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CASE NO: A-25-917222-W
Department 31

DISTRICT COURT

CLARK COUNTY, NEVADA

ANDREW J. AREVALO, (S.0184627), Petitioner, v. STATE OF NEVADA REAL ESTATE COMMISSION; SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Respondents.	Case No.: Dept. No.: **PETITIONER ANDREW J. AREVALO's (S.0184627) PETITION FOR WRIT OF MANDAMUS** **Immediate Stay Requested** **Hearing Requested**

INTRODUCTION AND REQUEST FOR IMMEDIATE STAY

Pursuant to NRS 34.160, a writ of mandamus may be issued "to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station." Such a writ is appropriate when an administrative body "exercises its discretion in an arbitrary or capricious manner." *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981); *see also State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983) (holding that mandamus is appropriate when an agency "manifestly abuses its discretion").

In this case, the Nevada Real Estate Commission ("Commission") has arbitrarily and capriciously denied Petitioner's Motion to Continue the Administrative Trial. *See* Declaration of Chandon S. Alexander ("Alexander Decl.") at ¶ 20. The Motion was predicated on the undisputed fact that Petitioner's counsel 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. Alexander Decl. at ¶¶ 3-4. This federal court appearance directly conflicts with the currently scheduled administrative trial before the Commission, set for May 13-15, 2025. Alexander Decl. at ¶ 4.

Notably, the Commission summarily denied Petitioner's Motion without providing any reasoning for its decision, though no substantive opposition was filed opposing Petitioner's Motion. Alexander Decl. at ¶ 20. This absence of reasoning from the Commission is particularly troubling given that the email accompanying the Commission's Order denying the Motion misleadingly characterized the Motion as Petitioner's "third continuance request"—a characterization that is incomplete and disingenuous, as the Commission itself necessitated a prior continuance. Alexander Decl. at ¶¶ 21-22.

As set forth in detail below, the first request for continuance was warranted by Petitioner's counsel's scheduled surgery. Alexander Decl. at ¶¶ 21-22, 23-25. Subsequently, a second continuance was occasioned by the Commission's own inability to hear this matter within the limited 3-day timeframe of its February 2025 session without bifurcating the matter into a subsequent session, and

was unianimously agreed to by the Commission itself.. Alexander Decl. at ¶¶ 26-31. Thus, the second continuance was not the result of any delay by Petitioner or Petitioner's counsel, who were fully prepared to present the matter during the February 2025 session, but simply the result of the Commission's own schedule. As such, referring to Petitioner's current request for a continuance as his "third" misses critical context and improperly holds against him a second continuance that was occassioned by the Commission itself, not by Petitioner.

The Commission's denial of Petitioner's Motion, particularly under these circumstances, constitutes an arbitrary and capricious exercise of discretion that warrants the issuance of a writ of mandamus. Such a denial effectively forces Petitioner to choose between proceeding without his counsel of choice—in violation of his due process rights—or hastily retaining new counsel unfamiliar with his case, which would severely prejudice his defense. Alexander Decl. at ¶ 8.

Accordingly, Petitioner respectfully requests that this Court issue a writ of mandamus directing the Commission to continue the administrative trial currently scheduled for May 13-15, 2025, until a date that does not conflict with Petitioner's counsel's previously scheduled federal court appearance.

Petitioner also asks that this Court issue an **immediate stay** of the administrative proceedings before the Nevada Real Estate Commission in Case No. 2024-660, pending the resolution of this Petition.

This Petition is brought pursuant to NRS 34.160, and Petitioner declares that he has no plain, speedy, or adequate remedy at law to secure the relief sought herein. Petitioner further submits the Declaration of Chandon S. Alexander and **Exhibits A-E** in support of this Petition.

PARTIES

Petitioner ANDREW J. AREVALO (S.0184627) ("Mr. Arevalo" or "Petitioner") is a real estate licensee and respondent in Case No. 2024-660, a hearing to consider potential discipline against Petitioner, set be heard before the State of Nevada Real Estate Commission.

Respondent STATE OF NEVADA REAL ESTATE COMMISSION ("the Commission") is a five-member body that conducts disciplinary hearings regarding licensees of the State of Nevada Real Estate Division, and is currently set to hear certain allegations against Petitioner and consider the appropriateness of potential discipline during its May 13-15, 2025 session.

Respondent REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA ("the Division") is the petitioner and complainant seeking discipline against Mr. Arevalo in Case No. 2024-660, a matter pending before the Commission.

JURISDICTION AND VENUE

This Court has jurisdiction to issue writs of mandamus. Nev. Const. art. VI, § 6; NRS 34.160; NRS 34.330.

Venue is proper in the Eighth Judicial District Court of Nevada as all parties and all relevant actions to this matter were and are in Clark County, Nevada.

LEGAL STANDARD – MANDAMUS

"Extraordinary writ relief may be available where there is no 'plain, speedy, and adequate remedy in the ordinary course of law.'" *Segovia v. Eighth Jud. Dist. Ct.*, 133 Nev. 910, 911, 407 P.3d 783, 785 (2017) (quoting NRS 34.170 and NRS 34.440). While an "extraordinary remedy," it is within the court's sole discretion to determine when such relief is proper. *Id.* Even when a legal remedy is available, the court can "still entertain a petition for writ 'relief where the circumstances reveal urgency and strong necessity.'" *Id.* (quoting *Barngrover v. Fourth Jud. Dist. Ct.*, 115 Nev. 104, 111, 979 P.2d 216, 220 (1999)).

The court will generally exercise its discretion to consider an extraordinary writ where an important legal issue that needs clarification is raised or to promote judicial economy and administration. *State Office of the Att'y Gen. v. Just. Ct. of Las Vegas Twp.*, 133 Nev. 78, 80, 392 P.3d 170, 172 (2017).

STATEMENT OF FACTS

Petitioner is the subject of an administrative proceeding before the Nevada Real Estate Commission, Case No. 2024-660, wherein the Division has asked the Commission to consider whether to impose discipline on Petitioner based on certain allegations made by the Division. Alexander Decl. at ¶ 1.

Petitioner's counsel, 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. Alexander Decl. at ¶¶ 3-4, 37; Exhibit E, ¶¶ 2-6.

This federal court appearance directly conflicts with the currently scheduled administrative trial before the Commission, set for May 13-15, 2025. Alexander Decl. at ¶ 4.

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.

The scheduling conflict is not the fault of Petitioner or his counsel, but rather stems from the coincidental scheduling of two trials at the same time, i.e., the case currently before the Commission and the matter in federal court. Alexander Decl. at ¶ 6.

On April 11, 2025, Petitioner, through counsel, filed a Motion to Continue the Administrative Trial, requesting that the trial 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. Alexander Decl. at ¶ 19; **Exhibit A**.

On April 14, 2025, the Commission summarily denied Petitioner's Motion to Continue without providing any reasoning for its decision. Alexander Decl. at ¶ 20; **Exhibit B**.

The email accompanying the Commission's Order denying the Motion incorrectly characterized the Motion as Petitioner's "third continuance request"—a characterization that is both factually inaccurate and misleading. Alexander Decl. at ¶¶ 21-22; **Exhibit C**.

In fact, Petitioner's counsel submitted a Notice of Representation on October 31, 2024, alerting the Commission that his office had been retained by Petitioner and requesting that the hearing, then scheduled for the Commission's November 20-21, 2024 session, be continued to February 2025, due to the fact that Petitioner's counsel was scheduled for surgery on November 19, 2024, i.e., the day before the Commission's session. Alexander Decl. at ¶¶ 23-25.

The proceedings were continued to the February 2025 session, whereat Petitioner and Petitioner's counsel were in attendance and fully prepared to proceed. Alexander Decl. at ¶ 26.

Petitioner had identified six (6) witnesses who were also available and prepared to provide testimony in February 2025. Alexander Decl. at ¶ 27.

However, due to the Commission's full agenda, it became increasingly clear that Petitioner's matter might not be heard during the session or, if at all, would require bifurcation. Alexander Decl. at ¶ 28; **Exhibit D**.

By the second day, February 12, 2025, the Commission had not yet disposed of matters to be heard before Petitioner's case, but was still (upon information and belief) hearing the case of NRED v. James Sharkey, Case No. 2024-749, and indeed had not yet begun deliberating. Alexander Decl. at ¶ 29; **Exhibit D**.

To avoid a bifurcated proceeding as to Petitioner and to protect Petitioner from the prejudice incident to splitting up such proceedings, Petitioner's counsel did orally move to continue the matter to a later session, and the unanimously Commission determined to do so. Alexander Decl. at ¶ 30.

The reason for this "request for continuance" was not any matter in the control of Petitioner or Petitioner's counsel. Rather, it was due to the fact that the Commission sits for limited three-day

sessions, each with a full agenda, and no party is informed when (or if) their matter will be heard during a session. Alexander Decl. at ¶ 31.

In addition to the federal trial, Petitioner's counsel is scheduled to appear on May 7, 2025, before the Nevada Board of Massage Therapy in Case No. NVMT-C-25022, and before the Nevada State Board of Nursing on May 15, 2025, in Case No. 2024110158. Alexander Decl. at ¶¶ 32-33.

Petitioner is not trying to delay proceedings in this case. Rather, the prior continuance from February to May was occasioned by the Commission itself, not by Petitioner or Petitioner's counsel. Alexander Decl. at ¶ 34. Here, the continuance requested by Petitioner's counsel was reasonable and not for the purpose of delay, but due to a conflict with the trial commitments of Petitioner's counsel.

ARGUMENT

A. Legal Standard for Issuance of a Writ of Mandamus

A writ of mandamus may issue "to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station." NRS 34.160. Such a writ is appropriate when an administrative body "exercises its discretion in an arbitrary or capricious manner." *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981); *see also State ex rel. Dep't of Transp. v. Thompson*, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983) (holding that mandamus is appropriate when an agency "manifestly abuses its discretion").

B. Legal Standard Governing Continuances

The Nevada Supreme Court has held that "[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, 42-43 (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).

C. The Commission's Denial of Petitioner's Motion to Continue Was Arbitrary and Capricious

The Commission's denial of Petitioner's Motion to Continue the Administrative Trial was arbitrary and capricious.

1. The Commission Failed to Provide Any Reasoning for Its Denial

As a threshold matter, the Commission provided no reasoning whatsoever for its denial of Petitioner's Motion to Continue. Alexander Decl. at ¶ 20; **Exhibit B**. This failure alone renders the denial arbitrary and capricious, as it provides no basis for determining whether the Commission properly exercised its discretion in reaching its decision.

2. The Commission Relied on Inaccurate and Misleading Information

The email accompanying the Commission's Order denying the Motion characterized the Motion as Petitioner's "third continuance request." Alexander Decl. at ¶¶ 21-22; **Exhibit C**. However, this characterization is incomplete and highly misleading.

In fact, Petitioner's counsel submitted a Notice of Representation on October 31, 2024, alerting the Commission that his office had been retained by Petitioner and requesting that the hearing, then scheduled for the Commission's November 20-21, 2024 session, be continued to February 2025, due to the fact that Petitioner's counsel was scheduled for surgery on November 19, 2024, i.e., the day before the Commission's session. Alexander Decl. at ¶¶ 23-25. This constituted Petitioner's first request for a continuance, which was necessitated by Petitioner's counsel's scheduled surgery—a circumstance entirely beyond Petitioner's control.

The proceedings were continued to the February 2025 session, whereat Petitioner and Petitioner's counsel were in attendance and fully prepared to proceed. Alexander Decl. at ¶ 26.

Petitioner had identified six (6) witnesses who were also available and prepared to provide testimony in February 2025. Alexander Decl. at ¶ 27.

However, due to the Commission's full agenda, it became increasingly clear that Petitioner's matter might not be heard during the session or, if at all, would likely be bifurcated. Alexander Decl. at ¶ 28; **Exhibit D.** By the afternoon of the second day, February 12, 2025, the Commission had not yet disposed of matters to be heard before Petitioner's case, but was still hearing another matter (on information and belief, the case of *NRED v. James Sharkey*, Case No. 2024-749), and indeed had not yet begun deliberating on the matter. Alexander Decl. at ¶ 29.

To avoid a bifurcated proceeding as to Petitioner and to protect Petitioner from the prejudice incident to splitting up such proceedings, Petitioner's counsel did orally move to continue the matter to a later session, and the Commission determined to do so. Alexander Decl. at ¶ 30. Critically, the reason for this "request for continuance" was not any matter in the control of Petitioner or Petitioner's counsel. Rather, it was due to the fact that the Commission sits for limited three-day sessions, each with a full agenda, and no party is informed when their matter will be heard during a session (or if the matter might be pushed to a subsequent session). Alexander Decl. at ¶ 31.

Therefore, the Commission's characterization of Petitioner's current Motion as the "third continuance request" wrongly suggests a pattern of delay by Petitioner that, in fact, does not exist. This mischaracterization, coupled with the Commission's failure to provide any reasoning for its denial, strongly suggests that the denial was based on a misunderstanding of the procedural history of this case and constitutes an arbitrary and capricious exercise of discretion.

3. The Commission Failed to Consider the Legitimate Basis for the Continuance Request

The Nevada Supreme Court has held that "[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, 42-43 (1991); *Colgain v. State*, 102 Nev. 220 (1986); *Banks v. State*, 101 Nev. 771 (1985). Here, the basis for Petitioner's Motion to Continue is undeniably legitimate and not the fault of Petitioner or his counsel.

Petitioner's counsel 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. Alexander Decl. at ¶¶ 3-4. This federal court appearance directly conflicts with the currently scheduled administrative trial before the Commission, set for May 13-15, 2025. Alexander Decl. at ¶ 4. 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, 37; Exhibit E at ¶¶ 2-6.

The scheduling conflict is not the fault of Petitioner or his counsel, but rather stems from the coincidental scheduling of two trials at the same time. Alexander Decl. at ¶ 6. Courts across jurisdictions have recognized that the unavailability of counsel due to a scheduling conflict with 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).

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 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." *Id.* The Court concluded that "[t]he right to counsel should not be abrogated because defendant's counsel of choice has a scheduling conflict." *Id.*

Here, the Commission's denial of Petitioner's Motion effectively forces Petitioner to choose between proceeding without his counsel of choice—in violation of his due process rights—or hastily retaining new counsel unfamiliar with his case, which would severely prejudice his defense. Alexander Decl. at ¶ 8. This constitutes an arbitrary and capricious exercise of discretion that warrants the issuance of a writ of mandamus.

4. The Commission Failed to Consider Petitioner's Willingness to Accommodate the Commission's Schedule

Notably, Petitioner has demonstrated a willingness to accommodate the Commission's schedule throughout these proceedings. While Petitioner believes that a 90-day continuance is appropriate under the circumstances, Petitioner 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 ¶ 35. Petitioner's primary concern is ensuring that his counsel of record is able to represent him at the administrative trial, and Petitioner is committed to working with the Commission to find a mutually agreeable date for the rescheduled proceeding. Alexander Decl. at ¶ 36.

The Commission's failure to consider Petitioner's willingness to accommodate the Commission's schedule, coupled with its failure to provide any reasoning for its denial, further demonstrates the arbitrary and capricious nature of its decision.

C. Petitioner Is Entitled to an Award of Fees and Costs

NRS 18.010(2)(a) authorizes the court to award attorney's fees to a prevailing party when the court finds that "the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party."

Here, the Commission's denial of Petitioner's Motion to Continue, particularly under the circumstances described above, is without reasonable ground and necessitated Petitioner seeking writ relief. The Commission's failure to provide any reasoning for its denial, coupled with its reliance on

inaccurate and misleading information, constitutes unreasonable conduct that warrants an award of fees and costs to Petitioner.

Moreover, the Commission's denial of the Motion is the furthest thing from judicial economy. By forcing Petitioner to seek writ relief, the Commission has unnecessarily expended judicial resources that could have been conserved had the Commission simply granted the Motion or provided a reasonable basis for its denial.

In determining whether an award of attorney's fees is reasonable, the Nevada Supreme Court in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349 (1969), established four factors that courts should consider: (1) the qualities of the advocate; (2) the character of the work to be done; (3) the work actually performed by the lawyer; and (4) the result. Application of these factors to the present case strongly supports an award of reasonable attorney's fees to Petitioner.

First, regarding the qualities of the advocate, Petitioner's counsel is a licensed Nevada attorney with significant experience in administrative law and professional licensure matters. Counsel regularly represents clients before various state boards and commissions, including the Nevada Real Estate Commission, Nevada Board of Massage Therapy, and Nevada State Board of Nursing, demonstrating specialized knowledge and skill in this area of practice. This expertise is particularly valuable in navigating the complex regulatory framework that governs real estate licensees in Nevada.

Second, the character of the work involved in this case is both complex and time-sensitive. Preparing and prosecuting a petition for writ of mandamus involves intricate legal analysis and procedural knowledge. The work is made more difficult by the short timeframe imposed by the Commission's denial of a reasonable continuance and the impending administrative trial date. Furthermore, the stakes for Petitioner are exceptionally high, as the administrative proceeding could potentially result in the loss of his professional license and livelihood. The responsibility imposed on counsel in such circumstances is substantial.

Third, the work actually performed by Petitioner's counsel has been diligent and thorough. Counsel has prepared a comprehensive petition that details the procedural history of the case, analyzes applicable legal precedent, and presents compelling arguments for mandamus relief. This required significant skill, time, and attention, especially given the urgency of the situation. Moreover, counsel has continued to represent Petitioner zealously despite facing scheduling conflicts and the Commission's unreasonable denial of a continuance.

Fourth, if successful, this petition will result in significant benefits for Petitioner. Most importantly, it will preserve Petitioner's right to be represented by counsel of his choice at the administrative trial—a fundamental aspect of due process. Additionally, it will prevent the severe prejudice that would result from either proceeding without counsel or hastily retaining new counsel unfamiliar with the case. The value of these benefits cannot be overstated, particularly given the potential consequences of the administrative proceeding for Petitioner's professional future.

In light of these factors, an award of reasonable attorney's fees is appropriate under *Brunzell* and NRS 18.010(2)(a). The Commission's unreasonable denial of Petitioner's Motion to Continue has forced Petitioner to incur additional legal expenses that could have been avoided had the Commission exercised its discretion in a reasonable manner. Fairness dictates that Petitioner should not bear the financial burden of seeking judicial intervention to correct the Commission's arbitrary and capricious action.

Accordingly, Petitioner requests that this Court award him the fees and costs incurred in bringing this Petition for Writ of Mandamus, to be applied for by separate application.

PRAYER FOR RELIEF

WHEREFORE, Petitioner ANDREW J. AREVALO respectfully prays for relief as follows:

1. That this Court issue an Alternative Writ of Mandamus against Respondents directing the Nevada Real Estate Commission to either: Continue the administrative trial in Case No. 2024-660,

currently scheduled for May 13-15, 2025, by 90 days, to a date that does not conflict with Petitioner's counsel's previously scheduled federal court appearance; or show cause before this Court, at a time and place to be fixed by this Court, why the Commission has not done so and why a peremptory writ should not issue;

2. That following any hearing on the order to show cause, this Court issue a Peremptory Writ of Mandamus commanding Respondents and the Nevada Real Estate Commission to continue the administrative trial in Case No. 2024-660 to a date that does not conflict with Petitioner's counsel's previously scheduled federal court appearance;

3. That this Court award Petitioner his reasonable attorney's fees and costs incurred in bringing this Petition pursuant to NRS 18.010(2)(a), to be applied for by separate application;

4. That this Court issue a stay of the administrative proceedings before the Nevada Real Estate Commission in Case No. 2024-660 pending the resolution of this Petition; and

5. That this Court grant such other and further relief as the Court deems just and proper under the circumstances.

DATED this 18th day of April 2025.

Respectfully Submitted,

SPARTACUS LAW FIRM

/s/ Chandon Alexander
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(S.0184627),

DISTRICT COURT

CLARK COUNTY, NEVADA

ANDREW J. AREVALO, (S.0184627), Petitioner, v. SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA, Respondent.	Case No.: Dept. No.:

DECLARATION OF CHANDON S. ALEXANDER, ESQ. IN SUPPORT OF PETITIONER ANDREW J. AREVALO'S PETITION FOR WRIT OF MANDAMUS

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 Petitioner ANDREW J. AREVALO in Nevada Real Estate Commission case number 2024-660;

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

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 Petitioner or myself, but rather stems from the coincidental scheduling of two trials at the same time;

7. That Petitioner 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 Petitioner 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;

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

12. That Petitioner's current Motion to Continue is not made for the purpose of delay or due to any lack of diligence on the part of Petitioner 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 February continuance was granted to avoid a bifurcated proceeding that would have unduly prejudiced Petitioner;

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

16. That Petitioner 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 all six witnesses were available and prepared to testify during the February 2025 session;

19. That on April 11, 2025, I filed a Motion to Continue the Administrative Trial on behalf of Petitioner, requesting that the trial 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, a true and correct copy of which is attached hereto as **Exhibit A**;

20. That on April 14, 2025, the Commission summarily denied Petitioner's Motion to Continue without providing any reasoning for its decision, a true and correct copy of which order is attached hereto as **Exhibit B**;

21. That the email accompanying the Commission's Order denying the Motion referred to Petitioner's submission as his "third continuance request," a true and correct copy of which is attached hereto as **Exhibit C**;

22. That this characterization is both inaccurate and misleading;

23. That I submitted a Notice of Representation on October 31, 2024, alerting the Commission that my office had been retained by Petitioner;

24. That in this Notice of Representation, I requested that the hearing, then scheduled for the Commission's November 20-21, 2024 session, be continued to February 2025;

25. That this request was necessitated by the fact that I was scheduled for surgery on November 19, 2024, i.e., the day before the Commission's session;

26. That the proceedings were continued to the February 2025 session, whereat Petitioner and I were in attendance and fully prepared to proceed;

27. That Petitioner had identified six (6) witnesses who were also available and prepared to provide testimony in February 2025;

28. That due to the Commission's full agenda in February 2025, it became increasingly clear that Petitioner's matter might not be heard during the session or, if at all, would likely be bifurcated, a true and correct copy of which agenda is attached hereto as **Exhibit D**;

29. That by afternoon of the second day, February 12, 2025, the Commission had not yet disposed of matters to be heard before Petitioner's case, but (to the best of my recollection) was still hearing the case of *NRED v. James Sharkey*, Case No. 2024-749, and indeed had not yet begun deliberating;

30. That to avoid a bifurcated proceeding as to Petitioner and to protect Petitioner from the prejudice incident to splitting up such proceedings, I did orally move to continue the matter to a later session, and the Commission unanimously determined to do so;

31. That the reason for this "request for continuance" was not any matter in the control of Petitioner or myself, but rather was due to the fact that the Commission sits for

limited two-day sessions, each with a full agenda, and no party is informed when (or if) their matter will be heard during a session;

32. That in addition to the federal trial, I am scheduled to appear on May 7, 2025, before the Nevada Board of Massage Therapy in Case No. NVMT-C-25022;

33. That I am also scheduled to appear before the Nevada State Board of Nursing on May 15, 2025, in Case No. 2024110158;

34. That Petitioner is not trying to delay proceedings, but the continuance from February to May was occasioned by the Commission itself, not by Petitioner or myself;

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

36. That Petitioner's primary concern is ensuring that his counsel of record is able to represent him at the administrative trial, and Petitioner is committed to working with the Commission to find a mutually agreeable date for the rescheduled proceeding;

37. 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 was submitted with the Motion to Continue and attached hereto as **Exhibit E**.

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

DATED this 18th day of April, 2025.

/s/ Chandon S. Alexander

CHANDON S. ALEXANDER, ESQ.
Nevada Bar No. 12033

[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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Email: chandon@spartacuslawfirm.com
Attorney for Petitioner ANDREW J. AREVALO, (S.0184627),

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that service of the foregoing PETITION FOR WRIT OF MANDAMUS was made this date by depositing a true copy of the same for mailing at Las Vegas, Nevada, addressed to:

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

REAL ESTATE COMMISSION
DEPARTMENT OF BUSINESS & INDUSTRY
STATE OF NEVADA
3300 W. Sahara Avenue, Suite 350
Las Vegas, Nevada 89102

Aaron D. Ford
Christal P. Keegan
Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
ckeegan@ag.nv.gov
Attorneys for Real Estate Division

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

EXHIBIT A

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-

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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

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DECL

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Fax: (702) 441-1626
Attorney for Respondent

BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

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

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

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

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

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Las Vegas, Nevada 89109
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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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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

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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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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

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

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

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

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

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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 B

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

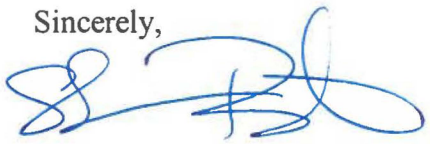
Re: NRED v. Andrew Arevalo
Case No. 2024-660

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

EXHIBIT C

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

EXHIBIT D

JOE LOMBARDO
Governor

STATE OF NEVADA

DR. KRISTOPHER SANCHEZ
Director

SHARATH CHANDRA
Administrator

CHARVEZ FOGER
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

NOTICE & AGENDA OF PUBLIC MEETING
OF THE
NEVADA REAL ESTATE COMMISSION

FEBRUARY 11-13, 2025

The Nevada Real Estate Commission will conduct a meeting beginning **Tuesday, February 11, 2025, at 9:00 a.m. and each day thereafter at 9:00 a.m. through Thursday, February 13, 2025, or until the Commission concludes its business at the following locations:**

FEBRUARY 11-12, 2025 @ 9:00 AM - In Person Attendance

	With Video Conference to:
Nevada State Business Center	Division of Insurance
3300 West Sahara Avenue	1818 E. College Parkway
4th Floor – Nevada Room	Suite 103
Las Vegas, Nevada 89102	Carson City, Nevada 89706

FEBRUARY 13, 2025 @ 9:00 AM - In Person Attendance

	With Video Conference to:
Nevada State Business Center	Division of Insurance
3300 West Sahara Avenue	1818 E. College Parkway
4th Floor – Tahoe Room	Suite 103
Las Vegas, Nevada 89102	Carson City, Nevada 89706

COMMISSIONERS WILL BE IN LAS VEGAS

CE credit will be available to licensees who have pre-registered on the Division's website. Members of the public may also listen and participate during the agenda items designated for public comment by telephone or through Webex.

FEBRUARY 11-13, 2025 @ 9:00 AM – Virtual Attendance
WEBEX DIAL-IN NUMBER: 1-844-621-3956 or Webex.com

TUESDAY, FEBRUARY 11, 2025
1-844-621-3956 ACCESS CODE/MEETING NUMBER: 2495 076 1250##
WEBEX.COM MEETING NUMBER: 2495 076 1250 MEETING PASSWORD: QwRE7NRJT22

FEBRUARY 11-13, 2025 @ 9:00 AM – Virtual Attendance (Continued)
WEBEX DIAL-IN NUMBER: 1-844-621-3956 or Webex.com

WEDNESDAY, FEBRUARY 12, 2025
1-844-621-3956 ACCESS CODE/MEETING NUMBER: 2489 996 8235##
WEBEX.COM MEETING NUMBER: 2489 996 8235 MEETING PASSWORD: 4yRvHJ3XPP8

THURSDAY, FEBRUARY 13, 2025
1-844-621-3956 ACCESS CODE/MEETING NUMBER: 2498 432 8218##
WEBEX.COM MEETING NUMBER: 2498 432 8218 MEETING PASSWORD: qkWrm6Y2B99

STACKED AGENDA: Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda by the discretion of the President. Items may also be combined for consideration or pulled or removed from the agenda at any time. Persons who have business before the Commission are solely responsible to see that they are present when their business is conducted. Public Comment may be limited to three minutes per person at the discretion of the President. The Commission may only take action on those items denoted as potential action items. Pursuant to NRS 241.030 the Commission may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

NOTICE: Reasonable efforts will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call Kelly Valadez at (702) 486-4606, so arrangements may be conveniently made.

NOTICE: Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment. See NRS 233B.126.

1. **Commission/Division Business**
   A) Call to order; introduction of Commissioners in attendance; and establish quorum.
   B) Swearing in of reappointed Commissioner.
   C) Introduction of Division staff in attendance.

2. **Public Comment**
   Members of the public are encouraged to address the commission regarding any matter. However, no action may be taken on a matter. No comments may be made regarding a matter that is or may be the subject of a formal complaint before the commission until after that matter is heard. Comment may not be limited based on viewpoint. Persons who desire to submit written testimony should submit ten (10) copies to the commission coordinator.
   Anyone participating over the phone that wishes to provide public comment should press *3 on your phone to raise your hand and hosting staff will recognize that you would like to give public comment, or you can press *6 to unmute yourself and state your name.
   If you are attending by video, click on the raise hand emoji to indicate that you would like to give public comment and hosting staff will recognize you or you can unmute yourself and state your name.
   Public comment may be limited to three minutes per person at the discretion of the President.

3. **Commission/Division Business**
   A) Discussion regarding Administrator's report.
   B) Discussion regarding the Disciplinary Report.

C) Discussion regarding the Compliance Section's current caseload report, including a summary of recent topics of complaints filed.
D) Discussion regarding the Administrative Sanction Report.
E) Discussion regarding Continuing Education Report.
F) For possible action: Discussion and decision to approve minutes of the November 19, 2024, meeting.

4. **For Possible Action: Discussion and Decision Regarding Respondent's Petition for Reconsideration of Discipline Terms and a Payment Plan**
   A) NRED v **William Francis Beaubien**, for possible action
   Case No. 2024-521
   License Nos.: B.1002427.INDV (ACTIVE), PM.0167754.BKR (ACTIVE)

5. **For Possible Action: Discussion and Decision Regarding Respondent's Petition for Rehearing**
   A) NRED v **Christopher B. Caguiat**, for possible action
   Case No. 2024-165
   License No.: S.0181383 (INACTIVE)

6. **For Possible Action: Disciplinary Action**
   A) NRED v **Linda Abrams**, for possible action
   Case No. 2024-236
   License No.: B.0037670.INDV (ACTIVE), BS.0037670 (CLOSED), PM.0164782.BKR (CLOSED), S.0037670 (CLOSED)

   B) NRED v **Nicole Elena Chavarin**, for possible action
   Case No. 2024-964
   License No.: B.1002461.INDV (ACTIVE), B.1002496.LLC (INACTIVE), PM 0167780.BKR (ACTIVE), PM 0167785.BKR (INACTIVE)

   C) NRED v **Zarbod Zanganeh**, for possible action
   Case No. 2023-959
   License No.: B.1000811.LLC (ACTIVE), PM.0166829.BKR (ACTIVE), S.0062766 (CLOSED)

   D) NRED v **Alicia Prescott-LaRiviere**, for possible action
   Case No. 2023-960
   License No.: S.0172839 (ACTIVE)

   E) NRED v **Zarbod Zanganeh**, for possible action
   Case No. 2024-420
   License No.: B.1000811.LLC (ACTIVE), PM.0166829.BKR (ACTIVE), S.0062766 (CLOSED)

   F) NRED v **Andrew J. Arevalo**, for possible action
   Case No. 2024-660
   License No.: S.0184627 (ACTIVE)

   G) NRED v **James Sharkey**, for possible action
   Case No. 2024-749
   License No.: S.0195534 (EXPIRED), BUSB.0007200 (EXPIRED), B-DENIED, PROV.0001300-TSA (CLOSED), TS.3007674-AGEN (CLOSED), TS.3012578-REP (CLOSED), TS.3017714-REP (CLOSED)

H) NRED v **Dane C. Brooks**, for possible action
Case No. 2024-364
License No.: B.0062410.LLC (EXPIRED), PM.0163550.BKR, (EXPIRED), S.0062410 (CLOSED)

I) NRED v **Dane C. Brooks**, for possible action
Case No. 2024-540
License No.: B.0062410.LLC (EXPIRED), PM.0163550.BKR, (EXPIRED), S.0062410 (CLOSED)

J) NRED v **Dane C. Brooks**, for possible action
Case No. 2024-1012
License No.: B.0062410.LLC (EXPIRED), PM.0163550.BKR, (EXPIRED), S.0062410 (CLOSED)

7. **For Possible Action: Discussion and Decision Regarding the Instructor Denial Appeal Pursuant To NAC 645.426.**
NOTES: Pursuant to NRS 241.030 the Commission may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.
A) **Deven Singh**, for possible action

8. **For Possible Action: Discussion and Decision Regarding License Denial Appeal Pursuant to NAC 645.335**
Notes: Pursuant to NRS 241.030, The Nevada Real Estate Commission may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.
A) **Kelvin Atkinson,** for possible action
File No. S-LDA-25-008

B) **Macrina Rose Blanco,** for possible action
File No. S-LDA-25-009

C) **Troy Bond,** for possible action
File No. S-LDA-25-010

9. **Public Comment**
Members of the public are encouraged to address the commission regarding any matter. However, no action may be taken on a matter. No comments may be made regarding a matter that is or may be the subject of a formal complaint before the commission until after that matter is heard. Comment may not be limited based on viewpoint. Persons who desire to submit written testimony should submit ten (10) copies to the commission coordinator.
Anyone participating over the phone that wishes to provide public comment should press *3 on your phone to raise your hand and hosting staff will recognize that you would like to give public comment, or you can press *6 to unmute yourself and state your name.
If you are attending by video, click on the raise hand emoji to indicate that you would like to give public comment and hosting staff will recognize you or you can unmute yourself and state your name.
Public comment may be limited to three minutes per person at the discretion of the President.

10. **For Possible Action: Adjournment**

THIS NOTICE AND AGENDA HAS BEEN POSTED ON OR BEFORE 8:30 A.M. ON THE THIRD WORKING DAY BEFORE THE MEETING AT THE FOLLOWING LOCATIONS:

Action Realty
3250 South Highway 160, Suite 11
Pahrump, Nevada 89048

Century 21/Sonoma Realty
1099 W. Winnemucca Bl.
Winnemucca, Nevada 89445

Desert Mountain Realty
1060 East Aultman Street
Ely, Nevada 89301

Elko County Association of REALTORS
557 West Silver, Suite 301A
Elko, Nevada 89801

Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada 89101

Greater Las Vegas Association of REALTORS
6360 S. Rainbow Blvd.
Las Vegas, Nevada 89118

Isom Realty & Insurance
P.O. Box 670
420 Third Street
Hawthorne, Nevada 89415

Nevada Association of REALTORS
760 Margrave Drive, Suite. 200
Reno, Nevada 89510

Nevada State Business Center
3300 West Sahara Avenue
Second Floor Lobby
Las Vegas, Nevada 89102

Nevada Real Estate Division
1818 E. College Parkway, Suite 110
Carson City, Nevada 89706

Reiss Properties & Reiss Realty
2510 West Horizon Ridge Parkway, # 230
Henderson, Nevada 89052

Reno/Sparks Association of REALTORS
5650 Riggins Court, Suite 200
Reno, Nevada 89502

Sierra Nevada Association of REALTORS
300 South Curry Street, #3
Carson City, Nevada 89703

Nevada Public Notice Website
https://notice.nv.gov/

State of Nevada
Dept. of Business & Industry
State Real Estate Division
INTERNET PAGE:
http://red.nv.gov/Content/Meetings/Real_Estate_Calendar

CONTACT FOR SUPPORTING MATERIALS FOR LISTED AGENDA ITEMS:

Kelly Valadez, Commission Coordinator
Nevada Real Estate Division
3300 W. Sahara Avenue, Suite 350
Las Vegas, Nevada 89102
Phone: 702-486-4606
Email: kvaladez@red.nv.gov

EXHIBIT E

Chandon S. Alexander, Esq.
Nevada Bar No. 12033
SPARTACUS LAW FIRM
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Las Vegas, Nevada 89101
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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 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."