

1 **BEFORE THE COMMISSION OF APPRAISERS OF REAL ESTATE**
2 **STATE OF NEVADA**

3 SHARATH CHANDRA, Administrator,
4 REAL ESTATE DIVISION,
5 DEPARTMENT OF BUSINESS AND
6 INDUSTRY, STATE OF NEVADA,

7 Petitioner,

8 vs.

9 DON E. BEEBE, JR.
10 (License No. A.0004097-CR),

11 Respondent.

Case No. 2020-638, AP21A.007.S

FILED

FEB 19 2025

NEVADA COMMISSION OF APPRAISERS

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12 **OPPOSITION TO RESPONDENT'S PETITION REQUEST FOR RESTITUTION**
13 **RESTRUCTURE OF TERMS**

14 The Real Estate Division of the Department of Business and Industry of the State of Nevada
15 ("Division"), by and through its attorneys of record, Aaron D. Ford, Attorney General, and Christal P.
16 Keegan, Deputy Attorney General, brings this Opposition to Respondent's Petition Request for
17 Restitution Restructure of Terms.

18 DATED this 18th day of February 2025.

19 AARON D. FORD
20 Attorney General

21 By: *epkeegan*
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1 **I. BACKGROUND**

2 The Nevada Commission of Appraisers of Real Estate (“Commission”) at its meeting
3 commencing on July 18, 2023 (the “Hearing”) ordered Respondent Don E. Beebe, Jr. (“Beebe”) to pay
4 \$5,252.14 (“Total Amount Due”), which reflected no administrative fine but for the Division’s fees and
5 costs, which were actual, reasonable and necessarily incurred.¹ The Commission also contemplated a
6 payment plan and ordered the Total Amount Due to be paid within a generous 24 months (or 2 years)
7 with payments at \$220 per month beginning September 1, 2023.²

8 According to Division’s records, Beebe made his first payment on September 12, 2023, but not
9 in the amount of \$220, instead \$192.14. Thereafter, the following occurred:

- 10
- October 24, 2023, \$222.00
 - November of 2023, no payment -\$0-
 - 11 • December 4, 2023, \$220.00
 - January 3, 2024, \$220.00
 - 12 • February 13, 2024, \$220.00
 - March of 2024, no payment -\$0-
 - 13 • April 2, 2024, \$220.00
 - 14 • May 14, 2024, \$220.00

15 After the payment in May of 2024, inexplicably no other payments were made. Then, about nine
16 (9) months later, Beebe’s Petition Request for Restitution Restructure of Terms is suddenly filed with
17 the Division, on February 10, 2025 (“Petition Request”).³ To date, Beebe still owes \$3,738.00 to
18 the Division.

19 Accordingly, the Division respectfully submits its opposition to Beebe’s Petition Request. The
20 State asks the Commission to stand by its lawful Order which already afforded Beebe a generous payment
21 plan and to not further delay payment to the Division.

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26 ¹ Exhibit 1. Findings of Fact, Conclusions of Law, and Order, Case No. 2020-638, AP21A.007.S,
filed July 24, 2023.

27 ² *Id.*

28 ³ Exhibit 2. Petition Request for Restitution Restructure of Terms. Email from Respondent,
Subject: appraisal meeting request, Sunday, February 9, 2025 8:06 PM, filed February 10, 2025.

1 **II. LEGAL ARGUMENT**

2 Nowhere in NRS 645C and NAC 645C does it mention the procedure for a reconsideration
3 request. According to the Nevada Administrative Procedures Act under NRS 233B, NRS 233B.130(4),
4 a petition for reconsideration must be filed within 15 days after the date of service of the final decision.

5 According to Open Meeting Law under NRS 241, specifically NRS 241.020, prohibits the
6 Commission from taking action on matters not specifically listed on the public meeting agenda that have
7 not been formally included and properly noticed to the public beforehand.

8 Lastly, NRS 233B.135(2), places the burden on the party attacking or resisting the decision to
9 show that the final decision is invalid, and therefore it is Beebe's burden.

10 **A. Respondent's Petition Request is Time-Barred, and Should be DENIED.**

11 The July 24, 2023, Order was the final decision, and Beebe should have filed his request for
12 reconsideration within 15 days from that date. Instead, Beebe filed his request untimely, over a year and
13 a half later, on or about February 10, 2025. Despite it being his burden of proof, Beebe fails to provide
14 any excuse for his untimeliness in his Petition Request.⁴ The State believes Beebe may claim medical
15 reasons but is otherwise without any information to substantiate how such claim affected his ability to
16 timely file his Petition Request. Therefore, the Commission should DENY the Petition Request.

17 **B. Respondent's Petition Request Present Zero Proof, and Should be DENIED.**

18 Despite his burden of proof, Beebe does not include *any* repayment plan in his Petition Request.⁵
19 Beebe fails to provide *any* financial insights into his ability to pay the Total Amount due as ordered.⁶
20 Without proof of his ability to pay, Beebe asks the Commission to make a determination that is arbitrary
21 and capricious. Further, Beebe has failed to present any plan to pay back the Total Amount due⁷, and
22 instead, imposes this task upon the Commission, blindfolded.

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26 ⁴ Exhibit 2. Petition Request for Restitution Restructure of Terms, February 10, 2025, in
its entirety.

27 ⁵ Id.

28 ⁶ Id.

⁷ Id.

1 **C. Beebe’s Petition Request to Vacate a Specific Portion of the Commission’s Order**
2 **Fails to Allege any Legal Causes or Grounds, and Should be DENIED.**

3 Beebe’s Petition Request does not allege nor demonstrate any causes or grounds which would
4 support reconsideration of the three (3) violations of law that the Division proved by a preponderance of
5 the evidence. Beebe does not make any claims of: (a) Irregularity in the proceedings in the original
6 hearing; (b) Accident or surprise which ordinary prudence could not have guarded against; (c) Newly
7 discovered evidence of a material nature which the applicant could not with reasonable diligence have
8 discovered and produced at the original hearing; or (d) Error in law occurring at the hearing and objected
9 to by the respondent during the earlier hearing, that may otherwise entitle him to a reconsideration.⁸

10 That is because Beebe cannot overcome the fact that the Total Amount Due was properly ordered,
11 and the payment terms were fair and reasonable. Therefore, the Commission should uphold its July 24,
12 2023 Order.

13 **III. CONCLUSION**

14 The State respects the Commission’s discretion in this regard to reconsider a payment plan, but it
15 is important for the Commission to be informed before vacating a lawfully entered Order. Beebe has not
16 argued that the payment plan in the July 24, 2023 Order was erroneous or unlawful.

17 Beebe’s request has not offered any proof that he cannot make the \$220 monthly payments. Nor
18 has Beebe given any reason why this Commission should grant his request for a new repayment plan.
19 The Commission should DENY his Petition Request because Beebe has given the Commission literally
20 nothing to consider.

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28 ⁸ *Id.*

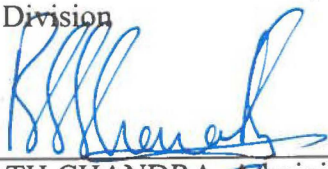
1 But should the Commission grant his Petition Request, the Division respects the Commission's
2 discretion to do so, and that consideration be given to a plan that is reasonable upon the Division's staff
3 who are tasked with monitoring and record keeping to ensure compliance. Thank you.
4


5 DATED this 18 day of February 2025.

DATED this 18th day of February 2025.

6 STATE OF NEVADA
7 Department of Business and Industry
8 Real Estate Division

AARON D. FORD
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