

FILED

FEB 18 2022

REAL ESTATE COMMISSION

BY *Evelyn Patten*

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6
7 **BEFORE THE REAL ESTATE COMMISSION**
8 **STATE OF NEVADA**

10 SHARATH CHANDRA, Administrator,
11 REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY, STATE OF
12 NEVADA,

2018
Case No.: ~~2021~~-326

13 *Petitioner,*
14 vs.
15 YERANUHI ARAKELYAN,
16 *Respondent.*

**RESPONDENT'S PETITION FOR
REHEARING; AND MOTION FOR
STAY OF ENFORCEMENT**

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18 COMES NOW the Respondent, YERANUHI ARAKELYAN, by and through her attorney,
19 GUS W. FLANGAS, ESQ. of the FLANGAS LAW GROUP, and hereby respectfully petitions the
20 Nevada Real Estate Commission (hereinafter the "Commission") to rehear the above-entitled matter
21 and moves the Nevada Real Estate Division for a stay of enforcement of the Commissioner's Order
22 contained in its "Findings of Fact, Conclusions of Law, and Order" (hereinafter the "FFCLO") dated
23 January 10, 2022.

24 This Petition is based upon the Pleadings Papers on file herein, and the attached Points and

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1 Authorities.

2 DATED this 17th day of February, 2022.

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POINTS AND AUTHORITIES

**I.
STATEMENT OF FACTS**

15 The Respondent, YERANUHI ARAKELYAN (hereinafter "Ms. Arakelyan") is a licensed
16 broker in the State of Nevada, and also holds a property manager permit. She originally operated
17 through her company, A&E Realty and Property Management, LLC, a Nevada limited liability
18 company, which was closed in 2019. She presently operates as A&E Realty Commercial
19 Management, LLC (hereinafter "A&E"), a Nevada limited liability company.

20 A "Complaint and Notice of Hearing" (hereinafter the "Complaint and Notice") was filed in
21 this matter on November 12, 2021, by the Petitioner, SHARATH CHANDRA, Administrator, REAL
22 ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA
23 (hereinafter the "Division"), against Ms. Arakelyan. The Complaint and Notice set this matter for
24 a Disciplinary Hearing before the Commission on December 14, 2021 through December 16, 2021.
25 As set forth in the FFCLO, Ms. Arakelyan did not attend the Hearing, and the Commission therefore
26 ruled against Ms. Arakelyan by default, fined her and revoked her brokers licenses and property
27 management permits.

28 The reason Ms. Arakelyan failed to attend the Disciplinary Hearing was because she never

1 received notice of the Hearing, and therefore, knew nothing about it. According to the records
2 provided by the Division to the Undersigned, the Complaint and Notice was sent via Certified Mail
3 on November 12, 2021, to Ms. Arakelyan's last known address: Yeranuhi Arakelyan, A&E Realty
4 Commercial Management, 7371 W. Charleston Blvd, Suite 120, Las Vegas, Nevada, 89117.¹ The
5 address listed in the Certificate of Service was and is Ms. Arakelyan's correct address.
6 Unfortunately, the Complaint and Notice was never delivered to nor received by Ms. Arakelyan, and
7 was then returned back to the Division as undelivered.² Had Ms. Arakelyan known about the
8 Hearing, she would have appeared and defended herself.

9 Of particular note, according to the Complaint and Notice, Ms. Arakelyan was notified by
10 the Division on or around March 8, 2018, that an investigation was being opened against her based
11 upon a complaint it had received.³ According to the Complaint and Notice, on or around March 29,
12 2018, Ms. Arakelyan responded to the Division's investigation.⁴ According the FFCLO, on or about
13 June 5, 2019, the Division notified Ms. that it was bringing a complaint for disciplinary action before
14 the Commission.⁵ The Complaint and Notice was not filed until November 12, 2021, over two years
15 and four months later, and as stated, was never delivered to or received by Ms. Arakelyan. Because
16 of the length of time involved, Ms. Arakelyan was not expecting to receive the Complaint and
17 Notice.

18 Ms. Arakelyan first found out about the FFCLO on Friday, February 11, 2022, when she
19 received a call from someone at the Division informing her that her license and permit had been
20 revoked. Ms. Arakelyan had no idea about anything related to the Hearing and FFCLO until that
21 time. Ms. Arakelyan is also filing her Answer to the Complaint and Notice concurrent with this
22 Petition.

23
24 ¹ See Exhibit "A", attached hereto for a copy of the "Certificate of Service."

25 ² See Exhibit "A", attached hereto for a copy of the "USPS Tracking."

26 ³ See the Complaint and Notice, page 2, ¶12.

27 ⁴ See the Complaint and Notice, page 3, ¶14.

28 ⁵ See the FFCLO, page 5, ¶35.

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II. ARGUMENT

NAC 645.820, entitled, *Procedures for rehearing*, states: The following procedures are used for a rehearing in a case where a ruling or decision of the Commission is against the licensee:

1. The licensee may within 10 days after his or her receipt of the decision petition the Commission for a rehearing.

2. The petition does not stay any decision of the Commission unless the Commission so orders.

3. The petition must state with particularity the point of law or fact which in the opinion of the licensee the Commission has overlooked or misconstrued and must contain every argument in support of the application that the licensee desires to present.

4. Oral argument in support of the petition is not permitted.

5. The Division may file and serve an answer to a petition for a rehearing within 10 days after it has received service of the petition.

6. If a petition for rehearing is filed and the Commission is not scheduled to meet before the effective date of the penalty, the Division may stay enforcement of the decision appealed from. When determining whether a stay is to be granted, the Division shall determine whether the petition was timely filed and whether it alleges a cause or ground which may entitle the licensee to a rehearing.

7. A rehearing may be granted by the Commission for any of the following causes or grounds:

(a) Irregularity in the proceedings in the original hearing;

(b) Accident or surprise which ordinary prudence could not have guarded against;

(c) Newly discovered evidence of a material nature which the applicant could not with reasonable diligence have discovered and produced at the original hearing; or

(d) Error in law occurring at the hearing and objected to by the applicant during the earlier hearing.

8. A petition for a rehearing may not exceed 10 pages of standard printing.

9. The filing of a petition for rehearing, or the decision therefrom, does not

1 stop the running of the 30-day period of appeal to the district court from the date of
2 the decision of the Commission for the purpose of subsection 2 of NRS 645.760.

3 This Petition is timely in that it is being filed within 10 days of Ms. Arakelyan being notified
4 of the Hearing having taken place and notified of the FFCLO. Ms. Arakelyan is seeking a rehearing
5 based upon an irregularity in the proceedings in the original hearing, and or based upon accident or
6 surprise which ordinary prudence could not have guarded against. As set forth above, Ms. Arakelyan
7 never received the Complaint and Notice, and as such never knew about the Hearing. Because she
8 failed to show for the Hearing, the FFCLO was rendered against her based upon a default. This
9 clearly constitutes an irregularity in the proceedings. In addition, the Complaint and Notice was filed
10 over 2 years and 4 months past Ms. Arakelyan being informed by the Division that the Division was
11 bringing a complaint for disciplinary action before the Commission. This factored in with Ms.
12 Arakelyan not receiving the Complaint and Notice, and therefore not knowing about the Hearing,
13 clearly militates that this was an accident or surprise which ordinary prudence could not have
14 guarded against.

15 Due process clearly mandates that Ms. Arakelyan be allowed a rehearing so that she can have
16 the opportunity to defend against the allegations contained in the Complaint and Notice. Allowing
17 her to defend herself is also in line with Nevada's underlying policy of deciding cases on their merits
18 whenever possible. See Rodriguez v. Fiesta Palms, LLC, 134 Nev. 654, 656, 428 P.3d 255, 257
19 (2018). Therefore, Ms. Arakelyan respectfully requests that the Commission rehear this matter and
20 allow her to defend against the allegations contained in the Complaint and Notice.

21 In addition to the foregoing, the Undersigned is informed by the Division that this Petition
22 will be heard at the next Real Estate Commission meeting scheduled for March 29-31, 2022. Should
23 the Commission grant the Petition to Rehear this matter, the Undersigned is informed that the Case
24 Will be heard at the June 7-9, 2022 Commission meeting. The effective date that FFCLO penalty
25 became effective is February 9, 2022,⁶ which is prior to the next Commission meeting. In addition,
26 this Petition is being timely filed, and alleges a cause or ground which may entitle Ms. Arakelyan
27

28 ⁶ See the FFLCO, page 7.


1 to a rehearing. Therefore, Ms. Arakelyan respectfully requests that the Division stay enforcement
2 of the decision contained in the FFCLO.

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4 **III.**
CONCLUSION

5 Based upon the foregoing, irregularity in the proceedings in the original hearing, and or
6 accident or surprise which ordinary prudence could not have guarded against, constitute the causes
7 or grounds for a rehearing before the Commission. Therefore, the Commission should grant this
8 Petition for a Rehearing.

9 Because the Commission is not scheduled to meet before the effective date of the penalty,
10 and factoring in that the Petition is timely and sets forth a cause or ground which may entitle Ms.
11 Arakelyan to a rehearing, Ms. Arakelyan therefore, respectfully requests that the Division stay
12 enforcement of the decision set forth in the FFCLO.

13 DATED this 17th day of February, 2022.

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16 _____
17 GUS W. FLANGAS, ESQ,
18 Nevada Bar No. 004989
19 gwf@fdlawlv.com
20 FLANGAS LAW GROUP
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23 Facsimile: (702) 382-9452
24 Las Vegas, Nevada 89146
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1 **DECLARATION OF YERANUHI ARAKELYAN, IN SUPPORT**
2 **OF THE FOREGOING PETITION**

3 I, YERANUHI ARAKELYAN, under penalty of perjury, hereby make the following
4 Declaration:

5 1. I have personal knowledge of all matters set forth herein except for those stated upon
6 information and belief and am competent to testify thereon.

7 2. I have read the contents of the foregoing Petition and the facts contained therein are
8 true as written to the best of my knowledge as though set forth in full in this Declaration.

9 3. I am a licensed broker in the State of Nevada, and also hold a property manager
10 permit.

11 4. I originally operated through my company, A&E Realty and Property Management,
12 LLC, a Nevada limited liability company, which was closed in 2019.

13 5. I presently operates as A&E Realty Commercial Management, LLC, a Nevada limited
14 liability company (hereinafter "A&E").

15 6. The Complaint and Notice set this matter for a Disciplinary Hearing before the
16 Commission on December 14, 2021 through December 16, 2021.

17 7. As set forth in the FFCLO, I did not attend the Hearing, and the Commission
18 therefore ruled against me by default, fined me and revoked my brokers licenses and property
19 management permits.

20 8. The reason I failed to attend the Disciplinary Hearing was because I never received
21 notice of the Hearing, and therefore, knew nothing about it.

22 9. According to the records provided by the Division, the Complaint and Notice was
23 sent via Certified Mail on November 12, 2021, to my last known address.

24 10. The address listed in the Certificate of Service was and is my correct address.

25 11. The Complaint and Notice was never delivered to nor received by me.

26 12. Had I known about the Hearing, I would have appeared and defended myself.

27 13. I was not expecting to receive the Complaint and Notice because of the length of time
28 involved since I was first notified by the Division that a Complaint would be filed.


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14. I first found out about the FFCLC on Friday, February 11, 2022, when I received a call from someone at the Division informing me that my license and permit had been revoked.

15. I had no idea about anything related to the Hearing and FFCLC until that time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of February, 2022.



YERANUHI ARAKELYAN

EXHIBIT "A"

**Certificate of Service
(NRS 645.680)**

I certify that on the 12th day of November, 2021, I deposited a copy of the foregoing:

**COMPLAINT AND NOTICE OF HEARING
NOTICE OF COMPLAINT AND OBLIGATION TO RESPOND
NOTICE OF DOCUMENTS**

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

Certified No. 7020 2450 0001 4513 3340

Yeranuhi Arakelyan
A & E Realty Commercial Management
7371 W. Charleston Blvd., Suite 120
Las Vegas, NV 89117



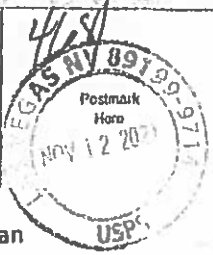
Evelyn Pattee
Commission Coordinator

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Certified Mail Fee \$ _____
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 Return Receipt (electronic) \$ _____
 Certified Mail Restricted Delivery \$ _____
 Adult Signature Required \$ _____
 Adult Signature Restricted Delivery \$ _____



Postage \$ _____

Total \$ 15.89

Sent _____

Street _____

City _____

Yeranuhi Arakelyan
A & E Realty Commercial Mgmt.
7371 W. Charleston Blvd., Suite 120
Las Vegas, NV 89117

Arak elyakh

USPS Tracking®

FAQs >

Track Another Package +

Tracking Number: 70202450000145133340

Remove X

This is a reminder to arrange for redelivery of your item or your item will be returned to sender.

Reminder to Schedule Redelivery of your item

Feedback

Get Updates v

Text & Email Updates v

Tracking History ^

Reminder to Schedule Redelivery of your item

This is a reminder to arrange for redelivery of your item or your item will be returned to sender.

Monday

November 15, 2021, 11:14 am

Notice Left (No Authorized Recipient Available)

LAS VEGAS, NV 89117

Sent

November 13, 2021, 7:42 pm
Delivery Attempted - No Access to Delivery Location
89117

Sent

November 13, 2021, 11:04 am
Delivery Attempted - No Access to Delivery Location
LAS VEGAS, NV 89117

November 13, 2021, 7:57 am
Departed USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

November 13, 2021, 1:56 am
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER

November 12, 2021, 11:24 pm
Arrived at USPS Regional Facility
LAS VEGAS NV DISTRIBUTION CENTER ANNEX

Feedback

Product Information



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FAQs



1 4513 3340

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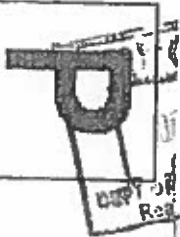
Handwritten: 115

Yerenuhi Arakelyan
A & E Realty Commercial Mgmt.
7371 W. Charleston Blvd., Ste. 120
Las Vegas, NV 89117

-R-T-S- 89117-RFS-1N

VICTOR JOHNSON
LAS VEGAS STATE MAIL SERVICES
555 E WASHINGTON AVE #1200
LAS VEGAS NV 89101

USPS PRIORITY MAIL



COMMERCIAL BASE PRICING

***RETURN
RECEIPT
REQUESTED***

12/09/21

