1	
1	Marquis AurbachImage: Constraint of the second
3	10001 Park Run Drive NOV 2 5 2024
	Las Vegas, Nevada 89145 Telephone: (702) 382-0711 By King Commission
4	Las Vegas, Nevada 89145 Telephone: (702) 382-0711 Facsimile: (702) 382-5816 thanseen@maclaw.com Attorneys for Respondents
5	
6	BEFORE THE REAL ESTATE COMMISSION
7	STATE OF NEVADA
8	SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF
9 10	BUSINESS & INDÚSTRY, STATE OF NEVADA, Case Nos.: 2023-959; 2023-960
11	Petitioner,
12	VS.
13	ZARBOD ZANGANEH,
14	(B.1000811.LLC- Case No. 2023-959), ALICIA PRESCOTT-LARIVIERE, (S.0172839, Case No.
15	2023-960),
16	Respondents.
17	RESPONDENTS' ANSWER TO COMPLAINT
18	Respondents ZARBOD ZANGANEH, (B.1000811.LLC- Case No. 2023-959), and
19	ALICIA PRESCOTT-LARIVIERE, (S.0172839, Case No. 2023-960), (collectively
20	"Respondents") by and through their attorneys of record, the law firm of Marquis Aurbach,
21	hereby answers Petitioner's Complaint as follows:
22	FACTUAL ALLEGATIONS
23	1. In answering Paragraph 1, Respondents admit the licensed broker allegation and
24	serving as broker for The Agency Las Vegas and are without knowledge or information
25	sufficient to form a belief as to the truth of the remaining allegations and therefore deny the
26	same-the referenced documents speak for themselves.
27	
28	
	Page 1 of 6

I

10001 Park Run Drive Las Vegas, Nevada 89145 (702) 382-0711 FAX: (702) 382-5816

MARQUIS AURBACH

MAC: 17407-003 (#5681797.1)

2. In answering Paragraph 2, Respondents admit the licensed salesperson under the supervision of Zanganeh and are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations and therefore deny the same—the referenced documents speak for themselves.

3. In answering Paragraphs 3 and 4 of Petitioner's Complaint, Respondents admit Killackey submitted a Statement of Fact with the Division and are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations and therefore deny the same—the referenced documents speak for themselves.

BACKGROUND FACTS

4. In answering Paragraphs 5-42 of Petitioner's Complaint, Respondents are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same—the referenced documents speak for themselves, whether true or not.

RESPONDENTS' RESPONSES AND ADDITIONAL STATEMENTS OF FACT

5. In answering Paragraphs 43-47 of Petitioner's Complaint, Respondents are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same—the referenced documents speak for themselves, whether true or not.

VIOLATIONS OF LAW

6. In answering Paragraphs 1-4 of this section of Petitioner's Complaint, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore, deny the same—the allegations amount to legal conclusions applying fact to statutes and sections of administrative code.

DISCIPLINE AUTHORIZED

This section of Petitioner's Complaint does not set forth numbered allegations,
but, instead, asserts that discipline against Respondent is authorized and requesting relief.
Considering the circumstances, Respondent is without knowledge or information sufficient to

MARQUIS AURBACH 10001 Park Run Drive Las Vegas, Nevada 89145 (702) 382-0711 FAX: (702) 382-5816 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

26

27

28

form a belief as to the truth of the allegations contained therein, and therefore, deny the same-1 the allegations amount to legal conclusions. 2 **GENERAL DENIAL** 3 As to any remaining allegations not specifically responded to, Respondents deny 8. 4 5 the same. 6 **AFFIRMATIVE DEFENSES** On information and belief, Respondents pursued an LVR complaint against the 7 1. other parties/entities involved related to the commission involved and LVR found in favor of 8 Respondents awarding them the related commissions-not in favor of Killackey and the 9 associated individuals and entities. 10 Petitioner's Complaint fails to state a claim upon which relief may be granted or a 11 2. sanction assessed against the Respondents. 12 On information and belief, the offer was non-contingent on pre-approval. 3. 13 On information and belief, some of the individuals and/or entities participating in 14 4. pursuing Respondents in this matter violated ethical considerations, were unsuccessful with LVR 15 complaints/circumstances, and/or were simply pursuing Respondents for personal reasons with 16 17 the intent to harm Respondents. 18 5. Individuals and parties had an opportunity to conduct due diligence and 19 independently verify information. Respondents alleges that the Petitioner's claims are barred by the equitable 20 6. doctrines of laches, unclean hands, and failure to do equity. 21 7. Respondents alleges that the Petitioner's claims were waived and/or it is estopped 22 from asserting the claims the Complaint alleges. 23 8. Respondents alleges that the Petitioner's Complaint was not filed within a 24 reasonable time, as the events surrounding the allegations occurred in or about 2022. 25 26 9. Petitioner's claims are barred in whole or in part due to ratification, acquiescence, and/or consent. 27 28 Page 3 of 6 MAC: 17407-003 (#5681797.1)

10001 Park Run Drive Las Vegas, Nevada 89145 (702) 382-0711 FAX: (702) 382-5816

MARQUIS AURBACH

1	10.	If damages were suffered, others' actions or inactions were the cause of the
2	damages.	
3	11.	Any violations were the result of mistake of fact or law.
4	12.	Respondents did not knowingly or intentionally violate the law or any related
5	duties.	
6	13.	Respondents substantially complied.
7	14.	Sellers did not rely to detriment on any information provided and buyers were not
8	harmed.	
9	15.	Any harm was the result of others' actions. For example, refusal to allow payment
10	of procuring of	cause commissions to which Respondents were entitled.
11	16.	The party who initiated the action with the Commission has not suffered any harm
12	or damages ca	aused by Respondents.
13	17.	Respondents hereby incorporate by reference any other affirmative defenses
14	which may	be available under the facts, law, and administrative rules governing these
15	proceedings a	as if fully set forth herein. In the event further investigation or discovery reveals the
16	applicability	of any such defenses, Respondents reserve the right to seek leave of the
17	Commission	to amend this Answer to specifically assert any such defense. Such defenses are
18	herein incorpo	orated by reference for the specific purpose of not waiving any such defense.
19		PRAYER FOR RELIEF
20	WHE	REFORE, all material allegations of Petitioner's Complaint have been denied and
21	affirmative de	efenses asserted. Respondents hereby request as follows:
22	1.	Respondents pray for a ruling in their favor.
23	2.	That Petitioner's take nothing by way of the Complaint and that the Complaint be
24	dismissed.	
25	3.	That no discipline be taken.
26	///	
27	///	
28	///	
		Page 4 of 6 MAC: 17407-003 (#5681797.1)
	I	

MARQUIS AURBACH 10001 Park Run Drive Las Vegas, Nevada 89145 (702) 382-0711 FAX: (702) 382-5816

1	4. For such other and further relief as the Commission may deem just and proper.
2	Dated this 25 th day of November, 2024.
3	MARQUIS AURBACH
4	MARQUIS NORDAUT
5	By /s/ Tye S. Hanseen
6	By <u>/s/ Tye S. Hanseen</u> Tye S. Hanseen, Esq. Nevada Bar No. 10365
7	10001 Park Run Drive
8	Las Vegas, Nevada 89145 Attorneys for Respondent
9	
10	
11	
12	
13	
14	
15 16	
10	
18	
19	
20	
21	
22	
23	
24	
25	
26	Ф.
27	
28	
	Page 5 of 6 MAC: 17407-003 (#5681797.1)

MARQUIS AURBACH 10001 Park Run Drive Las Vegas, Nevada 89145 (702) 382-0711 FAX: (702) 382-5816

1	CERTIFICATE OF SERVICE
2	I hereby certify that on the 25 th day of November, 2024, I served a copy of the foregoing
3	RESPONDENTS' ANSWER TO COMPLAINT upon each of the parties via email to:
4	Kelly Valadez Commission Coordinator
5	Nevada Real Estate Division 3300 W. Sahara Avenue, Suite 350
6	Las Vegas, Nevada 89102 Email: <u>KValadez@red.nv.gov</u>
7	Eman. <u>Revaladozograd.nv.gov</u>
8	Phil W. Su Senior Deputy Attorney General
9	Senior Deputy Attorney General 1 State of Nevada Way, Ste. 100 Las Vegas, Nevada 89119
10	Email: <u>psu@ag.nv.gov</u>
11	
12	
13	/s/ Rosie Wesp an employee of Marquis Aurbach
14	
15	
16	
17 18	
10	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	Page 6 of 6 MAC: 17407-003 (#5681797.1)

MARQUIS AURBACH 10001 Park Run Drive Las Vegas, Nevada 89145 (702) 382-0711 FAX: (702) 382-5816