

From: [James Fennell](#)
To: [Kelly Valadez](#)
Subject: Re: More Information RE: James Fennell request for Rehearing
Date: Sunday, December 6, 2020 9:15:45 AM

Good Morning,

I understand. Thank you, for the stay.

On Fri, Dec 4, 2020 at 10:47 AM Kelly Valadez <KValadez@red.nv.gov> wrote:

Mr. Fennell,

You have been granted a stay for the restitution, fine and cost by the Administrator of the Real Estate Division until your petition for rehearing is presented to the Commission in February 2021.

The revocation will remain in place until the Commission hears the matter in February 2021.

Please let me know if you have any questions.

Kelly Valadez

From: James Fennell <jfennell2911@gmail.com>
Sent: Thursday, December 3, 2020 4:44 PM
To: Kelly Valadez <KValadez@red.nv.gov>
Subject: Re: More Information RE: James Fennell request for Rehearing

Evening,

At this time I am not working due to COVID-19 and currently receiving unemployment through the State of Nevada and is requesting a stay of all restitution and fines until the rehearing.

On Thu, Dec 3, 2020 at 3:53 PM Kelly Valadez <KValadez@red.nv.gov> wrote:

Mr. Fennell,

Your restitution, fine and cost are due by January 19, 2021 which is before the next scheduled CCICCH meeting on February 2-4, 2021.

You have requested a rehearing but if you choose, you can also request a stay of the restitution, fine and costs until your petition for rehearing is before the Commission.

You should explain the reason and/or circumstances that you are requesting it be granted. But you need to do this in a timely manner.

If you choose to request a stay, you can email your request to me, addressed to the Administrator of the Real Estate Division, requesting a stay (See NAC 116A.637(8)(a) - (c) highlighted in green.

Please read the statute below to understand what you need to do:

NAC 116A.637 Post-hearing motions; rehearing and reconsideration. (NRS 116A.200)

1. After the close of a hearing before the Commission, a party may file only the following motions:

(a) A motion for rehearing.

(b) A motion for reconsideration of the final decision of the Commission.

(c) With leave of the Commission, any other motion requesting action or relief after the close of the

hearing.

2. A motion for rehearing or reconsideration must be filed with the Commission, and a copy of the

motion provided to all parties, not later than 15 days after the date on which the final decision of the

Commission is served.

3. A motion for rehearing or reconsideration does not stay any decision of the Commission unless the

Commission so orders.

4. A motion for rehearing or reconsideration must:

(a) State with particularity the point of law or fact which, in the opinion of the moving party, the

Commission has overlooked or misconstrued, or the change of law or circumstances forming the basis of

the motion; and

(b) Contain every argument in support of the motion that the moving party desires to present.

5. Oral argument in support of the motion is not permitted unless granted by the Commission.

6. A party who opposes a motion filed pursuant to this section may file an opposition to the motion

within 7 days after the date on which the motion is served on that party.

7. The Commission may authorize the Chair of the Commission or any other officer of the Commission

to rule on a motion filed pursuant to this section.

8. If:

(a) A motion for rehearing or reconsideration is filed;

(b) The Commission is not scheduled to meet before the effective date of the penalty; and

(c) The Commission has not authorized the Chair of the Commission or any other officer of the

Commission to rule on the motion,

the Division may stay enforcement of the decision for which a rehearing or reconsideration is

requested. When determining whether to grant a stay, the Division shall determine whether the motion

was timely filed and whether it alleges a cause or ground which may entitle the moving party to a

rehearing or reconsideration of the decision.

9. A motion for rehearing or reconsideration may be based only on one of the following causes or

grounds:

(a) Newly discovered or available evidence of a material nature which the moving party could not with

reasonable diligence have discovered and produced at the original hearing before the

Commission.

(b) Error in the hearing or in the decision that would be grounds for reversal of the decision.

(c) A change of substantive law.

(d) The need in the public interest for further consideration of the issues or evidence, or both.

10. The filing of a motion pursuant to this section does not stop the running of the 30-day period of

appeal to the district court from the date of the decision of the Commission for the purpose of judicial

review pursuant to [chapter 233B](#) of NRS.

11. If a rehearing is ordered pursuant to this section, the rehearing must be confined to the issues

upon which the rehearing is ordered.

(Added to NAC by Comm'n for Common-Interest Communities & Condo. Hotels by R052-13,

eff. 8-10-2015)

Please let me know if you have any questions.

Thank you,

Kelly Valadez

Commission Coordinator

Nevada Real Estate Division

3300 W. Sahara Avenue, Suite 350

Las Vegas, NV 89102

(702) 486-4606

From: James Fennell <jfennell2911@gmail.com>
Sent: Thursday, December 3, 2020 1:26 PM
To: Kelly Valadez <KValadez@red.nv.gov>
Subject: Re: James Fennell request for Rehearing

Kelly,

My current address is 305 N. 10th Street # 1 Las Vegas, NV 89101.

Also, since I've requested another hearing do I still have to make that payment within 60 days?

On Thu, Dec 3, 2020 at 12:39 PM Kelly Valadez <KValadez@red.nv.gov> wrote:

Mr. Fennell,

I received your request for a rehearing and will place you on the agenda for the next Commission for Common-Interest Communities and Condominium Hotels meeting which is scheduled for February 2-4, 2021.

I will send you a meeting notice 30 days prior to the meeting date.

Please respond to this email and verify your current mailing address.

Please let me know if you have any questions.

Thank you,

Kelly Valadez

Commission Coordinator

Nevada Real Estate Division

3300 W. Sahara Avenue, Suite 350

Las Vegas, NV 89102

(702) 486-4606

From: James Fennell <jfennell2911@gmail.com>
Sent: Thursday, December 3, 2020 12:19 PM
To: Kelly Valadez <KValadez@red.nv.gov>
Subject: James Fennell request for Rehearing

Good Afternoon Kelly,

I just received the order from the commission and is requesting a rehearing.