

ORIGINAL

FILED

OCT 17 2016

REAL ESTATE COMMISSION
BY *[Signature]*

BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL
ESTATE DIVISION, DEPARTMENT OF
BUSINESS & INDUSTRY, STATE OF NEVADA,

Case No.: 2016-646

Petitioner,

vs.

KYLE KRCH,

Respondent.

ANSWER TO COMPLAINT

COMES NOW, Respondents KYLE KRCH, by and through his attorney, James M. Walsh, Esq. of Walsh, Baker & Rosevear, and hereby answers Petitioner's Complaint as follows:

JURISDICTION

Respondent disputes and reserves all objections to the Commission's jurisdiction of this matter, based upon the doctrine of claim and issue preclusion.

FACTUAL ALLEGATIONS

In answer to the Factual Allegations of the Complaint, Respondent avers and alleges as follows:

1. Respondent admits the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 21, 25, 26, 27, 29, 30, 39, 40, 41, 42, 43, 44, 45 and 46.

2. Respondent denies the allegations contained in paragraphs 8, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 28, 31, 32, 33, 34, 35, 36, 37, 38, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state claims upon which relief may be granted.

2. The claims are barred by the doctrines of issue and claim preclusion.
3. Petitioner has acted in bad faith.
4. Petitioner has unclean hands.
5. Petitioner is estopped from asserting any claims against Respondent.
6. Petitioner has waived any claims against Respondent.
7. The statutory provisions and violations alleged by Petitioner are void for vagueness and therefore, unconstitutional and unenforceable.

WHEREFORE, Respondent prays for judgment as follows:

1. Petitioner take nothing by virtue of its Complaint;
2. For costs of suit herein incurred;
3. For attorney's fees;
4. For such other and further relief as the Commission deems proper.

Affirmation Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 2nd day of September, 2016.

WALSH, BAKER & ROSEVEAR



JAMES M. WALSH, ESQ.

Nevada State Bar No. 796

9468 Double R Boulevard, Suite A

Reno, Nevada 89521

(775) 853-0883

Attorneys for Respondent, Kyle Krch

1 CERTIFICATE OF SERVICE

2 I, the undersigned, declare under penalty of perjury, that I am an employee of WALSH, BAKER
3 & ROSEVEAR that I am over the age of eighteen (18) years, and that I am not a party to, nor interested
4 in, this action. On this date, I caused to be served a true and correct copy of the foregoing document on
all parties to this action by:

5 ✓ Placing an original or true copy thereof in a sealed envelope placed for collection and
6 mailing in the United States Mail, at Reno, Nevada postage paid, following the ordinary
7 course of business practices;

8 addressed as follows:

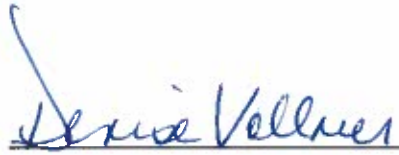
9 Peter K. Keegan
10 Deputy Attorney General
11 100 North Carson Street
12 Carson City, NV 89701
13 Attorneys for Real Estate Division

14 Sharath Chandra, Administrator
15 State of Nevada Dept. of Business & Industry
16 Real Estate Division
17 2501 East Sahara Avenue
18 Las Vegas, Nevada 89104-4137

19 Real Estate Division State of Nevada (Original)
20 1830 East College Pkwy, #120
21 Carson City, Nevada 89706
22 Attn: Legal Administrative Officer

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed this 28th day of September, 2016.

25 
26 _____
27 Denise Vollmer, an employee of
28 Walsh, Baker & Rosevear