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**BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA**

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

Petitioner,

vs.

KAY J. DESPOSATO,
(License No. A.0205605-CR),

Respondent.

CASE NO.: 2021-773

**RESPONDENT KAY J. DEPOSATO'S
RESPONSE TO COMPLAINT AND
NOTICE OF HEARING**

FILED

NOV 07 2024

NEVADA COMMISSION OF APPRAISERS



Respondent Kay J. Desposato ("Ms. Desposato"), by and through her attorneys at LIPSON NEILSON P.C., hereby submits her response to the State of Nevada, Department of Business and Industry, Real Estate Division ("the Division") Complaint and Notice of Hearing filed September 6, 2024. Ms. Desposato was first licensed as a residential appraiser in the early 1990's. She received her certified residential appraisal license on January 13, 2009. Ms. Desposato practiced for more than 30 years with no discipline on her record. She has retired from the practice and has deactivated her license. In retirement, she is now facing her first ever complaint pertaining to an appraisal she performed more than three years ago. We respectfully request that the Commission dismiss this case.

PROCEDURAL HISTORY

1. In response to Paragraph 1, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding when it was received by the Division and therefore denies the same. A borrower (not the client) filed a grievance accusing Respondent of racial bias. This grievance alleged that Respondent deliberately took unflattering pictures of the home and intentionally ignored specific comparables to manipulate a lower opinion of value to punish the borrower for their race.

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Las Vegas, Nevada 89144
(702) 382-1500 FAX: (702) 382-1512

1 2. In response to Paragraph 2, Respondent was provided with a copy of the
2 grievance by the Division. The letter from the Division simply included a copy of the
3 grievance and offered Respondent a chance to comment on the accusations made. As
4 Respondent was not provided any information as to the nature or direction of the
5 Division's investigation, she provided a written response refuting the allegations of racial
6 bias, which was the core basis of the grievance. Respondent denies paragraph 2 to the
7 extent the statements are inconsistent with these points.

8 3. In response to Paragraph 3, Respondent admits that she provided the
9 bulk of her work file with respect to the Property to the Division on or about August 5,
10 2021. Respondent subsequently realized that she inadvertently omitted the appraisal
11 order sheet and certain pages of the work file where pages were two-sided. These
12 records are being provided to the Division for review and consideration.

13 4. In response to Paragraph 4, Respondent is without knowledge or
14 information sufficient to form a belief as to the details related to the Division's conduct
15 and the timing regarding same and therefore denies the same.

16 5. In response to Paragraph 5, Respondent is without knowledge or
17 information sufficient to form a belief as to the details related to the Division's conduct
18 and therefore denies the same.

19 6. In response to Paragraph 6, Respondent is without knowledge or
20 information sufficient to form a belief as to the details related to the Division or the
21 AARC's conduct and therefore denies the same.

FACTUAL ALLEGATIONS

22
23 7. In response to Paragraph 7, to the extent that the Division's allegations
24 purport to recite written documents, the documents are the best evidence and speak for
25 themselves. To the extent the allegations are inconsistent with the documents, those
26 allegations are denied.

27 8. In response to Paragraph 8, to the extent that the Division's allegations
28 purport to recite written documents, the documents are the best evidence and speak for

1 themselves. To the extent the allegations are inconsistent with the documents, those
2 allegations are denied.

3 9. In response to Paragraph 9, to the extent that the Division's allegations
4 purport to recite written documents, the documents are the best evidence and speak for
5 themselves. To the extent the allegations are inconsistent with the documents, those
6 allegations are denied.

7 10. In response to Paragraph 10, to the extent that the Division's allegations
8 purport to recite written documents, the documents are the best evidence and speak for
9 themselves. To the extent the allegations are inconsistent with the documents, those
10 allegations are denied.

11 11. In response to Paragraph 11, to the extent that the Division's allegations
12 purport to recite written documents, the documents are the best evidence and speak for
13 themselves. To the extent the allegations are inconsistent with the documents, those
14 allegations are denied. This paragraph also contains legal conclusions which are the
15 purview of the Commission.

16 12. In response to Paragraph 12, Respondent denies the allegations as pled.

17 13. In response to Paragraph 13, to the extent that the Division's allegations
18 purport to recite written documents, the documents are the best evidence and speak for
19 themselves. To the extent the allegations are inconsistent with the documents, those
20 allegations are denied.

21 14. In response to Paragraph 14, Respondent denies the allegations as pled.

22 15. In response to Paragraph 15, to the extent that the Division's allegations
23 purport to recite written documents, the documents are the best evidence and speak for
24 themselves.

25 16. In response to Paragraph 16, Respondent did perform a paired sales
26 analysis. The documentation related to this analysis is part of the supplemental work-
27 file production which was unintentionally omitted from the original submission to the
28 Division.

1 17. In response to Paragraph 17, to the extent that the Division's allegations
2 purport to recite written documents, the documents are the best evidence and speak for
3 themselves. To the extent the allegations are inconsistent with the documents, those
4 allegations are denied.

5 18. In response to Paragraph 18, to the extent that the Division's allegations
6 purport to recite written documents, the documents are the best evidence and speak for
7 themselves. To the extent the allegations are inconsistent with the documents, those
8 allegations are denied.

9 19. In response to Paragraph 19, to the extent that the Division's allegations
10 purport to recite written documents, the documents are the best evidence and speak for
11 themselves. To the extent the allegations are inconsistent with the documents, those
12 allegations are denied. Additionally, to the extent those allegations purport to attack the
13 credibility of the opinion of value, those allegations are denied.

14 20. In response to Paragraph 20, to the extent that the Division's allegations
15 purport to recite written documents, the documents are the best evidence and speak for
16 themselves. Respondent denies the remaining allegations as pled.

17 21. In response to Paragraph 21, to the extent that the Division's allegations
18 purport to recite written documents, the documents are the best evidence and speak for
19 themselves. Respondent denies the remaining allegations as pled.

20 22. In response to Paragraph 22, to the extent that the Division's allegations
21 purport to recite written documents, the documents are the best evidence and speak for
22 themselves. Respondent denies the remaining allegations as pled.

23 23. In response to Paragraph 23, to the extent that the Division's allegations
24 purport to recite written documents, the documents are the best evidence and speak for
25 themselves. Respondent denies the remaining allegations as pled.

26 24. In response to Paragraph 24, to the extent that the Division's allegations
27 purport to recite written documents, the documents are the best evidence and speak for
28 themselves.

VIOLATIONS OF LAW

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In response to the First Violation, Respondent denies the allegations as pled.
In response to the Second Violation, Respondent denies the allegations as pled.
In response to the Third Violation, Respondent denies the allegations as pled.
In response to the Fourth Violation, Respondent denies the allegations as pled.
In response to the Fifth Violation, Respondent denies the allegations as pled.
In response to the Sixth Violation, Respondent denies the allegations as pled.
In response to the Seventh Violation, Respondent denies the allegations as pled.
In response to the Eighth Violation, Respondent denies the allegations as pled.
In response to the Ninth Violation, Respondent denies the allegations as pled.
In response to the Tenth Violation, Respondent denies the allegations as pled.
In response to the Eleventh Violation, Respondent denies the allegations as pled.
In response to the Twelfth Violation, Respondent denies the allegations as pled.
In response to the Thirteenth Violation, Respondent denies the allegations as
pled.

DISCIPLINE AUTHORIZED

Respondent denies that she has committed any action which would serve as grounds for any form of discipline, restriction or the imposition of education and fines under the Nevada Revised Statutes or the Nevada Administrative Code. Respondent instead requests that the Commission dismiss this matter in its entirety.

Dated this 7th day of November, 2024.

LIPSON NEILSON P.C.

By: /s/ Janeen V. Isaacson
JANEEN V. ISAACSON (NV Bar No. 6429)
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Las Vegas, Nevada 89144
JIsaacson@lipsonneilson.com

Attorneys for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November, 2024, service of the foregoing
**RESPONDENT KAY J. DEPOSATO'S RESPONSE TO COMPLAINT AND NOTICE
OF HEARING** was made via electronic mail addressed to the following parties:

Maria Gallo Commission Coordinator Shareece N. Bates Administration Section Manager Nevada Real Estate Division 3300 W. Sahara Avenue, Suite 350 Las Vegas, Nevada 89102 mgallo@red.nv.gov sbates@red.nv.gov	Phil W. Su, Esq. Senior Deputy Attorney General 1 State of Nevada Way, Ste. 100 Las Vegas, Nevada 89119 psu@ag.nv.gov <i>Attorneys for Real Estate Division</i>
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/s/ Michele Stones
An Employee of LIPSON NEILSON P.C.

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