 correct?

18 A. Correct.

19 Q. That's who should be the applicant, correct?  
20 Victor -- I'm sorry. I cut you off.

21 A. The applicant, but the applicant's application  
22 has to be attested to by someone.

23 Q. Right.

24 A. Typically the president.

25 Q. Right. And that's what Mr. Mandalawi --

1 A. Which would include the accuracy.

2 Q. I didn't mean to cut you off. I'm sorry.

3 A. That's all right.

4 Q. Have you concluded your answer?

5 A. Yes.

6 Q. And the provider here is HWAN, Home Warranty  
7 Administrators of Nevada dba Choice Home Warranty,  
8 right?

9 A. Yes.

10 Q. Okay. And the person signing on behalf of the  
11 corporation is Victor Mandalawi, correct?

12 A. Correct.

13 Q. He's not a provider, is he, he's not  
14 individually the provider, he's signing on behalf of the  
15 provider who is HWAN dba, correct?

16 A. So, I guess, let me ask this, because I wasn't  
17 fully aware of what was going on as far as, you know,  
18 piercing the corporate veil, if that's what we are  
19 supposed to be trying to do. But, I guess, I do  
20 understand the term hiding behind the corporate veil,  
21 so.

22 Q. Well, it's --

23 A. If that's what that is intended to be.

24 Q. Hiding behind the corporate veil is an issue  
25 for the Legislature, not for us, so. My real issue is



1 do you understand that Mr. Mandalawi signed as the  
2 president of HWAN when he signed the provider, right?

3 A. Yes.

4 Q. Now, you have also referred to the fact, in  
5 your testimony, that the renewal being incomplete, it  
6 was not renewed in 2016. Am I stating -- let me sit  
7 down. Am I stating that correctly?

8 A. Correct.

9 Q. Okay. And that's the November, November 8th  
10 renewal, I believe; is that right, sir? It's  
11 Exhibit 21. I'm sorry. Are you with me?

12 A. Yes.

13 Q. Okay. This renewal is the one that you said  
14 was incomplete. As a result, their renewal expired. Am  
15 I using the terminology correctly?

16 A. The registration expired, yes.

17 Q. Right. And as soon as it expires, they're  
18 selling, or they're selling a product improperly; is  
19 that right?

20 A. Correct.

21 Q. All right. And that's not something your  
22 Division wants them to do. Is that a fair statement?

23 A. Correct.

24 Q. All right. And I would assume that as soon as  
25 this thing expires, your Division is all over these

1 guys, telling them stop selling, aren't you?

2 A. I would hope so.

3 Q. Okay. Now, you and I both know. I think, you  
4 have been sitting here, at least for awhile. You and I  
5 both know the Division didn't bother to notify these  
6 people until the end of July 2017 that the Division felt  
7 they had not been renewed. Are you aware of that?

8 A. I was aware of that. However, one thing I  
9 would state is that the companies should be aware, when  
10 a registration expires, there is a problem. That needs  
11 to be understood by both sides.

12 Q. I appreciate that. And I appreciate that  
13 you're a man of convictions. But what I'm getting at  
14 here is they submit their renewal; fair enough?

15 A. Yes.

16 Q. It gets sent in. Your department feels it's  
17 incomplete. Are you with me so far?

18 A. Yes.

19 Q. Is that a yes?

20 A. Yes.

21 Q. Yet no one sends a notice to my client saying  
22 "Your renewal's incomplete, stop"; isn't that correct?

23 A. I believe so.

24 Q. Could I ask you this, because, you know, I'm  
25 certainly not disputing what you say about completeness

1 and incompleteness. But when you get an incomplete  
2 renewal like this, does anybody from your staff of the  
3 department call the applicant or the renewal party and  
4 say, "Hey, you're missing a few things. Let's get this  
5 straightened out"; isn't that something you can do?

6 A. It's not something that I have been doing,  
7 because I have a different job.

8 Q. I appreciate that.

9 A. Okay. I supervise the portion. There is  
10 someone in charge of it.

11 Q. I'm not inferring you should be doing it  
12 personally.

13 A. No, understand. So, you know, but questions  
14 are asked, whether they're responded to or not. You  
15 know, I'm typically brought into the loop.

16 Q. Do you know if anybody in the department --  
17 and, again, I'm not implying that you should be out  
18 doing that. But do you know if anybody under your  
19 direction and control, a staff member, an investigator,  
20 or whatever, when it was determined this application,  
21 Exhibit 21, was incomplete, picked up the phone or sent  
22 an email or a text, whatever, saying "This is  
23 incomplete. We need the following information now"; do  
24 you know if anybody did that?

25 A. I don't know what we sent at this time, no.

1 MR. LENHARD: Can I just have one second?

2 HEARING OFFICER EMMERMANN: Sure.

3 MR. LENHARD: Thank you, Mr. Ghan.

4 HEARING OFFICER EMMERMANN: One moment. Let me  
5 check my notes to see if I have any questions, and then  
6 we will open to redirect.

7 I actually don't have any questions.

8 Mr. Yien, redirect?

9 MR. YIEN: Yes, please. Thank you, Madam  
10 Hearing Officer.

11

12 REDIRECT EXAMINATION

13 BY MR. YIEN:

14 Q. Mr. Ghan, are you required to call the business  
15 if an application is incomplete?

16 A. To my understanding, no.

17 Q. And any effort to do that, could that be  
18 considered a courtesy?

19 A. Any effort would be considered a courtesy. I  
20 do not believe the state's required to contact them when  
21 they've submitted information that's not complete.

22 Q. Would you agree that perhaps that's the duty of  
23 the licensee or certificate holder or their counsel, to  
24 alert them when they're operating without a license?

25 A. I would believe so.

1 Q. Let's turn to Exhibit 40 again. Counsel had  
2 pointed out the fact that this news report is from 2013.  
3 Are you aware of whether or not the respondent was  
4 operating in 2013?

5 A. I believe, they were, but I don't know the  
6 exact dates.

7 Q. But we have license applications and renewals  
8 from, say, 2010 forward?

9 A. Forward, yes.

10 Q. Okay. And counsel had noted that you are not  
11 an attorney. But, and so I'm asking you this question  
12 again, as somebody who does not have a legal background.  
13 But having worked on the respondent's case and knowing  
14 the history of its dealings with the State of Nevada,  
15 hearing the complaints that were put on the record  
16 yesterday against the Division, and perhaps you know of  
17 others as well, do you consider that CHW and Home  
18 Warranty of Nevada doing business as Choice Home  
19 Warranty to be one and the same?

20 A. Yes, I do.

21 Q. And, again, with all of that background, and  
22 having worked with perhaps both entities, if they are  
23 separate entities, would you consider that Victor  
24 Mandalawi controls both Choice Home Warranty and Home  
25 Warranty of Nevada doing business as Choice Home

1 Warrantly?

2 A. Yes, I do.

3 Q. You were here yesterday. And did you hear  
4 Ms. Kuhlman's testimony as to the complaints in Nevada  
5 that she had testified to?

6 A. Yes.

7 Q. I can refresh your memory if you'd like. She  
8 had testified that each of the complaints were filed  
9 against Choice Home Warrantly.

10 A. Right.

11 Q. Do you recall that?

12 A. Correct.

13 Q. And do you also recall that they were  
14 eventually resolved after Ms. Kuhlman had stepped in and  
15 addressed the respondent, Home Warrantly of Nevada?

16 A. Yes.

17 Q. Now, would you consider it an injustice if Home  
18 Warrantly of Nevada doing business as Choice Home  
19 Warrantly did not resolve those complaints filed against  
20 Choice Home Warrantly?

21 A. Yes.

22 MR. YIEN: I have no further questions.

23 HEARING OFFICER EMMERMANN: Mr. Lenhard?

24 MR. LENHARD: No redirect, whatever this is, no  
25 recross.

1           HEARING OFFICER EMMERMANN:   Okay.   Mr. Ghan,  
2   thank you for your testimony today.   As a reminder,  
3   please do not discuss your testimony with anybody until  
4   after the final order is issued in this matter.

5           THE WITNESS:   Okay.

6           HEARING OFFICER EMMERMANN:   Thank you.

7           THE WITNESS:   Thank you.

8           HEARING OFFICER EMMERMANN:   Mr. Yien, do you  
9   still, do you have one more witness?

10          MR. YIEN:   I do have another witness.   It's  
11   going to be a long one if you want to take a break.

12          MS. GRIFA:   Okay.

13          HEARING OFFICER EMMERMANN:   Okay.   So let's  
14   take at a 10-minute break.   And let's start him.   I'd  
15   like to get through as much as we can today.

16          MR. YIEN:   Sure.   Okay.

17                       \* \* \* \* \*

18               (A break was taken 11:00 to 11:13 a.m.)

19                       \* \* \* \* \*

20          HEARING OFFICER EMMERMANN:   With that, let's go  
21   on the record.

22          Mr. Yien.

23          MR. YIEN:   Yes, before we begin, I'd like to  
24   address that the supplemental hearing exhibits provided  
25   by counsel, we haven't -- opposing counsel hasn't used

1 them yet, and I may have inadvertently agreed to admit  
2 these. The reason why I'm bringing this up now is  
3 because, I believe, these were documents inadvertently  
4 provided to the respondent as a result of a public  
5 records request. And they contain privileged  
6 attorney-client emails, specifically attorney-client  
7 emails from the next witness that I intend to call,  
8 Mr. Hall.

9 MR. LENHARD: Can you identify specifically the  
10 documents you're referring to if we're doing a  
11 call-back?

12 MR. YIEN: Yeah. It's KK, which is --

13 MR. LENHARD: Hang on a second. Let me catch  
14 up to you. KK. Okay.

15 MR. YIEN: It's an email from Delores Bennett  
16 to David Hall. He is an attorney with the Nevada  
17 Division of Insurance and the Division's next witness.  
18 So I request that that --

19 MR. LENHARD: It's page one of four?

20 MR. YIEN: Well, it's page one of four, but I  
21 would request that the entirety of it is not admissible.

22 MR. LENHARD: As to page one of four, it would  
23 be our position that it's not seeking legal advice. My  
24 understanding of the rule is if it's a factual email or  
25 a factual communication not seeking advice from a



1 counsel, either seeking advice or giving advice, it's  
2 fair game. I don't see a rendition of advice in here or  
3 a seeking advice on one out of four.

4 MR. YIEN: It's in relation to just received a  
5 service contract provider renewal application.

6 MR. LENHARD: M-hm (affirmative).

7 MR. YIEN: And since I cannot renew -- I'm just  
8 reading this.

9 MR. LENHARD: Right, no. Fair enough.

10 MR. YIEN: Since I cannot renew a license for a  
11 corporation that does not exist, therefore, I had  
12 indicated on our renewal that they have no sale since we  
13 licensed them.

14 It's correct, perhaps there is not an actual  
15 question in there, but it's insinuating that they don't  
16 know what to do, and they're asking David, what should  
17 we do?

18 MR. LENHARD: May I respond?

19 HEARING OFFICER EMMERMANN: Yes.

20 MR. LENHARD: It's an FYI. they're not seeking  
21 advice. They're advising him of a situation. They're  
22 not asking him his advice on how to respond or what to  
23 do. Lawyers get those all the time.

24 MR. YIEN: Respectfully, I disagree.

25 HEARING OFFICER EMMERMANN: Okay. So, then, I

1 get that you both disagree. Mr. Yien, you want this  
2 withdrawn from the exhibits?

3 MR. YIEN: Yes. And Mr. Lenhard's only  
4 addressed page one. So I'm looking through the rest of  
5 this, also.

6 Yes, and page two of four is communications  
7 between attorneys.

8 MR. LENHARD: Was it four of four?

9 MS. GRIFA: Two of four.

10 MR. YIEN: Two of four. Amy is also an  
11 attorney with the Nevada Division of Insurance.

12 MR. LENHARD: Yeah, I know who Ms. Parks is.

13 HEARING OFFICER EMMERMANN: I don't know what  
14 page you're talking about, Mr. Yien.

15 MR. YIEN: So it's KK, page two of four, and  
16 it's a yellow piece of paper.

17 HEARING OFFICER EMMERMANN: And let me get this  
18 right. So, Mr. Yien, this was produced in response to a  
19 public records request?

20 MR. YIEN: I believe so. It was a public  
21 records request.

22 MR. LENHARD: It was a request in response to a  
23 subpoena, but I can't be certain as I sit here.

24 MR. YIEN: I believe, Mr. Chance had requested  
25 any and all documents. By subpoena, then?

1 MR. CHANCE: Yes.

2 MR. LENHARD: There's a Bates stamp on here,  
3 which would indicate it's probably --

4 MR. CHANCE: Our Bates stamp.

5 MR. LENHARD: Our Bates stamp.

6 MR. CHANCE: But it was in response to the  
7 subpoena.

8 MR. YIEN: Okay. So it was inadvertently  
9 provided in response to a subpoena.

10 HEARING OFFICER EMMERMANN: Okay. So this is  
11 what I'm thinking for now. It's already in here. And I  
12 assume this has something to do with the testimony.

13 MR. YIEN: It has nothing to do with direct,  
14 but perhaps it has something to do with cross.

15 HEARING OFFICER EMMERMANN: Okay. So let's see  
16 if we even get to it in the hearing. Because if we  
17 don't, then there's no sense in putting it here. But  
18 this may be something that I'm going to have to  
19 research, because I don't know if there's an impact.  
20 And I'd like to know how it came out, if it came in  
21 response to the public records request or a subpoena.  
22 This is a legal issue I haven't seen before. So I want  
23 some time to think about it and do a little research on  
24 it. But I don't want to impede the hearing today.

25 So to the extent anything is discussed relating

1 to this exhibit, if I decide that this is not -- that  
2 this can be withdrawn, then we will just strike  
3 everything from the transcript and from the record that  
4 involves this. But for now, let's just go ahead and go  
5 forward with it. And then I'm going to need some time  
6 to do the research.

7 MR. YIEN: Would you like me to identify the  
8 exhibits in advance? Or are you just going to assume  
9 that any exhibit provided to the respondents  
10 unintentionally, that contains information from David  
11 Hall, Amy Parks or any attorney at the Nevada Division  
12 of Insurance is in question, then?

13 HEARING OFFICER EMMERMANN: I can do that. I  
14 think, it would be better and more clear for you --  
15 clear, more clear, for you to put it on the record.

16 MR. YIEN: Okay.

17 HEARING OFFICER EMMERMANN: But as we go  
18 through it.

19 MR. YIEN: Oh, as we go through.

20 HEARING OFFICER EMMERMANN: So that way, we  
21 don't have to stop everything.

22 MR. YIEN: Okay.

23 HEARING OFFICER EMMERMANN: And then, and this  
24 may be something I may have you all brief me on. But  
25 for now, let's proceed.

1           MR. YIEN: But for the record, because it's  
2 just right in front of me, I actually can identify that  
3 all those exhibits LL, MM, NN, OO, PP, and QQ have David  
4 Hall's name in them, and they are all emails, or many of  
5 them are emails that have him as somebody that it's  
6 addressed to or cc'd to.

7           HEARING OFFICER EMMERMANN: Okay. And, I  
8 think, I agree that just because an attorney's  
9 identified on it doesn't necessarily mean that it's  
10 privileged. But I do want the time to research it. And  
11 I'll give you a heads-up that you guys may have to brief  
12 me on this. So.

13           But it's noted. And then we can go ahead and  
14 proceed.

15           MR. YIEN: Okay.

16           HEARING OFFICER EMMERMANN: Are you ready to  
17 proceed?

18           MR. YIEN: Yes, I am. The Division calls David  
19 Hall.

20           HEARING OFFICER EMMERMANN: Mr. Hall, good  
21 morning.

22           THE WITNESS: Good morning.

23           HEARING OFFICER EMMERMANN: I know you're an  
24 attorney with the Division. I'm going to give you the  
25 rundown anyway.

## **CERTIFICATE OF SERVICE**

Pursuant to NRAP 25(1)(b) and 25(1)(d), I, the undersigned, hereby certify that I electronically filed the foregoing **APPELLANT'S APPENDIX (VOLUME V OF XIV)** with the Clerk of Court for the Supreme Court of Nevada by using the Supreme Court of Nevada's E-filing system on May 12, 2020.

I further certify that all participants in this case are registered with the Supreme Court of Nevada's E-filing system, and that service has been accomplished to the following individuals through the Court's E-filing System as indicated below:

**Via Electronic Filing System:**

Richard P. Yien  
Joanna N. Grigoriev

/s/ Joyce Heilich  
An Employee of Holland & Hart LLP