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Attorneys for Respondents

DISTRICT COURT

CLARK COUNTY, NEVADA

ANDREW J. AREVALO, (S.0184627),

Petitioner,

vs.

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

Respondents.

Case No: A-25-917222-W

Dept. No: 31

NOTICE OF OPPOSITION TO PETITION FOR WRIT OF MANDAMUS

The State of Nevada *ex rel*. its Real Estate Division of the Department of Business and Industry and its Administrator, Sharath Chandra ("Division"), by and through their counsel, AARON D. FORD, Attorney General, and CHRISTAL P. KEEGAN, Deputy Attorney General, hereby submit their Notice of Opposition to the Petition for Writ of Mandamus, the application of which should not issue and may be denied without an answer, otherwise, to permit the respondent real party in interest to answer pursuant to NRS 34.210, and as applicable NRAP Rule 21(b).

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Case Number: A-25-917222-W

This notice is to formally inform the Court's that a substantive opposition to Petitioner's Motion to Continue the Administrative Trial was in fact filed, with proof of service to Counsel for Petitioner Andrew J. Arevalo's ("Arevalo").[1] *Exhibit 1*, Petitioner's Opposition to Respondent's Motion to Continue the Administrative Trial, filed April 15, 2025.

To further notice the Court that NAC 645.830(3) authorized the Commission's denial of Arevalo's request to continue the administrative hearings in Case No. 2024-660 a third time:

(1) *November 19-21, 2024 Hearings*, it is undisputed that Arevalo's first continuance request submitted on October 31, 2024, was granted, and the hearing was continued;

(2) *February 11-13, 2025 Hearings*, prior to which Arevalo filed a Motion to Stay and Continue (*Exhibit 2*, Respondent's Motion to Stay and Continue, or in the Alternative Dismiss, filed February 4, 2025), and made an oral motion to continue the matter[2] on February 12, 2025, which was granted (*Exhibit 3*, Order Granting Respondent's Second Request for Continuance, filed February 24, 2025) and;

(3) *May 13-15, 2025 Hearings*, Arevalo's filed his Motion to Continue Administrative Trial on April 11, 2025, which was denied.

To also notice the Court that the second continuance was occasioned by Arevalo, not the Commission,[3] as evidenced by the February 24, 2025 Order (*Exhibit 3*), where "Counsel for Respondent made his second request for a continuance claiming his witnesses could not be available the third day of the hearings, February 13, 2025."

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[1] Petitioner Andrew J. Arevalo's (S.0184627) Petition for Writ of Mandamus, Case No. A-25-917222-W, filed April 18, 2025, P. 2, line 18 "no substantive opposition was filed opposing Petitioner's Motion."

[2] Petition for Writ of Mandamus, April 18, 2025, Declaration of Chandon S. Alexander, Esq., P. 18, Paragraph 30, lines 24–25, "I did orally move to continue the matter to a later session".

[3] Petition for Writ of Mandamus, April 18, 2025, P. 3, line 6–7 "improperly holds against him a second continuance that was occasioned by the Commission itself, not by Petitioner."

Lastly, to notice the Court that NRS 233B.130 provides plain, speedy or adequate remedy at law through petitions of judicial review, rehearing or reconsideration.

DATED this 23rd day of April, 2025.

AARON D. FORD
Nevada Attorney General

By: epkeegan
Christal P. Keegan (Bar No. 12725)
Deputy Attorney General

Attorneys for Respondents

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 23rd day of April 2025, I filed the foregoing **NOTICE OF OPPOSITION TO PETITION FOR WRIT OF MANDAMUS** by this Court's electronic filing system (EFS), electronic mail, and U.S. Mail in a sealed envelope, at Carson City, Nevada, to the following interested parties:

Chandon S. Alexander, Esq. — Attorney for Petitioner
SPARTACUS LAW FIRM
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101
Chandon@Spartacuslawfirm.com

/s/Mercedita Garcia
AG Legal Secretary

INDEX OF EXHIBITS

Exhibit No.	Description	Bates No. (including exhibit cover page)
1	Petitioner's Opposition to Respondent's Motion to Continue the Administrative Trial, filed April 15, 2025	RESP 001–040
2	Respondent's Motion to Stay and Continue, or in the Alternative Dismiss, filed February 4, 2025	RESP 041–070
3	Order Granting Respondent's Second Request for Continuance, filed February 24, 2025	RESP 071–074

EXHIBIT 1

EXHIBIT 1

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 15 2025 REAL ESTATE COMMISSION BY

PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division") by and through its counsel, AARON D. FORD, Attorney General, and CHRISTAL P. KEEGAN, Deputy Attorney General, hereby submits to the Nevada Real Estate Commission ("Commission") its Opposition to Respondent's Motion to Continue the Administrative Trial pursuant to NAC 645.830 and NAC 645.840(3). This Opposition is made for the record and based upon the attached Memorandum of Points and Authorities, the papers and pleadings on file herein.

DATED this 15th day of April 2025.

AARON D. FORD
Attorney General

By: ckeegan
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Attorney for Real Estate Division

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Case No. 2024-660 has already been continued twice.[1] With the impending May 13-15, 2025 Commission Hearings, Respondent Andrew J. Arevalo ("Arevalo") requested yet a third continuance.[2] For purposes of the record, the Division timely submits its Opposition to Arevalo's request to continue these hearings a third time pursuant to NAC 645.840(3), in further support of the Commission's denial of Arevalo's continuance request as its exercise of discretion in these regards are authorized under NAC 645.830(3).[3]

II. FACTUAL BACKGROUND

On October 1, 2024, a Complaint against Arevalo was filed in Case No. 2024-660, and noticed for the Commission's November 19-21, 2024 Hearing stack.[4] But on October 31, 2024, Arevalo requested his first continuance, which the Commission graciously granted.[5] On January 2, 2025, Arevalo was re-noticed for the February 11-13, 2025 Commission Hearings.[6]

On February 4, 2025, five (5) working days before the February of 2024 Commission Hearings, Arevalo filed his second continuance request – Motion to Stay and Continue, or in the Alternative to Dismiss - which argued that the proceedings should be stayed and continue until completion of Arevalo's probation in December of 2025.[7]

On February 12, 2025 at 11:19 AM, during the middle of the Commission hearings while Division's Counsel was presenting another case to the Commission, Arevalo's Counsel emailed the . . .

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[1] *Exhibit A*. Order Granting Respondent's Second Request for Continuance, filed February 24, 2025.

[2] *Exhibit B*. Respondent's Motion to Continue the Administrative Trial, filed April 11, 2025.

[3] *Exhibit C*. Letter, Request for Continuance **DENIED**, dated April 14, 2025.

[4] *NRED v. Andrew J. Arevalo*, Case No. 2024-660, Complaint and Notice of Hearing, filed October 1, 2024.

[5] First Request for Continuance, Letter dated October 31, 2024. First Request for Continuance Granted, Email dated November 4, 2024 9:45:03 AM.

[6] Hearing Re-notices, January 2, 2025.

[7] Respondent's Motion to Stay and Continue, or in the Alternative Dismiss, filed February 4, 2025, P. 7, lines 7–9 "Respondent respectfully requests that this Commission enter an Order staying these proceedings until completion of Respondent's probation in December 2025; or, the alternative, dismissing these proceedings."

Division's Counsel with a request for stipulation.[8] Division's Counsel responded that it could not stipulate to a continuance since it was not the first instance.[9]

Arevalo, then, interjected a request for continuance during the Commission Hearings on February 12, 2025, suddenly claiming that his witnesses would not be available on the third day of hearings.[10] The Division objected since the matter had already been continued from the November 2024 Hearings, and that it was Arevalo's counsel's responsibility to ensure his witnesses were available all three (3) days of the hearings.[11] The Commission graciously granted Respondent's request to continue the hearings a second time, and ordered the matter shall be heard at the May 13-15, 2025 Commission Hearings.[12]

On April 11, 2025, Arevalo filed his Motion to Continue the Administrative Trial claiming a conflict with a federal civil trial from "May 12, 2025, through at least May 16, 2025."[13]

On April 14, 2025, the Commission Secretary denied Arevalo's request for a continuance, with his attendance expected at the May 13-15, 2025 Hearings.[14]

III. LEGAL ARGUMENT

A. Legal Standard

NAC 645.830 enumerates that a continuance **will not** be granted unless it is made in good faith and not merely for delay. **(emphasis added.)**

B. Arevalo's "Legal Authorities" are Not Applicable

Arevalo's Motion admits the cases he cited "address the unavailability of witnesses rather than counsel" and yet, asks the Commission to arbitrarily and capriciously apply that principal to his alleged

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[8] *Exhibit D*. Email correspondence, Chandon Alexander to DAG Keegan, February 12, 2025 at 11:19 AM.

[9] *Exhibit D*. Email correspondence, DAG Keegan to Chandon Alexander, February 12, 2025 at 11:22 AM "The Hearings are scheduled over three days, February 11, 12, and 13. This case may be called in the afternoon today; or on the third day. Since this is your second request for a continuance, I cannot stipulate to a continuance."

[10] *Exhibit A*. Order Granting Respondent's Second Request for Continuance, February 24, 2025, "Counsel for Respondent made his second request for a continuance claiming his witnesses would not be available the third day of the hearings…"

[11] *Exhibit A*. Order Granting Respondent's Second Request for Continuance, February 24, 2025.

[12] *Id.*

[13] *Exhibit B*. Respondent's Motion to Continue the Administrative Trial, April 11, 2025.

[14] *Exhibit C*. Letter, Request for Continuance **DENIED**, dated April 14, 2025.

schedule conflict.[15] In *Lord v. State*, the appeals court determined the request reasonable for a modest continuance (for witnesses), in what amounted to, at most, a half-day continuance, whereas Arevalo is not asking for a reasonable, modest continuance (for a trial conflict) but instead is asking for a 90-day continuance, on-top of the already 180-days this case was deferred.[16] Further, the desperate citations to California and New York State case law are not authoritative in Nevada.[17] Therefore, it is not an abuse of the Commission's discretion to deny Arevalo's request to continue the hearings a third time.[18]

C. Arevalo's Continuance Request Lacks Good Faith and Should be Denied

Arevalo's tactics to delay these administrative proceedings until anticipated completion of his probation in December of 2025 are apparent.[19] These tactics lack good faith because such gamesmanship

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[15] *Exhibit B*. Respondent's Motion to Continue the Administrative Trial, April 11, 2025, P. 4, lines 10–14. *Lord v. State*, 107 Nev. 28, 42–43, 806 P.2d 548, 557 (1991). This court has held denials of motions for reasonable continuances to be 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. *See, e.g., Colgain v. State,* 102 Nev. 220, 719 P.2d 1263 (1986); *Banks v. State,* 101 Nev. 771, 710 P.2d 723 (1985), which also concern continuances relating to securing witnesses necessary to criminal defense, not counsel's scheduling conflicts.

[16] *Lord v. State*, 107 Nev. 28, 806 P.2d 548 (1991).

[17] *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). Arevalo cites to California Court of Appeals criminal law case, *People v Andrade*, 86 Cal.App.3d 963, 150 Cal.Rptr, 662 (1978), claiming the sole basis for justifying a continuance was the unavailability of counsel because of another trial, when the facts of *Andrade* demonstrated there was a death in the counsel's family, combined also with the unavailability of a court and judge as determined under Criminal Law § 67--Rights of Accused--Speedy Trial--Delay--Good Cause. Pen. Code, § 1382, subd. 2. Arevalo cites to a New York State Supreme Court case *Atkinson v. LoConti*, 263 N.Y.S.2d 505, 24 A.D.2d 757 (1965) was an action by executor to cancel the purported deed executed by his testator in order to impress trust on proceeds of sale of testator's property, and to recover damages, whereby in that case the court dismissed the case because the plaintiff failed to continue the trial, but under the circumstances judgment was reversed, in view of the seriousness of the allegations of the complaint, the willingness of plaintiff to proceed to trial the following week, and the unavailability of trial counsel, who was in possession of the papers and records necessary for the trial of the action. Importantly, under the circumstances disclosed by the record, the Court ordered the defendants entitled to be reimbursed for the extra expense and work to which they and their attorney have been put by plaintiff's failure promptly to advise the court of the reason for the requested adjournment.

[18] NAC 645.830.

[19] Respondent's Motion to Stay and Continue, or in the Alternative Dismiss, filed February 4, 2025, P. 7, lines 7–9 "Respondent respectfully requests that this Commission enter an Order staying these proceedings until completion of Respondent's probation in December 2025; or, the alternative, dismissing these proceedings."

fails to preclude this Commission from considering the entry of guilty plea as grounds for disciplinary action under NRS 645.633(1)(d)(2); NRS 645.330(1) and (2)(b)(2); and NRS 645.615(2).[20]

i. Arevalo's Counsel's Alleged Federal Trial Conflict Does Not Warrant a Continuance

The Motion for a third hearing continuance fails to demonstrate Arevalo's counsel has made any good faith efforts to reschedule or otherwise notify the federal district court trial of his conflict with the existing May 13-15, 2025 Commission Hearings.[21] Furthermore, Arevalo's counsel's declaration reveals he has co-counsel Dustin Holmes, Esq., (Bar No. 12776) representing the same plaintiff in the federal district court case and fails to demonstrate otherwise that the two counselors are available to provide representation in both overlapping matters.[22]

ii. A 90-Day Continuance On-Top of the 180-Days this Case was Already Continued is Not Reasonable

The request for a third hearing continuance claims a 90-day continuance is reasonable, when it is not under the circumstances given that this case has already been continued twice by about 180-days, and continuing the hearings a third time would not amount to orderly resolution of this administrative disciplinary case which would delay this case over an extraordinary 270-days.[23]

The claim that Arevalo's defense would be substantially prejudiced against is not supported by the facts. From the notice of the Complaint to his most recent continuance request, Arevalo has had an ample six (6) months to prepare his defense.[24] This is not a complex case - the Division's documents are

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[20] Supplement to Opposition to Respondent's Motion to Stay and Continue, or in the Alternative Dismiss, filed April 3, 2025.

[21] Exhibit B. Respondent's Motion to Continue the Administrative Trial, April 11, 2025.

[22] Exhibit B. Respondent's Motion to Continue the Administrative Trial, April 11, 2025, Declaration of Chandon S. Alexander, Esq. in support of Respondent's Motion to Continue the Administrative Trial, Paragraph 15 "That Attorney Dustin Holmes, Esq., who is co-counsel in the federal civil matter…."

[23] First noticed for the November 19-21 2025 Commission Hearings and continued to the February 11-13, 2025 Hearings, wherein the second continuance was granted to the May 13-15, 2025 Hearings.

[24] Complaint and Notice of Hearing filed October 1, 2024, to Respondent's Motion to Continue the Administrative Trial, filed April 11, 2025, 192 days, or 6 months 10 days, excluding the end date.

not extensive and total only 48 pages[25] – whereby the Respondent would adequately be able to represent himself[26] or obtain new counsel from the approximately 12,000 attorneys in Nevada[27] with sufficient time to get up to speed for the Commission Hearings next month, May 13-15, 2025.

IV. CONCLUSION

For the reasons stated herein, the State respectfully supports the Commission decision to not delay this matter any longer.

DATED this 15th day of April 2025.

AARON D. FORD
Attorney General

By: ckeegan

CHRISTAL P. KEEGAN (Bar No. 12725)
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Attorney for Real Estate Division

[25] *NRED v. Andrew J. Arevalo*, Case No. 2024-660, Notice of Documents, NRED 000001–000048, filed October 1, 2024.

[26] NAC 645.845.

[27] State Bar of Nevada, Member Demographics, (*https://nvbar.org/member-demographics/*; Accessed April 14, 2025): "There are nearly 12,000 attorneys licensed to practice law in Nevada through the State Bar."

EXHIBIT A

EXHIBIT A

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 FEB 24 2025 REAL ESTATE COMMISSION BY Kelly Valadez

ORDER GRANTING RESPONDENT'S SECOND REQUEST FOR CONTINUANCE

The matter came before the Nevada Real Estate Commission ("Commission") during its three-day hearing stack commencing February 11, 2025 through February 13, 2025. The matter was called in the afternoon on Wednesday, February 12, 2025. Chandon S. Alexander (Bar No. 12033), with Spartacus Law Firm, appeared on behalf of Respondent Andrew J. Arevalo. Deputy Attorney General Christal P. Keegan appeared on behalf of the Nevada Real Estate Division ("Division"). Counsel for Respondent made his second request for a continuance claiming his witnesses would not be available the third day of the hearings, February 13, 2025, and that he intended to present testimony from five (5) witnesses. Division's Counsel objected to the second request for a continuance as the matter had already been continued once, and made a point that it was Respondent's counsel's responsibility to ensure his witnesses were available for all three (3) days of the hearings.

The matter having been submitted for decision based on the Commission's consideration of the oral arguments presented during the hearing, the Commission now enters its Order.

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ORDER

IT IS HEREBY ORDERED that Respondent's Second Request for Continuance is GRANTED, and the matter shall be heard at the May 13-15, 2025 Commission Hearings.

DATED this 24th day of February 2025.

NEVADA REAL ESTATE COMMISSION

By: _____
President, Nevada Real Estate Commission

Certificate of Service
(NRS 645.680)

I certify that on the 24th day of February 2025, I deposited a true and correct copy of the foregoing:

CASE# 2024-660

ORDER GRANTING RESPONDENT'S SECOND REQUEST FOR CONTINUANCE

in the United States Mail, postage pre-paid, in Las Vegas, Nevada, through the State of Nevada mailroom, by first class mail addressed to the following respondents at their last known address as follows:

Andrew J. Arevalo
c/o Chandon S. Alexander, Esq.
Spartacus Law Firm
400 S. 7th Street, Suite 100
Las Vegas, Nevada 89101

Certified Mail No.: 9589 0710 5270 0210 3367 50

Andrew J. Arevalo
18131 Martinello Drive
Parker, Colorado 80134

Certified Mail No.: 9589 0710 5270 0210 3367 67

Andrew J. Arevalo
4643 S. Ulster Street # 500
Denver, Colorado 80237

Certified Mail No.: 9589 0710 5270 0210 3367 74

Andrew J. Arevalo
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Suite 4-10
Las Vegas, Nevada 89147

Certified Mail No.: 9589 0710 5270 0210 3367 81

Kelly Valadez

Kelly Valadez
Commission Coordinator

EXHIBIT B

EXHIBIT B

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
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Attorney for Respondent

FILED
APR 11 2025
REAL ESTATE COMMISSION
BY

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
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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**

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-

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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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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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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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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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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

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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 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;

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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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Las Vegas, Nevada 89109
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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."

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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;

SPARTACUS LAW FIRM
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."

EXHIBIT C

EXHIBIT C

STATE OF NEVADA

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

SHARATH CHANDRA
Administrator

CHARVEZ FOGER
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

April 14, 2025

Chandon S. Alexander, Esq.
Spartacus Law Firm
400 South Seventh Street, Suite 100
Las Vegas, NV 89101

Certified Mail No.: 9589 0710 5270 0210 3404 98
Emailed to: chandon@spartacuslawfirm.com

Andrew Arevalo
11330 Yellow Tip Point
Parker, CO 80134

Certified Mail No.: 9589 0710 5270 0210 3405 04

Andrew Arevalo
4643 S. Ulster Street #500
Denver, CO 80237

Certified Mail No.: 9589 0710 5270 0210 3405 11

Andrew Arevalo
c/o Simply Vegas
10120 W. Flamingo Road, Suite 4-10
Las Vegas, NV 89147

Certified Mail No.: 9589 0710 5270 0210 3405 28

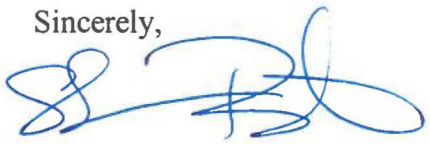
Re: NRED v. Andrew Arevalo
Case No. 2024-660

Dear Mr. Alexander:

The Secretary of the Real Estate Commission has determined that your request for a continuance in the matter of NRED v. Andrew Arevalo Case No. 2024-660 be **DENIED**. Therefore, the Respondent is expected to be in attendance at the Real Estate Commission hearing scheduled for May 13-15, 2025, as indicated in the Notice letter dated April 11, 2025.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me at (702) 486-4036.

Sincerely,



Shareece Bates

Administration Section Manager

cc: Sharath Chandra, Administrator
Commissioners
Christal P. Keegan, Deputy Attorney General

From:	Shareece N. Bates
To:	Chandon Alexander
Cc:	Christal P. Keegan
Subject:	FW: Arevalo Motion to Continue
Date:	Monday, April 14, 2025 4:02:05 PM
Attachments:	Arevalo, Andrew Case# 2024-660 Respondent"s Motion to Continue the Administrative Trial 4.11.25.pdf Arevalo, Andrew Case# 2024-660 Continuance DENIED Letter 4.14.25.pdf
Importance:	High

Good afternoon Mr. Alexander,

The third continuance request in the matter of NRED v Andrew Arevalo Case# 2024-660 has been **DENIED**. I have attached a copy of the letter sent to you and to Mr. Arevalo to this email for your convenience.

Your client and/or you as his representative, are required to appear in person or virtually during the Real Estate Commission's meetings scheduled for May 13-15, 2025, beginning each day at 9:00am until the case is heard.

The physical location and WebEx virtual information for the May 13-15, 2025 meetings are listed below:

Nevada State Business Center
3300 West Sahara Avenue
4th Floor – Nevada Room
Las Vegas, Nevada 89102

Virtual Attendance

WEBEX DIAL-IN NUMBER: 1-844-621-3956 or Webex.com
TUESDAY, MAY 13, 2025
1-844-621-3956 ACCESS CODE/MEETING NUMBER: 2481 626 0393##
WEBEX.COM MEETING NUMBER: 2481 626 0393 MEETING PASSWORD: hQNGEyiv836

WEDNESDAY, MAY 14, 2025
1-844-621-3956 ACCESS CODE/MEETING NUMBER: 2490 057 9352##
WEBEX.COM MEETING NUMBER: 2490 057 9352 MEETING PASSWORD: QFjbHDdR357

THURSDAY, MAY 15, 2025
1-844-621-3956 ACCESS CODE/MEETING NUMBER: 2491 643 8425##

WEBEX.COM MEETING NUMBER: 2491 643 8425 MEETING PASSWORD: 2xdWsVjx4M3

-
-
-

Shareece Bates
Administration Section Manager
Department of Business and Industry
Real Estate Division
3300 W. Sahara Avenue, suite 350
Las Vegas, NV 89102
702.486.4036 (phone)
702.486.4275 (fax)
sbates@red.nv.gov



From: Shareece N. Bates
Sent: Friday, April 11, 2025 5:24 PM
To: Chandon Alexander <chandon@spartacuslawfirm.com>
Cc: Christal P. Keegan <ckeegan@ag.nv.gov>
Subject: RE: Arevalo Motion to Continue

Good afternoon Mr. Alexander,

I have received and filed your Motion to Continue the Administrative Trial.

I will forward your motion to the Commission Secretary for review and response.

Have a great weekend
Shareece

Shareece Bates
Administration Section Manager

Department of Business and Industry
Real Estate Division
3300 W. Sahara Avenue, suite 350
Las Vegas, NV 89102
702.486.4036 (phone)
702.486.4275 (fax)
sbates@red.nv.gov

Nevada Real Estate Division
Nevada Department of Business and Industry
"Growing business in Nevada"

From: Chandon Alexander <chandon@spartacuslawfirm.com>
Sent: Friday, April 11, 2025 4:55 PM
To: Shareece N. Bates <sbates@red.nv.gov>
Subject: Arevalo Motion to Continue

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

Please see the attached motion for submission and filing before the commission.

EXHIBIT D

EXHIBIT D

From: Christal P. Keegan
To: Chandon Alexander
Subject: RE: Hearing February 11-13, 2025 re: Andrew Arevalo Case No. 2024-660
Date: Wednesday, February 12, 2025 11:22:00 AM

Hi, Attorney Alexander:

The Hearings are scheduled over three days, February 11, 12, and 13. This case may be called in the afternoon today; or on the third day. Since this is your second request for a continuance, I cannot stipulate to a continuance.

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

Notice of Confidentiality:
This preceding e-mail message and accompanying documents are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521, and contain information intended for the specific individual(s) only or constitute non-public information. This information may be confidential. If you are not the intended recipient you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify me immediately by E-mail, and delete the original message. Use, dissemination, distribution or reproduction of this message by unintended recipients is not authorized and may be unlawful.

From: Chandon Alexander <chandon@spartacuslawfirm.com>
Sent: Wednesday, February 12, 2025 11:19 AM
To: Christal P. Keegan <ckeegan@ag.nv.gov>
Subject: Re: Hearing February 11-13, 2025 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 Christal,

Unfortunately, it does not look like our case will be called today. We would need to put this matter on the next hearing date. Do you have any opposition to this?

Chandon

On Fri, Jan 31, 2025, 5:22 PM Chandon Alexander <chandon@spartacuslawfirm.com> wrote:

> Hello:
>
> Both Andrew and myself will be appearing in-person.
>
> On Fri, Jan 24, 2025 at 10:30 AM Christal P. Keegan <ckeegan@ag.nv.gov> wrote:
>
> > Hi, Attorney Chandon:
> >
> > Hope your New Year is off to a good start. I am reaching out to determine how you and your client intend to appear at the Real Estate Commission Meeting next month to give the Division staff a heads-up in their preparations of meeting materials, etc. I understand Mr. Arevalo is out of state, does he plan to appear in person or virtually?
> >
> > 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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Certificate of Service
(NRS 645.680)

I certify that on the 17th of April 2025, I deposited a true and correct copy of the foregoing:

CASE# 2024-660

PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION TO CONTINUE THE ADMINISTRATIVE TRIAL

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

in the United States Mail, postage pre-paid, in Las Vegas, Nevada, through the State of Nevada mailroom, by first class mail addressed to the following respondents at their last known address as follows:

Andrew J. Arevalo
c/o Chandon S. Alexander, Esq.
Spartacus Law Firm
400 S. 7th Street, Suite 100
Las Vegas, Nevada 89101

Certified Mail No.: 9589 0710 5270 0210 3405 35

Andrew J. Arevalo
18131 Martinello Drive
Parker, Colorado 80134

Certified Mail No.: 9589 0710 5270 0210 3405 42

Andrew J. Arevalo
4643 S. Ulster Street # 500
Denver, Colorado 80237

Certified Mail No.: 9589 0710 5270 0210 3405 59

Andrew J. Arevalo
c/o Simply Vegas
10120 W. Flamingo Road
Suite 4-10
Las Vegas, Nevada 89147

Certified Mail No.: 9589 0710 5270 0210 3405 66

Shareece Bates
Administration Section Manager

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April 21, 2025, 12:35 pm

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RESP 038

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PARKER, CO 80134
April 21, 2025, 11:26 am

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9589071052700210340559

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Available for Pickup
Available for Pickup
SPRING VALLEY
3375 S RAINBOW BLVD
LAS VEGAS NV 89146-9998
M-F 0830-1700; SAT 0900-1500
April 21, 2025, 6:50 pm

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9589071052700210340566

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April 22, 2025, 11:18 am

Redelivery Scheduled for Next Business Day

RESP 039

DENVER, CO 80237
April 21, 2025, 12:22 pm

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FAQs

RESP 040

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
APR 11 2025
REAL ESTATE COMMISSION
BY

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**

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

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.

SPARTACUS LAW FIRM
2777 Paradise Road, Suite 3002
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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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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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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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
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DECL (CRM)
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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 STAY AND CONTINUE, OR IN THE ALTERNATIVE DISMISS**

DECLARATION OF CHANDON S. ALEXANDER, ESQ. IN SUPPORT OF RESPONDENT'S MOTION TO STAY AND CONTINUE, OR IN THE ALTERNATIVE DISMISS

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 in case number 2024-660;

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

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3. On December 4, 2023, Mr. Arevalo entered into a Stipulation for Deferred Judgment and Sentence in Douglas County, Colorado District Court Case No. 2023CR700. A true and correct copy of this Stipulation is attached as **Exhibit A**.

4. Under the terms of the Stipulation, if Mr. Arevalo successfully completes his two-year probation, he will be permitted to withdraw his guilty plea and the charges will be dismissed with prejudice. *See* Ex. A at 4 [para. 4].

5. On April 11, 2024, Mr. Arevalo entered into a Stipulation for Diversion with the Colorado Real Estate Commission. A true and correct copy of this Stipulation is attached as **Exhibit B**.

6. Under the Colorado Stipulation, Mr. Arevalo agreed to pay a fine of $250 and serve a period of probation coextensive with his criminal probation. Upon successful completion, the matter will be dismissed without any formal discipline being imposed. See Ex. B at 3-4.

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

DATED this 4th day of February 2025.

/s/ Chandon S. Alexander

CHANDON S. ALEXANDER, ESQ.
Nevada Bar No. 12033
400 South Seventh Street, Suite 100
Las Vegas, Nevada 89101

[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."

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I hereby certify that on the 4th day of February, 2025 I caused the preceding document entitled **RESPONDENT'S MOTION TO STAY AND CONTINUE, OR IN THE ALTERNATIVE DISMISS** 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

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 FEB 05 2025 REAL ESTATE COMMISSION BY Kelley Valadez

OPPOSITION TO RESPONDENT'S MOTION TO STAY AND CONTINUE, OR IN THE ALTERNATIVE DISMISS

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, submits this Opposition on shortened time to Respondent's Andrew J. Arevalo ("Arevalo") untimely Motion to Stay and Continue, or in the Alternative Dismiss, with permission of the Commission and for good cause pursuant to NAC 645.840(3).

DATED this 5th day of February 2025.

AARON D. FORD
Attorney General

By: ckeegan
CHRISTAL P. KEEGAN (Bar No. 12725)
Deputy Attorney General
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ckeegan@ag.nv.gov

Attorney for Real Estate Division

I. BACKGROUND

This case was originally set to be heard during the Commission's November 19-21, 2024 Commission Hearings.[1] But on October 31, 2024, Arevalo requested a continuance.[2] On November 4, 2024, the Commission generously granted Arevalo's first request for a continuance.[3] On January 2, 2025, hearing re-notices were sent certified mail for the February 11-13, 2025 Commission Hearings ("Hearings").[4]

On January 24, 2025 at 10:30 AM, the State reached out to Arevalo's counsel.[5] On January 29, 2025, the Division filed its Appendix of Relevant Laws.[6] On January 31, 2025, Arevalo's counsel indicated to the State that "Both Andrew and myself will be appearing in-person."[7] At which time, Arevalo's counsel never made any indication that he would be trying to avoid his Hearing.[8]

Out of nowhere, on February 4, 2025 at 7:56 PM, five (5) working days before the Hearings, Arevalo files a Motion to Stay and Continue, or in the Alternative to Dismiss ("Motion").[9] Despite such surprise, the Division accordingly submits its Opposition 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 February meetings pursuant to NAC 645.840(4).

II. LEGAL ARGUMENT

NAC 645.840 requires - it is a "must" - that all written motion must be made at least 10 working days before the time set for the hearing on the motion.

NAC 645.830 does not support granting of a continuance unless it is made in good faith and not merely for delay.

---

[1] Exhibit A. NRED v. Andrew J. Arevalo, Case No. 2024-660, Complaint and Notice of Hearing. filed October 1, 2024.
[2] Exhibit B. First Request for Continuance, Letter dated October 31, 2024.
[3] Exhibit C. First Request for Continuance Granted, Email dated November 4, 2024 9:45:03 AM.
[4] Exhibit D. Hearing Re-notices, January 2, 2025.
[5] Exhibit E. Email Division's Counsel to Chandon Alexander, January 24, 2025 at 10:30 AM.
[6] Exhibit F. Email Commission Coordinator to Chandon Alexander, January 29, 2025 at 2:49 PM.
[7] Exhibit E. Email Chandon Alexander to Division's Counsel, January 31, 2025 at 5:22:38 PM.
[8] *Id.*
[9] Exhibit G. Respondent's Motion to Stay and Continue, or in the Alternative Dismiss, Case No. 2024-660, Filed February 4, 2025.

NRS 645.740 provides for a stay only after the Commission has rendered a decision on any complaint, which is further bolstered by NRS 233B.140 which provides the procedures for a stay after final decision.

A. Arevalo's Motion is Time-Barred, and Should be DENIED.

Arevalo readily admits that he has failed to timely meet the 10-working day requirement to serve motions pursuant to NAC 645.840(2).[10] To mitigate his failing, he alleges his "Motion is being filed slightly beyond the 10-day timeframe." This inaccurately represents the fact that his Motion is being filed just five (5) working days before the Hearings, which cuts in half the time mandated by regulation. Even worse, such untimeliness is inexcusable as Arevalo has had an extraordinary amount of time to make such Motion, *see Section I. Background above*. Therefore, the Commission should DENY Arevalo's Motion and hear the case on its merits.

B. Arevalo's Request to Stay Proceedings Pending Completion of his Probation is Premature, and Not Otherwise Supported by the Law, and Should be DENIED.

Arevalo admits he is still on probation until December 2025.[11] Arevalo cites to *Manners v. State Bd. Of Veterinary Med.*, 107 Idaho 950, 952 (1985), which is not a Nevada case, and is distinguishable from Arevalo in that in *Manners* the conviction or plea had been vacated. As Arevalo has readily admitted, his guilty plea "will" become a legal nullity upon successful completion of his probation, but that hasn't occurred yet.

Manner is further distinguished from Arevalo's Case No. 2024-660 in that his felony conviction is not the only basis for discipline, but there are other violations of law charged, to include NRS 645.615(2) for concealing his entry of guilty plea entered on December 4, 2024 and not reporting it within the 10-days as required, but received by the Division nearly seven (7) months later.

Arevalo's Motion has made known his motivations to delay his Hearing until his probation terms which may or may not be completed in December of 2025. The problem for Arevalo is that the Division is authorized pursuant to NRS 645.190 to do all things necessary and convenient for carrying into effect

[10] Motion, February 4, 2025, P. 2, lines 16–18.
[11] Motion, February 4, 2025, P. 4, lines 19–21.

the provisions of NRS 645. The Division has determined it is necessary to bring this case to the Commission, and the Commission is authorized to take action pursuant to NRS 645.633(1)(d).

Lastly, Arevalo proffers the Colorado Real Estate Commission's approach when NRS 645.330(2)(b)(2) requires the Division to not issue a license to such a person until at least three (3) years after the period of expiration of the person's probation. Arevalo's suggestion is not what Nevada legislators intended, just like many laws governing professional licensing laws which recognize that such criminal offenses violate professional standards. There is no law under NRS 645 or NAC 645 that requires the Division nor the Commission to follow other States' Real Estate Commissions.

C. Arevalo's Request to Dismiss this Case Should be DENIED as there are Contested Genuine Issues of Material Fact, and Proceeding would Actually be in furtherance of Arevalo's Due Process Rights.

Arevalo's Motion plainly demonstrates disagreement between the parties over the genuine issues of material facts regarding his felony conviction for a crime involving moral turpitude.[12] The Division's Complaint filed October 1, 2024, adequately alleges the legal and factual sufficiency of its case in accordance with NRS 233B.121(2) such that dismissal is inappropriate.[13] Since the Motion will already be heard at the February 11-13, 2025 Commission meeting, the Commission should proceed with hearing the case to review all facts in order to make its decision.

The State disagrees with all arguments advanced by Arevalo in this regard, especially since a due process violation would not occur because Arevalo has the opportunity to make its case about appropriate disciplinary recommendations.

Further, the irony in Arevalo's arguments that the Colorado Real Estate Commission "saw the wisdom of entering into a Stipulation," fails to acknowledge that the State extended settlement terms to Mr. Arevalo which he decidedly rejected.

. . .

. . .

. . .

. . .

[12] Motion, February 4, 2025, in its entirety.
[13] Exhibit A. Complaint and Notice of Hearing, October 1, 2024.

III. CONCLUSION

For all the foregoing reasons, the State requests the Commission DENY Arevalo's Motion to Stay and Continue, or in the Alternative Dismiss. Thank you.

DATED this 5 day of February 2025.

STATE OF NEVADA
Department of Business and Industry
Real Estate Division

By: _____
SHARATH CHANDRA, Administrator
CHARVEZ FOGER, Deputy Administrator
3300 West Sahara Avenue, Suite 350
Las Vegas, Nevada 89102

DATED this 5th day of February 2025.

AARON D. FORD
Attorney General

By: _____
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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 **REPLY TO PETITIONER'S OPPOSITIONTO RESPONDENT'S MOTION TO STAY AND CONTINUE, OR IN THE ALTERNATIVE DISMISS**

COMES NOW, Respondent ANDREW J. AREVALO ("Respondent"), by and through his counsel of record, Chandon S. Alexander, Esq. of the SPARTACUS LAW FIRM, and hereby submits this Reply to the Division's Opposition to Respondent's Motion to Stay and Continue, or in the Alternative Dismiss.

I. ARGUMENT

The Division's Opposition lays bare the constitutional infirmities and logical absurdities inherent in its position. Most fundamentally, the Division seeks to impose discipline based on what it concedes will become a legal nullity in less than ten (10) months—a position that not only violates Respondent's constitutional right to due process but also

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demands precisely the type of "idle act" long repugnant to Nevada law. *See Bank of Nevada v. Petersen,* 132 Nev. 644, 654 (2016) ("the law does not require idle acts not necessary to do justice"). The Division compounds this error by misapprehending basic legal standards, failing entirely to address Respondent's constitutional arguments, and improperly attempting to prejudice these proceedings through reference to inadmissible settlement discussions.

Perhaps most tellingly, the Division can offer no coherent explanation for why the Commission should rush to impose discipline now, when the very basis for that discipline will cease to exist in a matter of months—and when Colorado, the forum state of the underlying guilty plea, reached a very different result.

A. The Division Applies the Wrong Legal Standard

As an initial matter, the Division's primary argument against dismissal—that there are "contested genuine issues of material fact"—demonstrates a fundamental misunderstanding of the applicable legal standard. Whether material facts are in dispute is the standard for summary judgment under NRCP 56, not for a motion to dismiss challenging the constitutional sufficiency of a statute as applied. *See Hewitt v. Allen*, 118 Nev. 216, 220 (2002) (reciting summary judgment standard). By contrast, the test at the motion to dismiss stage, under NRCP 12, is "whether the allegations of a [complaint] are sufficient to assert a claim for relief" and "whether the allegations give fair notice of the nature and basis of [a legally sufficient] claim and the relief requested." *Guarini v. Main*, 132 Nev. 974, 2016 WL 412824 at *2 (2016).

The Division's reliance on this incorrect standard effectively concedes that it has no response to Respondent's constitutional arguments.

B. The Division Fails to Address Respondent's Constitutional Arguments, and Concedes That It Seeks to Impose Discipline for a Legal Nullity

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Respondent's Motion raised serious constitutional concerns about applying NRS 645.330(2)(a) and NRS 645.615(1) to a deferred judgment where no final conviction exists. The Division's Opposition is notable for what it does not say—it offers no defense of the constitutional validity of these statutes as applied to Respondent's situation, to say nothing of the absurdity of its own position. This silence is particularly telling given that the core of Respondent's argument is that these statutes are unconstitutionally vague as applied because they provide no notice that a guilty plea entered as part of a deferred judgment program—which all parties anticipate will be withdrawn—could serve as a basis for discipline.

Instead, the Petitioner's position is apparently that it is the Division's prerogative to seek discipline against Respondent for what Petitioner itself concedes will be a legal nullity in scarcely ten (10) months. Petitioner seeks to distinguish the decision in *Manners v. State 15 Bd. Of Veterinary Med.*, 107 Idaho 950, 952 (1985) on the basis that the conviction or plea had been vacated, but only thereby highlights the absurdity of its own position. It is not surprising that the conviction had been vacated in *Manners* by the time an appeal to the Idaho Supreme Court was filed and heard. But Respondent's argument here is (in part) that it violates his right to due process to have disciplinary proceedings imposed on him where (as Petitioner concedes) Respondent will have the right to withdraw his guilty plea in the near future—and where the Nevada statutes are unconstitutionally vague as applied here in that they gave no fair notice that Respondent's temporary guilty plea, in the context of a Stipulation for Deferred Judgment, fell within their ambit.

Petitioner also suggests that it has an independent reason to impose discipline, namely a purported violation of NRS 645.615(2) for purportedly "concealing" Respondent's guilty plea and not reporting it until seven (7) months later. But Petitioner fails to recognize that

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Respondent's arguments are equally applicable to this charge. Given that Respondent will be allowed to withdraw his guilty plea, any discipline based on a purported failure to report will, likewise, be a legal nullity. Respondent cannot be held accountable for failure to report what does not exist.

Petitioner's absurd position is that there is nothing untoward in seeking discipline premised entirely on a time-limited guilty plea, with less than ten (10) months more in existence. As Nevada has long recognized, however, "the law does not require idle acts not necessary to do justice." *Bank of Nevada v. Petersen*, 132 Nev. 644, 654 (2016) (quoting *Allenbach v. Ridenour,* 51 Nev. 437, 462 (1929)). Petitioner's pursuit of discipline is a quintessential example of an "idle act."

C. The Division Improperly References Settlement Discussions

The Division's attempt to prejudice these proceedings by referencing "that the State extended settlement terms to Mr. Arevalo which he decidedly rejected" is improper. As a threshold matter, settlement discussions are generally inadmissible under NRS 48.105. More importantly, here the Division never attempted to meaningfully negotiate this case with Respondent, and instead only presented a punitive proposal for a two-year license revocation—an entirely disproportionate response given the Colorado court's resolution and the Colorado Real Estate Commission's reasoned approach to this matter.

D. The Division Mischaracterizes the Nature of Board Proceedings

The Division's Opposition reveals a fundamental misunderstanding of the purpose of professional licensing board proceedings. Such proceedings are meant to "protect the public," "not to punish the licensee." *Weaver v. State, Dep't of Motor Vehicles*, 121 Nev. 494, 499 (2005). The Division's evidently punitive approach—particularly its insistence on proceeding

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despite the deferred nature of the judgment and Colorado's more measured response—suggests it is improperly seeking punishment rather than public protection.

E. The Division Misapplies the Concept of Moral Turpitude

The Division's repeated characterization of Respondent's deferred judgment as involving "moral turpitude" is both legally incorrect and inflammatory. Crimes of moral turpitude are those involving inherent dishonesty or base motives. "Although the phrase 'crime involving moral turpitude' is notoriously baffling" the a "crime of moral turpitude has generally been understood as "conduct that shocks the public conscience as being 'inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons or to society in general." *Garcia-Meza v. Mukasey*, 516 F.3d 535, 536 (7th Cir. 2008) The underlying charge here—assault—while serious, does not rise to this level.

F. The Timing of the Motion is Justified by Excusable Neglect

While Respondent acknowledges the Motion was filed less than ten working days before the hearing, this timing is justified by excusable neglect. Respondent's counsel did not have complete information regarding the Colorado criminal case, and the implications of the deferred adjudication were not immediately apparent. Moreover, contrary to the Division's implications, there is no attempt to "delay his Hearing until his probation terms." The Commission's next meeting occurs well before December 2025, providing ample opportunity for a hearing if one proves necessary.

II. CONCLUSION

For all the foregoing reasons, as well as those stated in Respondent's Motion, the Commission should either stay these proceedings or dismiss them outright. At minimum, the

Commission should continue the hearing to allow full consideration of the serious constitutional issues presented.

Dated this 6th day of February, 2025.

Respectfully submitted,

SPARTACUS LAW FIRM

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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 **REPLY TO PETITIONER'S OPPOSITIONTO RESPONDENT'S MOTION TO STAY AND CONTINUE, OR IN THE ALTERNATIVE DISMISS** 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
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Reno, Nevada 89511
Attorney for Real Estate Division

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

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 03 2025 REAL ESTATE COMMISSION BY

SUPPLEMENT TO OPPOSITION TO RESPONDENT'S MOTION TO STAY AND CONTINUE, OR IN THE ALTERNATIVE DISMISS

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney General, and Christal P. Keegan, Deputy Attorney General, respectfully submits this Supplement to its Opposition to Respondent Andrew J. Arevalo's ("Arevalo") untimely Motion to Stay and Continue, or in the Alternative Dismiss, as permitted by the Commission pursuant to NAC 645.840(4).

DATED this 3rd day of April 2025.

AARON D. FORD
Attorney General

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Attorney for Real Estate Division

I. BACKGROUND

In good faith, the Division respectfully submits this supplement necessitated by Respondent Andrew J. Arevalo's ("Arevalo") attempts to misinform the Nevada Real Estate Commission ("Commission").[1]

II. LEGAL ARGUMENT

A. Ample Authority Supports the Commission Proceeding in this Case.

Arevalo's central contention speculates the entry of a judgment of conviction upon Arevalo's guilty plea might be deferred upon successful completion of his two-year probationary period, but such gamesmanship fails to preclude this Commission from considering the entry of guilty plea as grounds for disciplinary action under NRS 645.633(1)(d)(2); NRS 645.330(1), (2)(b)(2); and NRS 645.615(2).

To assure this Commission, *Patt v. Nevada State Bd. of Accountancy,* 93 Nev. 548, 549, 571 P.2d 105, 106 (1977) is the on-point case that upholds proceedings to suspend or revoke business or professional licenses are not included among the penalties and disabilities that are released by an honorable discharge from probation.[2]

The *Patt* case is applicable to the Commission's administrative action in this case no. 2024-660 because Arevalo's entry of plea of guilty on or about December 4, 2023 to Count One of Assault in the Second Degree, a Class F4-As an Act of Domestic Violence, can be considered for purposes of NRS 645.633(1)(d)(2), NRS 645.330(2)(b)(2) and NRS 645.615(2) regardless of whether such is conditional, and the language of the statutes at issue are clear and unambiguous about the propriety of disciplinary action stemming from the adjudication of a guilty plea:

> **NRS 645.633(1)(d)(2) which states in relevant part:**
> "The Commission may take action pursuant to NRS 645.630 against any person subject to that section who is guilty of any of the following acts: …
> (d) conviction of, ***or the entry of a plea of guilty***, guilty but mentally ill or nolo contendere to: …
> (2) Any crime involving fraud, deceit, misrepresentation or moral turpitude."

---

[1] *See* Reply to Petitioner's Opposition to Respondent's Motion to Stay and Continue, or in the Alternative Dismiss.

[2] *See, e. g.*, M*eyer v. Board of Medical Examiners*, 34 Cal.2d 62, 206 P.2d 1085 (1949), and its progeny. *See also In re Phillips*, 17 Cal.2d 55, 109 P.2d 344 (1941). For the Commission's convenience, *Patt v. Nevada State Bd. of Accountancy,* 93 Nev. 548, 549, 571 P.2d 105, 106 (1977) case is included under *Exhibit A*.

NRS 645.330(2)(b) which states in relevant part:
(b) ***Shall not issue a license to such a person until at least 3 years after***:
(2) ***The expiration of the period of the person's*** parole, ***probation*** or sentence.

NRS 645.615(2) which states in relevant part:
A licensee shall submit the notification required by subsection 1:[3]
(a) ***Not more than 10 days after the*** conviction or ***entry of the plea of guilty***, guilty but mentally ill or nolo contendere;

Any individual of common intelligence does not need to guess at its meaning and would not differ as to its application.[4] To conclude, these statutes are a reasonable method of achieving a legitimate end of protecting the State's real estate industry and thus comply with substantive due process and procedure due process.[5]

III. CONCLUSION

For the foregoing reasons, the Division recognizes the discretion the Commission has in considering supplemental information, and it appreciates the opportunity to provide accurate and reliable information to assure it of its lawful authority to adjudicate disciplinary actions in this case.

DATED this 3rd day of April 2025.

STATE OF NEVADA
Department of Business and Industry
Real Estate Division

By: _____
SHARATH CHANDRA, Administrator
CHARVEZ FOGER, Deputy Administrator
3300 West Sahara Avenue, Suite 350
Las Vegas, Nevada 89102

DATED this 3rd day of April 2025.

AARON D. FORD
Attorney General

By: _____
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

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[3] **NRS 645.615 Duty to report certain convictions and pleas to Division.** 1. A licensee, property manager or owner-developer shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to: (a) A felony relating to the practice of the licensee, property manager or owner-developer; or (b) Any crime involving fraud, deceit, misrepresentation or moral turpitude.

[4] *State v. Glusman,* 98 Nev. 412, 420, 651 P.2d 639, 644–45 (1982).

[5] *Spilotro v. State ex rel. Gaming Commission,* 99 Nev. 187, 661 P.2d 467 (1983).

EXHIBIT A

EXHIBIT A

93 Nev. 548
Supreme Court of Nevada.

Seymour Harold PATT, Appellant,
v.
NEVADA STATE BOARD OF ACCOUNTANCY, Respondent.

No. 9758.
|
Nov. 16, 1977.

Synopsis

Appeal was taken from an order of the Second Judicial District Court, Washoe County, William N. Forman, J., dismissing an accountant's petition requesting judicial review of the State Board of Accountancy's revocation of his certified public accountant's certificate based upon his conviction of embezzlement. The Supreme Court held that the propriety of the disciplinary action stemmed from the adjudication of guilt constituting the basis of the conviction and as such was not a "penalty" or "disability" which would be released by the accountant's honorable discharge from probation.

Appeal dismissed.

Attorneys and Law Firms

***548** ****105** David Dean, Reno, for appellant.

Laxalt, Berry & Allison, Carson City, for respondent.

OPINION

PER CURIAM:

Appellant was convicted of embezzlement (NRS 205.300) and placed on probation for a term of one year. Upon the satisfactory completion of probation, the district court ****106** set aside the verdict of guilty and dismissed the information against him pursuant to NRS 176.225(1). [1] Based on the ***549** embezzlement conviction, the Nevada State Board of Accountancy revoked appellant's certified public accountant's certificate pursuant to NRS 628.390(5) & (6). [2]

A petition, requesting judicial review of the revocation, was dismissed by the district court and in this appeal the central contention is that the honorable discharge from probation released appellant from "all penalties and disabilities resulting from the offense" and, thus, the Board is precluded from considering the conviction as grounds for disciplinary action. Respondent, arguing the disciplinary proceeding and consequences thereof cannot be construed as a penalty or disability which was released under NRS 176.225(1), has moved to dismiss.

Although we have not had occasion to so construe NRS 176.225(1), sister state decisions involving virtually an identical statute are legion. Those cases, which we find to be well reasoned, hold that proceedings to suspend or revoke business or professional licenses are not included among the penalties and disabilities that are released by an honorable discharge from probation. See, e. g., Meyer v. Board of Medical Examiners, 34 Cal.2d 62, 206 P.2d 1085 (1949), and its progeny. See also In re Phillips, 17 Cal.2d 55, 109 P.2d 344 (1941).

We elect to adopt, as appropriate and applicable here, that portion of the Meyer opinion where the court wrote that the "propriety (of the disciplinary action) stems from the adjudication of guilt constituting the basis of the 'conviction' and, as such, it is not a 'penalty' or 'disability' within the contemplated release of the probation statute." 206 P.2d at 1088. Accordingly, we grant respondent's motion and

ORDER this appeal dismissed.

All Citations

93 Nev. 548, 571 P.2d 105

Footnotes

1 NRS 176.225(1) provides:

"1. Every defendant who:

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"(a) Has fulfilled the conditions of his probation for the entire period thereof; or

"(b) Is recommended for earlier discharge by the chief parole and probation officer; or

"(c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court, may at any time thereafter be permitted by the court to withdraw his plea of guilty or nolo contendere and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court may set aside the verdict of guilty; and in either case, the court shall thereupon dismiss the indictment or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted." (Emphasis added.)

2 NRS 628.390(5) & (6) provide in pertinent part:

"After notice and hearing . . . , the board may revoke . . . any certificate issued . . . for any one or any combination of the following causes:

" . . .oti

"5. Conviction of a felony under the laws of any state or of the United States.

"6. Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States."

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EXHIBIT 3

EXHIBIT 3

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 FEB 24 2025 REAL ESTATE COMMISSION BY Kelly Valadez

ORDER GRANTING RESPONDENT'S SECOND REQUEST FOR CONTINUANCE

The matter came before the Nevada Real Estate Commission ("Commission") during its three-day hearing stack commencing February 11, 2025 through February 13, 2025. The matter was called in the afternoon on Wednesday, February 12, 2025. Chandon S. Alexander (Bar No. 12033), with Spartacus Law Firm, appeared on behalf of Respondent Andrew J. Arevalo. Deputy Attorney General Christal P. Keegan appeared on behalf of the Nevada Real Estate Division ("Division"). Counsel for Respondent made his second request for a continuance claiming his witnesses would not be available the third day of the hearings, February 13, 2025, and that he intended to present testimony from five (5) witnesses. Division's Counsel objected to the second request for a continuance as the matter had already been continued once, and made a point that it was Respondent's counsel's responsibility to ensure his witnesses were available for all three (3) days of the hearings.

The matter having been submitted for decision based on the Commission's consideration of the oral arguments presented during the hearing, the Commission now enters its Order.

. . .

. . .

. . .

. . .

ORDER

IT IS HEREBY ORDERED that Respondent's Second Request for Continuance is GRANTED, and the matter shall be heard at the May 13-15, 2025 Commission Hearings.

DATED this 24th day of February 2025.

NEVADA REAL ESTATE COMMISSION

By: _____
President, Nevada Real Estate Commission

Certificate of Service
(NRS 645.680)

I certify that on the 24th day of February 2025, I deposited a true and correct copy of the foregoing:

CASE# 2024-660

ORDER GRANTING RESPONDENT'S SECOND REQUEST FOR CONTINUANCE

in the United States Mail, postage pre-paid, in Las Vegas, Nevada, through the State of Nevada mailroom, by first class mail addressed to the following respondents at their last known address as follows:

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c/o Chandon S. Alexander, Esq.
Spartacus Law Firm
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Las Vegas, Nevada 89101

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Kelly Valadez

Kelly Valadez
Commission Coordinator