

1 ALLAN ROTHSTEIN
2 8616 Canyon View Drive
3 Las Vegas, NV 89117
4 Phone: (702) 353-6878
5 Email: allanindianoil@yahoo.com
6 Respondent in proper person

7 **BEFORE THE REAL ESTATE COMMISSION**

8 **STATE OF NEVADA**

9 SHARATH CHANDRA, Administrator,
10 REAL ESTATE DIVISION, DEPARTMENT
11 OF BUSINESS & INDUSTRY,
12 STATE OF NEVADA

CASE NO.: 2020-359

Petitioner,

vs.

ALLAN ROTHSTEIN,

Respondent.

13 **VERIFIED ANSWER TO PETITIONER'S FIRST AMENDED COMPLAINT**

14 COMES NOW Respondent ALLAN ROTHSTEIN, hereby Answers Petitioner's First
15 Amended Complaint as follows:

- 16 1. Respondent admits the allegations of Paragraphs 1 – 6, 9, 10, 15, 16, 21, 31, 37, 38,
- 17 2. Respondent denies each and every allegation, in the entirety, of Paragraphs 7, 12 –
18 14, 17 – 20, 22 – 30, 33, 35, 36, 40 – 42, 44, 45, 49 – 51.
- 19 3. Respondent asserts that he is without enough information to fully respond and
20 answer the following Paragraphs, and therefore denies the allegations of Paragraphs 32, 34,
21 39, 43, 46 – 48.
- 22 4. With regards to Paragraph 8, Respondent admits the Owner filed a statement and
23 denies all other allegations in this Paragraph.
- 24 5. With regards to Paragraph 11, Respondent admits there is an address and denies all
25 other allegations in this Paragraph.
- 26 6. Respondent Denies all Paragraphs in the Violations of Law and the Discipline
27 Authorized sections.
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2 **AFFIRMATIVE DEFENSES**

3 **FIRST AFFIRMATIVE DEFENSE**

4 Petitioner's complaint fails to state claims upon which relief can be granted.

5 **SECOND AFFIRMATIVE DEFENSE**

6 That the damages complained of by Petitioner were caused on whole or in part by the
7 acts of the third persons over whom this answering Respondent has no control, and as a result
8 thereof Petitioner is barred from disciplining Respondent.

9 **THIRD AFFIRMATIVE DEFENSE**

10 Petitioner's complaint fails to state Complainant ratified and consented to
11 Respondent's conduct and as such, Respondent's acts are justified as the fiduciary of
12 Complainant.

13 **FOURTH AFFIRMATIVE DEFENSE**

14 The damages complained of by Petitioner herein were in whole or in part caused by
15 Complainant's own misconduct, errors or omissions and as a result thereof, Petitioner is
16 barred from recovery herein.

17 **FIFTH AFFIRMATIVE DEFENSE**

18 Petitioner's claims, if any be valid, are barred by the applicable statutes of limitation.

19 **SIXTH AFFIRMATIVE DEFENSE**

20 Petitioner's claims are barred by the doctrine of laches, as Respondent's mental
21 condition and disabilities prevent him from accurately explaining and vocalizing.

22 **SEVENTH AFFIRMATIVE DEFENSE**

23 Petitioner's claims against this answering Respondent are barred by the doctrine of
24 estoppel as these facts and circumstances are being litigated in a controlling jurisdiction, and
25 Complainant has agreed to settle his liabilities and responsibilities in the Court, therefore,
26 Petitioner is estopped from any recovery against this answering Respondent.
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1 **EIGHTH AFFIRMATIVE DEFENSE**

2 Petitioner's claims, if any be valid against this answering Respondent, were waived,
3 extinguished and released, pursuant to previous agreements entered into between
4 Complainant and other parties, including this answering Respondent.

5 **NINTH AFFIRMATIVE DEFENSE**

6 Petitioner's claims, if any be valid, are barred by the doctrine of unclean hands, as
7 Petitioner has refused to advise Respondent of his rights and obligations regarding
8 Petitioner's complaint.

9 **TENTH AFFIRMATIVE DEFENSE**

10 That the incidents complained of by Petitioner, if any be valid, are the result of
11 Complainant's fraud and / or Respondent's tenant's, deceit and wrongful conduct, and
12 therefore, Petitioner is barred from disciplining Respondent.

13 **ELEVENTH AFFIRMATIVE DEFENSE**

14 Respondent's claims are barred because the underlying claims from Complainant
15 form the basis of fraud, and abuse of process against Respondent.

16 **TWELFTH AFFIRMATIVE DEFENSE**

17 Petitioner's claims are barred by its own failure to deal in good faith and deal fairly
18 with Respondent.

19 **THIRTEENTH AFFIRMATIVE DEFENSE**

20 Complainant's claims against Respondent are barred by the statute of frauds, and all
21 applicable provisions of Nevada law, including NRS section 111.220 and others.

22 **FOURTEENTH AFFIRMATIVE DEFENSE**

23 This answering Respondent has been required to retain the services of an attorney to
24 defend the claims brought by Petitioner and is entitled to an award of reasonable attorney's
25 fees incurred in the defense of this matter.

26 This answering Respondent reserves the right to assert additional affirmative defenses
27 should discovery reveal that additional affirmative defenses are appropriate.
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1 WHEREFORE, Respondent / Counterclaimant prays for the following:

2 1. That the Petitioner's claims against Respondent be adjudicated in Respondent's
3 favor; and

4 2. For such other relief as the Court finds to be just and proper, including
5 Respondent's attorney's fees and costs paid by Petitioner.

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7 **VERIFICATION**

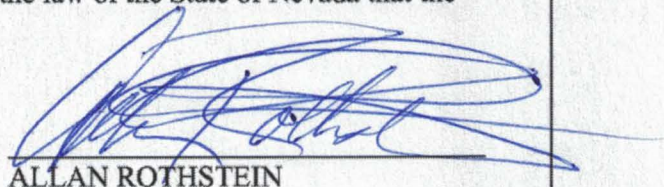
8 STATE OF NEVADA)
9 :SS
 COUNTY OF CLARK)

10 Under penalty of perjury, and pursuant to NRS 53.045, I declare that I am the
11 Respondent in the above-entitled action; that I have read the foregoing Verified Answer to
12 Petitioner's First Amended Complaint and know the contents thereof; that the pleading is
13 true of my own knowledge, except for those matters therein contained stated upon
14 information and belief, and that as to those matters, I believe them to be true.

15 I declare under penalty of perjury under the law of the State of Nevada that the
16 foregoing is true and correct.

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ALLAN ROTHSTEIN

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SUBSCRIBED and SWORN to before
me this _____ day of January, 2023

NOTARY PUBLIC in and for COUNTY
of CLARK, STATE of NEVADA

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that pursuant to NRCP 5(b) on the 25th day of February, 2023,
I caused service of the foregoing **VERIFIED ANSWER TO PETITIONER'S AMENDED
COMPLAINT** to be made by serving the same via electronic mail to the following via the e-
mail address provided in the e-service list:

Shareece Bates, Administration Section Manager
State of Nevada
Department of Business and Industry, Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, NV 89102
Email : sbates@red.nv.gov
Attorney for Petitioner


/s/ Allan Rothstein
Respondent
