

1                   **BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE**  
2   **STATE OF NEVADA**

3 SHARATH CHANDRA, Administrator,  
4 REAL ESTATE DIVISION, DEPARTMENT  
5 OF BUSINESS AND INDUSTRY, STATE  
6 OF NEVADA,

7   Petitioner,

8 vs.

9 KRISTEN N. ASTE,  
(License No. A.0007406-CR),

10   Respondent.

Case No. 2020-676, AP21.009.S

**RESPONDENT KRISTEN N. ASTE'S  
RESPONSE TO COMPLAINT AND  
NOTICE OF HEARING**

**FILED**

OCT 31 2023

NEVADA COMMISSION OF APPRAISERS

*M. Gallo*

11  
12                   Respondent Kristen N. Aste, by and through her attorneys at Lipson Neilson P.C.,  
13 hereby submits her response to the State of Nevada, Department of Business and  
14 Industry, Real Estate Division ("the Division") Complaint and Notice of Hearing filed  
15 September 1, 2023.

16   **JURISDICTION**

17                   Respondent admits she is a Certified Residential Appraiser licensed by the  
18 Division and that jurisdiction and venue are proper with respect to consideration of this  
19 specific assignment.

20   **PROCEDURAL HISTORY**

21                   1. In response to Paragraph 1, Respondent is without knowledge or  
22 information sufficient to form a belief as to the truth of the allegation contained therein  
23 and therefore denies the same.

24                   2. In response to Paragraph 2, Respondent admits that she received a letter  
25 of investigation from the Division requesting a copy of her report and work file pertaining  
26 to 608 St. Croix Street, Henderson, NV 89012, APN #178-27-216-015 ("Property"), but  
27 is without knowledge or information sufficient to form a belief as to the truth of the  
28 remaining allegations contained therein and therefore denies the same.

1           3.     In response to Paragraph 3, Respondent admits the allegation as pled.

2           4.     In response to Paragraph 4, Respondent is without knowledge or  
3 information sufficient to form a belief as to the truth of the allegation contained therein  
4 and therefore denies the same.

5           5.     In response to Paragraph 5, Respondent is without knowledge or  
6 information sufficient to form a belief as to the truth of the allegation contained therein  
7 and therefore denies the same.

8           6.     In response to Paragraph 6, Respondent admits she received a  
9 communication from the Division on or about March 17, 2022. Respondent denies the  
10 remaining allegations as pled.

11          7.     In response to Paragraph 7, Respondent admits that this matter was heard  
12 by the AARC on or about May 24, 2022. Respondent also admits that she was never  
13 provided a copy of the Division investigator's case report, a copy of any Standard 3  
14 Review report or any other information which would assist Respondent in understanding  
15 what the Division's allegations were regarding her work product or allow her the  
16 opportunity to adequately defend herself at the AARC hearing in violation of her due  
17 process rights. Respondent admits the remaining allegations as set forth herein.

18                                   **FACTUAL ALLEGATIONS**

19          8.     In response to Paragraph 8, Respondent admits the allegations as pled.

20          9.     In response to Paragraph 9, Respondent admits that construction on the  
21 home started in 2009 but is without knowledge or information sufficient to form a belief  
22 as to the truth of the remaining allegations contained therein and therefore denies the  
23 same.

24          10.    In response to Paragraph 10, Respondent admits the allegations as pled.

25          11.    In response to Paragraph 11, Respondent admits that the effective date of  
26 the appraisal was June 2, 2020; the Date of the Signature and Report was June 18,  
27 2020. Respondent denies the remaining allegations as pled.

28         ///

1           12. In response to Paragraph 12, Respondent is without knowledge or  
2 information sufficient to form a belief as to the truth of the allegation contained therein  
3 and therefore denies the allegations as pled.

4           13. In response to Paragraph 13, Respondent denies the allegations as pled.

5           14. In response to Paragraph 14, Respondent admits to utilizing MLS photos  
6 but denies the remaining allegations as pled.

7           15. In response to Paragraph 15, Respondent denies the allegations as pled.

8           16. In response to Paragraph 16, Respondent denies the allegations as pled.

9           17. In response to Paragraph 17, Respondent denies the allegations as pled.

10          18. In response to Paragraph 18, Respondent denies the allegations as pled.

11          19. In response to Paragraph 19, Respondent admits she received a letter  
12 from the Division regarding the recommendation of a formal complaint, but is without  
13 knowledge or information sufficient to form a belief as to the truth of the remaining  
14 allegations contained therein and therefore denies the same.

**VIOLATIONS OF LAW**

15  
16           In response to the first paragraph of Violations of Law in Petitioner's Complaint,  
17 Respondent denies the allegations as pled.

18           In response to the First Violation, to the extent the allegations contained therein  
19 consist of the Division's legal conclusions or an attempt to summarize this lawsuit, no  
20 response is required. To the extent a response is required, Respondent is without  
21 sufficient knowledge or information upon which to form a belief as to the truth of the  
22 allegations contained therein, and therefore, generally and specifically denies the  
23 allegations contained therein.

24           In response to the Second Violation, to the extent the allegations contained  
25 therein consist of the Division's legal conclusions or an attempt to summarize this  
26 lawsuit, no response is required. To the extent a response is required, Respondent is  
27 without sufficient knowledge or information upon which to form a belief as to the truth of  
28 the allegations contained therein, and therefore, generally and specifically denies the

1 allegations contained therein.

2 In response to the Third Violation, to the extent the allegations contained therein  
3 consist of the Division's legal conclusions or an attempt to summarize this lawsuit, no  
4 response is required. To the extent a response is required, Respondent denies the  
5 allegations as pled. This violation is duplicative and inclusive of the prior allegations set  
6 forth herein, and should not be viewed as an independent violation for purposes of  
7 consideration of fines under statute.

8 In response to the Fourth Violation, to the extent the allegations contained therein  
9 consist of the Division's legal conclusions or an attempt to summarize this lawsuit, no  
10 response is required. To the extent a response is required, Respondent denies the  
11 allegations as pled.

12 In response to the Fifth Violation, to the extent the allegations contained therein  
13 consist of the Division's legal conclusions or an attempt to summarize this lawsuit, no  
14 response is required. To the extent a response is required, Respondent denies the  
15 allegations as pled.

16 In response to the Sixth Violation, to the extent the allegations contained therein  
17 consist of the Division's legal conclusions or an attempt to summarize this lawsuit, no  
18 response is required. To the extent a response is required, Respondent denies the  
19 allegations as pled.

20 In response to the Seventh Violation, to the extent the allegations contained  
21 therein consist of the Division's legal conclusions or an attempt to summarize this  
22 lawsuit, no response is required. To the extent a response is required, Respondent  
23 denies the allegations as pled. This violation is duplicative and inclusive of the prior  
24 allegations set forth herein, and should not be viewed as an independent violation for  
25 purposes of consideration of fines under statute.

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1 In response to the Eighth Violation, to the extent the allegations contained therein  
2 consist of the Division's legal conclusions or an attempt to summarize this lawsuit, no  
3 response is required. To the extent a response is required, Respondent denies the  
4 allegations as pled. This violation is duplicative and inclusive of the prior allegations set  
5 forth herein, and should not be viewed as an independent violation for purposes of  
6 consideration of fines under statute.

7 In response to the Ninth Violation, to the extent the allegations contained therein  
8 consist of the Division's legal conclusions or an attempt to summarize this lawsuit, no  
9 response is required. To the extent a response is required, Respondent denies the  
10 allegations as pled. This violation is duplicative and inclusive of the prior allegations set  
11 forth herein, and should not be viewed as an independent violation for purposes of  
12 consideration of fines under statute.

13 In response to the Tenth Violation, to the extent the allegations contained therein  
14 consist of the Division's legal conclusions or an attempt to summarize this lawsuit, no  
15 response is required. To the extent a response is required, Respondent denies the  
16 allegations as pled. This violation is duplicative and inclusive of the prior allegations set  
17 forth herein, and should not be viewed as an independent violation for purposes of  
18 consideration of fines under statute.

**DISCIPLINE AUTHORIZED**

19  
20 Respondent disagrees with the Division's allegations as pled and requests that  
21 the Commission refrain from the imposition of discipline, restriction or the imposition of  
22 education and fines under the Nevada Revised Statutes or the Nevada Administrative  
23 Code. Respondent has been licensed for more than 15 years and has no prior  
24 discipline. Respondent's goal is to continue to educate herself and improve her skills.  
25 She respects that the Commission serves an important role and is open to any feed-back  
26 and input the Commission may have to assist in her pursuit of that goal. To the extent  
27 that the Commission does determine that any discipline may be warranted, Respondent  
28 requests that the Commission take into consideration significant financial and health

1 issues being faced by Respondent and her three young children. More information  
2 regarding these mitigation factors will be presented should that be necessary.  
3 Respondent thanks the Commission for their time and attention to this matter.

4 DATED this 31<sup>st</sup> day of October, 2023.

5 LIPSON NEILSON P.C.

6  
7 By: /s/ Janeen V. Isaacson  
8 JANEEN V. ISAACSON, ESQ.  
9 Nevada Bar No. 6429  
10 9900 Covington Cross Drive, Suite 120  
11 Las Vegas, Nevada 89144

12 *Attorneys for Respondent, Kristen N. Aste*

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on the 31<sup>st</sup> day of October, 2023, service of the foregoing  
15 **RESPONDENT KRISTEN N. ASTE'S RESPONSE TO COMPLAINT AND NOTICE OF**  
16 **HEARING** was made via electronic mail addressed to the following parties:

19 Maria Gallo 20 Commission Coordinator 21 Shareece N. Bates 22 Administration Section Manager 23 Nevada Real Estate Division 24 3300 W. Sahara Avenue, Suite 350 25 Las Vegas, Nevada 89102 26 <a href="mailto:mgallo@red.nv.gov">mgallo@red.nv.gov</a> 27 <a href="mailto:sbates@red.nv.gov">sbates@red.nv.gov</a>	Phil W. Su, Esq. Senior Deputy Attorney General 555 East Washington Ave. Las Vegas, Nevada 89101 <a href="mailto:psu@ag.nv.gov">psu@ag.nv.gov</a>
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28 /s/ Michele Stones  
An Employee of LIPSON NEILSON P.C.