BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. ANDREW J. AREVALO, (S.0184627) Respondent.	Case No. 2024-660 FILED APR 16 2025 REAL ESTATE COMMISSION BY

PETITIONER'S MOTION *IN LIMINE* TO LIMIT REPETITIOUS, IRRELEVANT AND/OR IMMATERIAL WITNESSES AND SIMILARLY EXCLUDE EVIDENCE OTHERWISE OFFERED TO CONFUSE THE ISSUES AND WASTE TIME

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") by and through its attorneys of record, AARON D. FORD, Attorney General, and CHRISTAL P. KEEGAN, Deputy Attorney General, hereby moves the Nevada Real Estate Commission ("Commission") to consider its Motion *in Limine* to Limit Repetitious, Irrelevant, and/or Immaterial Witnesses and Similarly Exclude Evidence Otherwise Offered to Confuse the Issues and Waste Time pursuant to NAC 645.840 and 645.845. This Motion is made and based upon the attached Memorandum of Points and Authorities, the papers and pleadings on file herein, and any oral argument the Commission may hear on this matter at its scheduled May 13-15 meetings.

DATED this 16th day of April 2025.

AARON D. FORD
Attorney General

By: ckeegan
CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
(775) 687-2141
ckeegan@ag.nv.gov

Attorney for Real Estate Division

DECLARATION OF CHRISTAL P. KEEGAN, ESQ. IN SUPPORT OF MOTION *IN LIMINE* TO LIMIT REPETITIOUS, IRRELEVANT, AND/OR IMMATERIAL WITNESSES AND SIMILARLY EXCLUDE EVIDENCE OTHERWISE OFFERED TO CONFUSE THE ISSUES AND WASTE TIME

I, CHRISTAL PARK KEEGAN, declare under penalty of perjury as follows:

1. I am a Deputy Attorney General with the Nevada Attorney General's Office and serve as counsel for the Nevada Real Estate Division ("Division"), and represent the Division in this administrative disciplinary action case no. 2024-660 against Respondent Andrew J. Arevalo ("Arevalo") before the Nevada Real Estate Commission ("Commission").

2. The hearings in this case no. 2024-660 have been continued twice now – from its original notice for the November 19-21, 2024 Hearings, continued a second time from the February 11-13, 2025 Hearings, and shall be heard at the upcoming May 13-15, 2025 Commission Hearings despite Arevalo's attempts to delay the hearings for a yet third time.[1]

3. This case is a straightforward case about Arevalo entering a plea of guilty for domestic violence offense(s),[2] for which he is still serving probation until December of 2025,[3] and for further not reporting the entry of guilty plea to the Division within 10 days as required, but instead approximately 225 days later.[4]

4. On October 16, 2024 at 2:48 PM, Division's Counsel made its Prehearing Disclosures to opposing counsel, identifying one witness – the Division's Investigator, Shannon Goddard. *Exhibit 1.*

5. It was not until nearly four (4) months later, on February 6, 2025 just three (3) working days before the February 11-13, 2025 Commission Hearings, that Arevalo identified his intent to call at least six (6) witnesses. *Exhibit 2.*

. . .

---

[1] Respondent's Motion to Continue the Administrative Trial, filed April 11, 2024. Letter, Request for Continuance **DENIED**, dated April 14, 2025.

[2] Complaint and Notice of Hearing, Case No. 2024-660, filed October 1, 2024. Violation of Law No. 2, NRS 645.633(1)(d)(2).

[3] Violation of Law No. 1, NRS 645.330(1) pursuant to NRS 645.330(2)(b)(2).

[4] Violation of Law No. 3, NRS 645.615(2). 225 days calculated from the Guilty Plea signed and dated by Respondent on December 4, 2023 *NRED 000028–000029*, to the self-report letter to the Division received July 16, 2024 *NRED 000015*, is 225 days from the start date to the end date, but not including the end date, or 7 months, 12 days excluding the end date.

6. I hereby submit this declaration under penalty of perjury setting forth that a good-faith effort to confer has been extended to opposing counsel to reconsider its witnesses 2, 3, 4, 5, and 6. *Exhibit 3*.

7. At the very least, the State requested the opposing counsel consider reasonable limitations of such witnesses' testimony, specifically to limit Witness 2, Brooks Robinson, Esq. testimony to not exceed the Division's time performing direct examination of its witness - the Division's Investigator, and to choose one (1) of his three (3) character witnesses 4, 5, or 6 with testimony limited to a reasonable 15 minutes. *Exhibit 3*.

8. Resultantly, the issues raised in the instant Motion have not been resolved because opposing counsel has decidedly ignored Division's Counsel's extended efforts to support an expeditious hearing focused on the material and relevant issues, and instead filed a Motion to Continue the Administrative Trial on February 11, 2025 underscoring his intent to take "multiple days" "as Respondent intends to call six (6) witnesses to testify." *Exhibit 4*.

I swear under penalty of perjury that the information contained in this declaration is true and correct.

DATED this 16th day of April 2025.

AARON D. FORD
Attorney General

By: cpkeegan
CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
(775) 687-2141
ckeegan@ag.nv.gov

Attorney for Real Estate Division

MEMORANDUM OF POINTS AND AUTHORITIES

I. LEGAL ARGUMENT

A. Legal Standard.

NAC 645.845(2) requires "[a]ny evidence offered at a hearing *must be material and relevant to the issues* of the hearing." (emphasis added.) NAC 645.845(3) provides the Commission with the discretion to "*exclude* inadmissible, incompetent, *repetitious or irrelevant evidence.*" (emphasis added.)

B. Arevalo's Witness List is Repetitious, Immaterial and/or Irrelevant and the Commission Should Place Reasonable Limitations on these Witnesses.

Arevalo has identified six (6) witnesses, with the exception of Witness 1 the Respondent himself Andrew J. Arevalo, the remaining of which the Division takes issue with witnesses 2, 3, 4, 5, and 6:

Witness 2, Brooks Robinson, Esq., expected testimony as to his representation of Arevalo in the Colorado criminal matter is not relevant and repetitious, because both parties have included the relevant criminal documents which the Commission is fully capable of examining and interpreting, without unduly prejudicial one-sided testimony from his former criminal defense attorney.

REQUEST: Witness 2 is not necessary and can otherwise be available to the Commission on an as-needed basis. Should the Commission permit Witness 2 to take the stand, the Division requests such testimony be reasonably limited to not exceed the amount of time of the Division's direct examination of its witness – the Investigator.

Witness 3, Psychologist Mark J. Chambers, Ph.D., expected testimony is incompetent, not relevant, nor material, in that his involvement regards an examination that occurred after the relevant time period, further fails to prove or disprove the factual allegations or violations of law, and is unreliable, speculative, not helpful and otherwise confuses the issues.

REQUEST: Exclusion of Witness 3.

Witnesses - No. 4 Ciarra Craig, No. 5 Arnold Argao, and No. 6 Sandy Corrigan, are not relevant, nor material, and otherwise appear repetitious in their speculative testimony offered as to the Respondent's character, conduct, and/or competence testimony that fails to prove or disprove the factual allegations or violations of law.

REQUEST: Limit the character, conduct, and/or competence witnesses to one (1) witness of the opposing counsel's choosing, to 15 minutes time, and for the limited purpose of assisting the Commission in its determination of appropriate disciplinary action pursuant to NRS 645.630 and NRS 645.633.

The State reserves its right to cross-examine the witnesses pursuant to NAC 645.810(7).

C. Arevalo's Exhibits are Repetitious, Immaterial and/or Irrelevant, and the Commission Should Exclude their Exhibits.

Arevalo's Prehearing Statement also listed Exhibits A-J which he represented his intended use in support of his defense, and the Division objects to its admissibility as follows:

Exhibit A – Repetitious; these are just the Division's Documents reproduced for some unnecessary reason **(NRED 000001–000048)**.

REQUEST: Exclude Arevalo's Exhibit A and rely upon the Division's Documents as introduced during its case in chief *NRED 000001–000048*.

Exhibit B – The Biopsychosocial Assessment of Mr. Arevalo **(AREVALO 00001–AREVALO 00004)**, is dated October 23, 2023 by the Provider, and indicates the presenting problem for the Assessment is regarding Arevalo's desire to reconcile with his wife, which attempts to confuse the issues, and is irrelevant and immaterial to the Factual Allegations or Violations of Law of this Case.

REQUEST: Exclude Arevalo's Exhibit B as it lacks foundation.

Exhibit C – Appears to be a generic character reference letter "To Whom It May Concern" from Arevalo's neighbor Alex Cabriales from nearly a year and half ago October 16, 2023 **(AREVALO 00005–AREVALO 00007)**, further, appears to be recycled for his case as the letter precedes not only the entry of Guilty Plea on December 4, 2023, but the Division's filed Complaint October 1, 2024.

REQUEST: Exclude Arevalo's Exhibit C as it lacks foundation, or if admitted, note the objection to the evidence's low probative value.

Exhibit D – Appears to be another recycled generic character reference letter from a Vanessa Camargo from nearly a year and half ago October 16, 2023 **(AREVALO 00008–AREVALO 00010)**,

which is repetitious of the other character reference letter, and further appears recycled for his case as the letter precedes not only the entry of Guilty Plea on December 4, 2023, but the Division's filed Complaint October 1, 2024.

REQUEST: Exclude Arevalo's Exhibit D as it lacks foundation, or if admitted, note the objection to the evidence's low probative value.

Exhibit E – Appears to be a certificate of attendance of a Parenting After Divorce & Separation Level 1 course, dated July 31, 2023 (**AREVALO 00011–AREVALO 00012**), which is irrelevant to the material issues of this case.

REQUEST: Exclude Arevalo's Exhibit E, or if admitted, note the objection to the evidence's low probative value.

Exhibit F – Appears to be a third recycled generic character reference letter from a Lynea Garcia which is repetitious of the other two character reference letters, and further lacks foundation as it is not dated (**AREVALO 00013–AREVALO 00014**).

REQUEST: Exclude Arevalo's Exhibit F.

Exhibit G – Appears to be a fourth generic character reference letter from a Michael W. Goss, DDS dated October 16, 2023 (**AREVALO 00015–AREVALO 00016**), which is repetitious of the other three character reference letters, and further appears recycled for his case as the letter precedes not only the entry of Guilty Plea on December 4, 2023, but the Division's filed Complaint October 1, 2024.

REQUEST: Exclude Arevalo's Exhibit G.

Exhibit H – Appears to be a generic letter from a Colorado Probation Officer Alyssa Vossler dated February 6, 2025, confirming that the Respondent is still on probation "Andrew Joseph Arevalo" "is currently on Probation in Douglas County Court Case 23CR700" (**AREVALO 00017–AREVALO 00018**).

NO OBJECTION.

Exhibit I – Appears to be a fifth generic character reference from the preschool director Alyssa Shaw where Respondent's two of three sons have attended (**AREVALO 00019–AREVALO 00021**) which is not relevant character testimony pursuant to NRS 645.330, and repetitious of the other four character reference letters.

REQUEST: Exclude Arevalo's Exhibit I.

Exhibit J – Appears to be a Forensic Psychological Examination of Arevalo prepared by a notorious expert witness for hire Mark J. Chambers, Ph.D. (**AREVALO 00022–AREVALO 00026**), and apparently referred by Arevalo's own attorney to evaluate the risk to reoffend, which attempts to confuse the issues, and is irrelevant and immaterial to the Factual Allegations or Violations of Law of this Case.

REQUEST: Exclude Arevalo's Exhibit J.

II. CONCLUSION

The State requests the Commission consider its Motion in its preliminary matters as permitted by NAC 645.810(1)(f) so that the hearing is conducted expeditiously and to ensure the fairness of all parties.

DATED this 16th day of April 2025.

AARON D. FORD
Attorney General

By: ckeegan

CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
(775) 687-2141
ckeegan@ag.nv.gov

Attorney for Real Estate Division

EXHIBIT 1

EXHIBIT 1

From: Christal P. Keegan
To: "Chandon Alexander"
Cc: "Andrew Arevalo"
Subject: RE: Pre-hearing disclosures FW: NV Real Estate Complaint re: Andrew Arevalo Case No. 2024-660
Date: Monday, October 28, 2024 9:09:00 PM

Hi, Attorney Alexander:

As far as I am aware, you have not submitted your request for a continuance. The State will not be making the request for you. As a matter of courtesy, I am following up based on my last communications with you. Thank you.

Sincerely,
Christal

Christal Park Keegan, Esq.
Deputy Attorney General

State of Nevada
Office of the Attorney General
Department of Business & Industry
Real Estate Division
5420 Kietzke Lane #202
Reno, Nevada 89511

E: ckeegan@ag.nv.gov | T: 775.687.2141

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From: Christal P. Keegan
Sent: Thursday, October 17, 2024 3:54 PM
To: Chandon Alexander <chandon@spartacuslawfirm.com>
Cc: Andrew Arevalo <andrew@arehp.com>

Subject: RE: Pre-hearing disclosures FW: NV Real Estate Complaint re: Andrew Arevalo Case No. 2024-660

Hi, Attorney Alexander:

Thank you for your introduction. Pursuant to NAC 645.830, requests for a continuance of Commission Hearing must be sent to the Commission Counsel, Kelly Valadez, with copy to me, please. You can send your request by email to kvaladez@red.nv.gov.

Since this is your first request, and for good cause for your scheduled surgery, the State will not object to your request.

I hope your surgery goes well. For planning's sake, I believe the next Commission Meetings are scheduled for February 11-13, 2025.

Thank you,
Christal

Christal Park Keegan, Esq.
Deputy Attorney General

State of Nevada
Office of the Attorney General
Department of Business & Industry
Real Estate Division
5420 Kietzke Lane #202
Reno, Nevada 89511

E: ckeegan@ag.nv.gov | T: 775.687.2141

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From: Chandon Alexander <chandon@spartacuslawfirm.com>
Sent: Thursday, October 17, 2024 3:44 PM
To: Christal P. Keegan <ckeegan@ag.nv.gov>
Cc: Andrew Arevalo <andrew@arehp.com>
Subject: Re: Pre-hearing disclosures FW: NV Real Estate Complaint re: Andrew Arevalo Case No. 2024-660

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Ms. Keegan,

It's nice to meet you. I have been retained on the Arevalo matter. I understand that an answer to the Complaint is due at the end of the month. I will get a response on file. I also see that the Division has its meetings scheduled from November 19-21. I am having surgery on November 20-21, so I will need to reschedule the date of the hearing on this matter. Please advise.

Chandon

On Wed, Oct 16, 2024 at 2:48 PM Christal P. Keegan <ckeegan@ag.nv.gov> wrote:

> Hi, Attorney Alexander:
>
> As a matter of introduction, I am the deputy attorney general prosecuting this case against your client, Mr. Andrew Arevalo. For your convenience, I am attaching the Complaint, notices and documents filed October 1, 2024. It is my understanding that your client will contest this case. Accordingly, as we prepare our cases, I am disclosing the witnesses the State intends to call in proving its case:
>
> State's Witness List
> Division's Investigator, Shannon Goddard
>
> Thank you,
> Christal
>
> Christal Park Keegan, Esq.
> *Deputy Attorney General*

State of Nevada
Office of the Attorney General
Department of Business & Industry
Real Estate Division
5420 Kietzke Lane #202
Reno, Nevada 89511

E: ckeegan@ag.nv.gov | T: 775.687.2141

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From: Andrew Arevalo <andrew@arehp.com>
Sent: Wednesday, October 16, 2024 12:12 PM
To: Christal P. Keegan <ckeegan@ag.nv.gov>
Cc: Chandon Alexander <chandon@spartacuslawfirm.com>
Subject: Re: NV Real Estate Complaint re: Andrew Arevalo Case No. 2024-660

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Christal,

I have cc'd my attorney Chandon Alexander on this email who will be representing me in this matter his phone number is 702.466.1234.

Andrew Arevalo
Arevalo **Home** Partnership
Simply Vegas
702-887-1350
www.LVAreaProperty.com

EXHIBIT 2

EXHIBIT 2

Chandon S. Alexander, Esq.
Nevada Bar No. 12033
SPARTACUS LAW FIRM
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101
Tel: (702) 660-1234
Fax: (702) 441-1626
Attorney for Respondent

FILED
FEB 06 2025
REAL ESTATE COMMISSION
BY Kelly Valadez

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. ANDREW J. AREVALO, (S.0184627) Respondent.	Case No.: 2024-660 **RESPONDENT'S PREHEARING STATEMENT**

COMES NOW, Respondent ANDREW J. AREVALO ("Respondent"), by and through his undersigned counsel of record, Chandon S. Alexander, Esq., of the SPARTACUS LAW FIRM and submits his Prehearing Statement as follows:

LIST OF WITNESSES:

1. ANDREW J. AREVALO, Respondent, is expected to testify regarding the circumstances of his Colorado criminal case, his compliance with probation requirements, completion of domestic violence treatment, and his continued fitness to maintain his real estate license;

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

2. BROOKS ROBINSON, ESQ., Law Office of McCormick, Kennedy & Robinson, PC, 507 Canyon Blvd., Suite 105, Boulder, CO 80302, 303.402.0222, is expected to testify regarding his representation of Respondent in the Colorado criminal matter and the terms and anticipated dismissal of charges under the Deferred Judgment agreement;
3. MARK J. CHAMBERS, Ph.D. – psychologist who is expected to testify as to the results of his forensic psychological examination of Mr. Arevalo.
4. CIARRA CRAIG – (702) 275-8190, a real estate agent who is expected to testify as to Mr. Arevalo's professional real estate credentials.
5. ARNOLD ARGAO – (669) 258-7366, a real estate client of Mr. Arevalo who is expected to testify regarding Mr. Arevalo's professionalism and interaction during prior real estate transaction.
6. SANDY CORRIGAN – (303) 907-1010, a former real estate agent and former mother-in-law of Mr. Arevalo, who is expected to testify as to Mr. Arevalo's character.
7. Respondent reserves the right to call any witness listed by Petitioner in rebuttal.
8. Respondent reserves the right to amend and supplement this list as required in defense of the Complaint.

LIST OF EXHIBITS:

1. EXHIBIT A – NRED000001-000048 produced by Petitioner;
2. EXHIBIT B – Biopsychosocial Assessment of Mr. Arevalo;
3. EXHIBIT C – Character Reference Letter from Alex Cabriales dated October 16, 2023;
4. EXHIBIT D – Character Reference Letter from Vanessa Camargo dated October 16, 2023;

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

5. EXHIBIT E – I.S.A.E. Certification of Parenting After Divorce & Separation Level 1, Completed by Mr. Arevalo;
6. EXHIBIT F – Character Reference Letter from Lynea Garcia (undated);
7. EXHIBIT G – Character Reference Letter from Michael W. Goss, DDS dated October 16, 2023;
8. EXHIBIT H – Letter from Alyssa Vossler, Senior Probation Officer, Twenty-Third Judicial District, State of Colorado, dated February 6, 2025, confirming Respondent's successful completion of domestic violence treatment and compliance with probation terms;
9. EXHIBIT I – Character Reference Email from Alyssa Shaw;
10. EXHIBIT J – Forensic Psychological Examination of Mr. Arevalo by Mark J. Chambers, Ph.D.

Respondent reserves the right to supplement this list with additional witnesses and exhibits as may be required in defense of this matter.

Dated this 6th day of February, 2025.

Respectfully submitted,

SPARTACUS LAW FIRM

/s/ Chandon S. Alexander
Chandon S. Alexander, Esq.
Nevada Bar No. 12033
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101
Attorney for Respondent

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I hereby certify that on the 6th day of February, 2025 I caused the preceding document entitled **RESPONDENT'S PREHEARING STATEMENT** to be served on the following parties via the U.S. Postal Service:

REAL ESTATE DIVISION
STATE OF NEVADA
3300 W. Sahara Avenue, Suite 350
Las Vegas, Nevada 89102
ATTN: Sharath Chandra

Aaron D. Ford
Christal P. Keegan
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
Attorney for Real Estate Division

/s/ Chandon S. Alexander
An Employee of SPARTACUS LAW FIRM

EXHIBIT 3

EXHIBIT 3

From:	Christal P. Keegan
To:	Chandon Alexander
Subject:	Case No. 2024-660 Andrew Arevalo re: Division"s Response to Witnesses in Prehearing Statement
Date:	Monday, April 7, 2025 10:49:00 AM
Attachments:	Arevalo Andrew 2024-660 Respondent"s Prehearing Statement Filed 2.6.25.pdf Arevalo, Andew Case# 2024-660 Complaint Filed 10.1.24.pdf
Importance:	High

Hi, Attorney Alexander:

On February 6, 2025, you filed your Prehearing Statement just three (3) working days before the February 11-13, 2025 Nevada Real Estate Commission Hearings (attached). Your Prehearing Statement identified at least six (6) witnesses you intended to call in what is otherwise a non-complex case.

The purpose of this email is to extend a good faith effort requesting you reconsider the incompetent, irrelevant, immaterial, and/or repetitive witnesses on your list. Specifically, requesting exclusion or limitations to Witnesses 2, 3, 4, 5, and 6, since the intended testimony fails to lend themselves to proving or disproving the factual allegations and violations of law charged in the Division's Complaint Filed October 1, 2024 (attached).

To work with you on supporting an expeditious hearing focused on the material and relevant issues, please consider the following:

- Witness 2 Brooks Robinson's testimony appears not helpful, nor necessary, prejudicial as this witness favors one side of the guilty plea agreement, and further repetitive of documents included in both parties set of documents (NRED 000028-000046) to which the Commission is fully capable of examining and interpreting.
    - REQUEST: The State requests excluding Witness 2, and if that is not agreeable, to stipulate limiting such testimony to not exceed the State's time performing direct examination of its witness Investigator Shannon Goddard.
- Witness 3 Mark J. Chambers's testimony is incompetent, not relevant, nor material, as it concerns an examination that occurred after the relevant time and fails to prove or disprove the factual allegations or violations of law, is further unreliable, speculative, not helpful, and otherwise confuses the issues.
    - REQUEST: The State requests excluding Witness 3.
- Witnesses 4 to 6 appear to be character witnesses, and the testimony repetitive, not relevant, nor material, because this is not a license denial appeal hearing where character is being considered.
    - REQUEST: For the limited purpose of assisting the Commission in determining the appropriate disciplinary action pursuant to NRS 645.630 and NRS 645.633, the State requests choosing one (1) of the witnesses 4, 5 OR 6,

and limiting such testimony from the one (1) character witness to no more than 15 minutes.

Please let me know **by no later than April 11, 2025**, so that the Division can proceed accordingly.

Thank you,
Christal

Christal Park Keegan, Esq.
Deputy Attorney General

State of Nevada
Office of the Attorney General
Department of Business & Industry
Real Estate Division
5420 Kietzke Lane #202
Reno, Nevada 89511

E: ckeegan@ag.nv.gov | T: 775.687.2141

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EXHIBIT 4

EXHIBIT 4

Chandon S. Alexander, Esq.
Nevada Bar No. 12033
SPARTACUS LAW FIRM
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101
Tel: (702) 660-1234
Fax: (702) 441-1626
Attorney for Respondent

FILED
APR 11 2025
REAL ESTATE COMMISSION
BY

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. ANDREW J. AREVALO, (S.0184627) Respondent.	Case No.: 2024-660 **RESPONDENT'S MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL**

COMES NOW, Respondent ANDREW J. AREVALO ("Respondent" or "Mr. Arevalo"), by and through his counsel of record, Chandon S. Alexander, Esq., and hereby submits this Motion to Continue the Administrative Trial. This Motion is based upon the following Memorandum of Points and Authorities, the Declaration of Chandon S. Alexander, Esq., the Declaration of Dustun Holmes, Esq., and any oral argument that may be permitted.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

"[D]enials of motions for reasonable continuances" are "an abuse of discretion where" "the delay is not the particular fault of counsel or the parties." *Lord v. State*, 107 Nev. 28, 42-

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

43 (1991); *Colgain v. State*, 102 Nev. 220 (1986); *Banks v. State*, 101 Nev. 771 (1985). Similarly, courts across jurisdictions have recognized that the unavailability of counsel due to scheduling conflicts—particularly when counsel is engaged in another trial—constitutes good cause for a continuance. *See Oliveros v. County of Los Angeles*, 120 Cal. App. 4th 1389 (2004); *People v. Andrade*, 86 Cal.App.3d 963, 150 Cal.Rptr. 662 (1978); *Atkinson v. LoConti*, 263 N.Y.S. 2d 505, 24 A.D. 2d 757 (1965).

Here, Respondent seeks a continuance because his counsel of record, Chandon S. Alexander, Esq., is required to appear in the United States District Court, District of Nevada, for a federal civil trial from May 12, 2025, through at least May 16, 2025. *See* Declaration of Chandon S. Alexander ("Alexander Decl.") at ¶¶ 3-4; Declaration of Dustun Holmes ("Holmes Decl.") at ¶¶ 3-4. This federal court appearance directly conflicts with the currently scheduled administrative trial in this matter, set for May 13-15, 2025. Alexander Decl. at ¶ 4; Holmes Decl. at ¶ 4.

Respondent emphasizes at the outset that this Motion is not made for the purpose of delay or due to any lack of diligence. Indeed, this matter was previously scheduled for the Commission's February session, and Respondent and his counsel appeared fully prepared to proceed on February 11 and 12, 2025. Alexander Decl. at ¶¶ 11-12. However, due to the Commission's calendar constraints and other matters requiring attention during that session, it became evident that this matter—which will require multiple days of testimony from six (6) witnesses—could not be heard at that time. Alexander Decl. at ¶¶ 13-14. The previous continuance was granted simply to avoid a bifurcated proceeding that would have unduly prejudiced Respondent. Alexander Decl. at ¶ 15.

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Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

Significantly, the federal trial is a firm setting that cannot be rescheduled because the presiding Federal District Judge is sitting by designation from Montana. Alexander Decl. at ¶ 5; Holmes Decl. at ¶¶ 5-6. As noted by Attorney Holmes in his declaration, "Federal trial court schedules are generally inflexible, particularly when a visiting judge presides. This judicial economy consideration makes rescheduling nearly impossible. This trial date can not be moved or continued." Holmes Decl. at ¶ 6.

Accordingly, as argued herein, the Motion should be granted and the Commission should continue the administrative trial date until a date at least 90 days from the currently scheduled trial date, or such time thereafter as may be convenient for the Commission's calendar.

II. ARGUMENT

A. The Unavailability of Respondent's Counsel Due to a Conflicting Federal Trial Warrants a Continuance

It is well-established that the unavailability of counsel due to a scheduling conflict with another trial constitutes good cause for a continuance. In *People v. Andrade*, 86 Cal.App.3d 963, 150 Cal.Rptr. 662 (1978), the California Court of Appeal held that the unavailability of counsel because of another trial justified a continuance. Similarly, in *Atkinson v. LoConti*, 263 N.Y.S. 2d 505, 24 A.D. 2d 757 (1965), the court found that the unavailability of counsel with papers and records necessary for trial justified a continuance.

More recently, in *Oliveros v. County of Los Angeles*, 120 Cal. App. 4th 1389 (2004), the California Court of Appeal addressed the denial of a continuance request where defense counsel was unexpectedly engaged in another trial. The Court overruled the denial, holding that a court must "look beyond the limited facts which cause a litigant to request a continuance

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Las Vegas, Nevada 89109
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and consider the degree of diligence in the efforts to get the case to trial." *Id.* at 1393. The Court emphasized that "the absence of trial counsel due to a scheduling conflict would lead to a lack of legal representation in court" and that "a civil litigant has a constitutional right to representation at trial." I*d.* The Court concluded that "[t]he right to counsel should not be abrogated because defendant's counsel of choice has a scheduling conflict." *Id.*

Nevada courts similarly recognize that denials of reasonable continuance requests constitute an abuse of discretion "where the purpose of the motion is to procure important witnesses and the delay is not the particular fault of counsel or the parties." *Lord*, 107 Nev. at 42-43; *see also Colgain*, 102 Nev. 220; *Banks*, 101 Nev. 771. While these cases address the unavailability of witnesses rather than counsel, the underlying principle applies with equal force to the present situation: a continuance is warranted when the unavailability is not the fault of the party seeking the continuance.

Here, Respondent's counsel, Chandon S. Alexander, Esq., is required to appear in the United States District Court, District of Nevada, for a federal civil trial scheduled from May 12, 2025, through at least May 16, 2025. Alexander Decl. at ¶¶ 3-4; Holmes Decl. at ¶¶ 3-4. This federal court appearance directly conflicts with the currently scheduled administrative trial in this matter, set for May 13-15, 2025. Alexander Decl. at ¶ 4; Holmes Decl. at ¶ 4.

Critically, the federal trial is a firm setting that cannot be rescheduled because the presiding Federal District Judge is sitting in designation from Montana. Alexander Decl. at ¶ 5; Holmes Decl. at ¶¶ 5-6. As Attorney Holmes explains, "Federal trial court schedules are generally inflexible, particularly when a visiting judge presides. This judicial economy consideration makes rescheduling nearly impossible. This trial date can not be moved or continued." Holmes Decl. at ¶ 6.

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T: (702) 660-1234 F: (702) 441-1626

The scheduling conflict is not the fault of Mr. Arevalo or his counsel, but rather stems from the coincidental scheduling of two trials at the same time. Alexander Decl. at ¶ 6. Given the impossibility of rescheduling the federal trial, particularly with a visiting judge from Montana presiding, a continuance of the administrative trial is the only reasonable solution to ensure that Mr. Arevalo is not deprived of his chosen counsel. *Id.* at ¶¶ 7-8.

As the *Oliveros* court recognized, a litigant's right to representation by counsel of choice should not be abrogated due to a scheduling conflict. 120 Cal. App. 4th at 1393. Forcing Mr. Arevalo to proceed without his chosen counsel—who has diligently prepared to represent Mr. Arevalo at trial—or to hastily retain new counsel unfamiliar with his case would severely prejudice his defense. Alexander Decl. at ¶ 8.

Accordingly, a continuance of the currently scheduled administrative trial date is warranted.

B. A Continuance of at Least 90 Days Is Reasonable Under the Circumstances

Given the nature of the scheduling conflict and the need to ensure that the new trial date does not conflict with other scheduled matters, Respondent respectfully requests a continuance of at least 90 days from the currently scheduled administrative trial date. Alexander Decl. at ¶ 9. This time frame is reasonable and will allow for the orderly resolution of the federal matter before proceeding with the administrative trial in this case.

It is important to note that this administrative proceeding will require multiple days to complete, as Respondent intends to call six (6) witnesses to testify, including: (1) Mr. Arevalo himself; (2) Brooks Robinson, Esq., Mr. Arevalo's Colorado counsel; (3) Mark J. Chambers, Ph.D., a psychologist who is expected to testify regarding the results of his forensic psychological examination of Mr. Arevalo; (4) Ciarra Craig, a real estate agent who is

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2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

expected to testify as to Mr. Arevalo's professional real estate credentials; (5) Arnold Argao, a real estate client of Mr. Arevalo who is expected to testify regarding Mr. Arevalo's professionalism and interaction during prior real estate transactions; and (6) Sandy Corrigan, a former real estate agent and former mother-in-law of Mr. Arevalo, who is expected to testify as to Mr. Arevalo's character. Alexander Decl. at ¶¶ 16-17.

Moreover, a 90-day continuance will not cause undue prejudice to any party. The allegations in this matter involve conduct that allegedly occurred well before the commencement of these proceedings, and a delay of 90 days will not materially impact the resolution of those claims. Alexander Decl. at ¶ 10. By contrast, proceeding with the administrative trial without Respondent's chosen counsel would substantially prejudice Respondent's ability to present a full and effective defense. *Id.* at ¶ 8.

While Respondent believes that a 90-day continuance is appropriate under the circumstances, Respondent would not oppose the Commission hearing this matter sooner than 90 days if the Commission chooses to do so by special session. Alexander Decl. at ¶ 18. Respondent's primary concern is ensuring that his counsel of record is able to represent him at the administrative trial, and Respondent is committed to working with the Commission to find a mutually agreeable date for the rescheduled proceeding.

III. CONCLUSION

For the foregoing reasons, Respondent respectfully requests that the administrative trial in this matter, presently scheduled for May 13-15, 2025, be continued until a date at least 90 days from the currently scheduled trial date, or such time thereafter as may be convenient for the Commission's calendar.

Dated this 11th day of April, 2025.

Respectfully submitted,

SPARTACUS LAW FIRM

/s/ Chandon S. Alexander
Chandon S. Alexander, Esq.
Nevada Bar No. 12033
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101
Attorney for Respondent

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

DECL
Chandon S. Alexander, Esq.
Nevada Bar No. 12033
SPARTACUS LAW FIRM
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101
Tel: (702) 660-1234
Fax: (702) 441-1626
Attorney for Respondent

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. ANDREW J. AREVALO, (S.0184627) Respondent.	Case No.: 2024-660 **RESPONDENT'S MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL**

DECLARATION OF CHANDON S. ALEXANDER, ESQ. IN SUPPORT OF RESPONDENT'S MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL

CHANDON S. ALEXANDER, ESQ., hereby deposes and states the following under the pains and penalties of perjury:

1. That I am an attorney licensed to practice law in the State of Nevada and am Counsel of Record for Respondent ANDREW J. AREVALO in case number 2024-660;

2. That I have personal knowledge of the facts and circumstances herein and could testify to the same;

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

3. That I am required to appear and represent a client as Plaintiff in a Federal Civil Case in the United States District Court, District of Nevada, on May 12, 2025, through at least May 16, 2025;

4. That this federal court appearance directly conflicts with the administrative trial in this matter, currently scheduled for May 13-15, 2025;

5. That the federal trial is a firm setting that cannot be rescheduled because the presiding Federal District Judge is sitting in designation from Montana, making rescheduling of that matter nearly impossible due to judicial economy considerations;

6. That this scheduling conflict is not the fault of Respondent or myself, but rather stems from the coincidental scheduling of two trials at the same time;

7. That Respondent has a right to representation by counsel of his choice, and proceeding with the administrative trial during my unavailability would effectively deprive him of that right;

8. That forcing Respondent to proceed without his chosen counsel or to hastily retain new counsel unfamiliar with his case would severely prejudice his defense;

9. That a continuance of at least 90 days from the currently scheduled administrative trial date would be reasonable under the circumstances and would allow for the orderly resolution of the federal matter before proceeding with the administrative trial in this case;

10. That a 90-day continuance will not cause undue prejudice to any party, as the allegations in this matter involve conduct that allegedly occurred well before the commencement of these proceedings;

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2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

11. That this matter was previously scheduled for hearing during the Commission's February session, and Respondent and I appeared fully prepared to proceed on February 11 and 12, 2025;

12. That the Motion to Continue is not made for the purpose of delay or due to any lack of diligence on the part of Respondent or myself;

13. That during the February session, it became evident that this matter could not be heard due to the Commission's calendar constraints and other matters requiring attention;

14. That the previous continuance was granted to avoid a bifurcated proceeding that would have unduly prejudiced Respondent;

15. That a bifurcated proceeding would have been particularly prejudicial given the number of witnesses Respondent intends to call and the interrelated nature of their testimony;

16. That Respondent intends to call six (6) witnesses to testify, including: (1) Mr. Arevalo himself; (2) Brooks Robinson, Esq., Mr. Arevalo's Colorado counsel; (3) Mark J. Chambers, Ph.D., a psychologist who is expected to testify regarding the results of his forensic psychological examination of Mr. Arevalo; (4) Ciarra Craig, a real estate agent who is expected to testify as to Mr. Arevalo's professional real estate credentials; (5) Arnold Argao, a real estate client of Mr. Arevalo who is expected to testify regarding Mr. Arevalo's professionalism and interaction during prior real estate transactions; and (6) Sandy Corrigan, a former real estate agent and former mother-in-law of Mr. Arevalo, who is expected to testify as to Mr. Arevalo's character;

17. That given the number of witnesses and the nature of their testimony, this administrative proceeding will require multiple days to complete;

18. That while Respondent believes that a 90-day continuance is appropriate under the circumstances, Respondent would not oppose the Commission hearing this matter sooner than 90 days if the Commission chooses to do so by special session;

19. That Attorney Dustun Holmes, Esq., who is co-counsel in the federal civil matter, has submitted a declaration confirming the federal court appearance and the impossibility of rescheduling that matter, a true and correct copy of which is submitted herewith.

I declare under penalty of perjury pursuant to the laws of the State of Nevada (NRS 53.045)[1]

DATED this 11th day of April, 2025.

/s/ Chandon S. Alexander

CHANDON S. ALEXANDER, ESQ.
Nevada Bar No. 12033
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101
Tel: (702) 660-1234
Fax: (702) 441-1626
Email: chandon@spartacuslawfirm.com
Attorney for Respondent

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

[1] NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form: 1. If executed in this State: "I declare under penalty of perjury that the foregoing is true and correct."

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I hereby certify that on the 11th day of April, 2025 I caused the preceding document entitled **RESPONDENT'S MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL** to be served on the following parties via the U.S. Postal Service:

REAL ESTATE DIVISION
STATE OF NEVADA
3300 W. Sahara Avenue, Suite 350
Las Vegas, Nevada 89102
ATTN: Sharath Chandra

Aaron D. Ford
Christal P. Keegan
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
Attorney for Real Estate Division

/s/ Chandon S. Alexander
An Employee of SPARTACUS LAW FIRM

Chandon S. Alexander, Esq.
Nevada Bar No. 12033
SPARTACUS LAW FIRM
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101
Tel: (702) 660-1234
Fax: (702) 441-1626
Attorney for Respondent

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Petitioner, vs. ANDREW J. AREVALO, (S.0184627) Respondent.	Case No.: 2024-660 **RESPONDENT'S MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL**

DECLARATION OF DUSTUN HOLMES, ESQ. IN SUPPORT OF RESPONDENT'S MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL

DUSTUN HOLMES, ESQ., hereby deposes and states the following under the pains and penalties of perjury:

1. That I am an attorney licensed to practice law in the State of Nevada and am Counsel of Record for a Federal Civil Case with Mr. Alexander as Plaintiff;

2. That I have personal knowledge of the facts and circumstances herein and could testify to the same;

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2777 Paradise Road, Suite 3002
Las Vegas, Nevada 89109
T: (702) 660-1234 F: (702) 441-1626

3 Mr. Alexander's presence is required and mandatory in the Federal District Court, District of Nevada, on May 12, 2025, through at least May 16, 2025.

4. That, as I understand it, this date conflicts with the date set for the administrative trial of Mr. Arevalo set for May 13-15.

5. The trial in the Federal District Court is a firm setting, and the presiding Federal District Judge is sitting in designation from Montana. This judicial economy consideration makes rescheduling nearly impossible

6. Federal trial court schedules are generally inflexible, particularly when a visiting judge presides. This judicial economy consideration makes rescheduling nearly impossible. This trial date can not be moved or continued.

I declare under penalty of perjury pursuant to the laws of the State of Nevada (NRS 53.045)[1]

DATED this 10th day of April 2025.

DUSTUN HOLMES, ESQ.
Nevada Bar No. 12776
McMenemy Holmes PLLC
1645 Village Center Circle, Suite 291
Las Vegas, Nevada 89117

[1] NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose existence or truth may be established by an affidavit or other sworn declaration may be established with the same effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and dated, in substantially the following form: 1. If executed in this State: "I declare under penalty of perjury that the foregoing is true and correct."