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BEFORE THE REAL ESTATE COMMISSION
STATE OF NEVADA

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

Case No. 2018-377

FILED

MAY 08 2023

REAL ESTATE COMMISSION

BY Keely Valadez

Petitioner,

vs.

THELMA FRANCO-YOUNG,

Respondent.

**ORDER ON RESPONDENT THELMA FRANCO-YOUNG'S PETITION FOR REHEARING
IN DISCIPLINARY MATTER**

This matter came on for hearing before the Real Estate Commission, Department of Business and Industry, State of Nevada (the "Commission"), during a regular agenda set for a three-day stack commencing on May 2, 2023 (the "Hearing"). RESPONDENT Thelma Franco-Young ("RESPONDENT") appeared at the Hearing. Louis V. Csoka, Esq., Senior Deputy Attorney General with the Nevada Attorney General's Office, appeared on behalf of the Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"). After argument on RESPONDENT THELMA FRANCO-YOUNG'S PETITION FOR REHEARING IN DISCIPLINARY MATTER (the "Petition") and for good cause appearing, the Commission now enters its Order for RESPONDENT as follows:

JURISDICTION

RESPONDENT, at all relevant times mentioned in this Complaint, held herself out and acted as a person licensed as a Broker-Salesperson under license number B.0029095.LLC, and is therefore subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

PROCEDURAL HISTORY

1. On January 13, 2023, the Division served its Notice of Complaint and Obligation to Respond on RESPONDENT, at RESPONDENT's address on file with the Division. Notwithstanding

1
2 such notice, RESPONDENT failed to respond.

3 2. On February 17, 2023, the Division served its Notice of Default on RESPONDENT, at
4 RESPONDENT's address on file with the Division. Notwithstanding such notice, RESPONDENT
5 again failed to respond. RESPONDENT also failed to appear at the associated Hearing.

6 3. Given RESPONDENT's failure to respond to the Division's Complaint or to appear at
7 the associated hearing in February 2023, the Division requested that the Commission enter a finding of
8 default against RESPONDENT in accordance with NAC 645.810(13).

9 4. On February 22, 2023, finding proper service of the Complaint and proper service of the
10 associated Notices on RESPONDENT, the Commission entered a finding of default against
11 RESPONDENT (with the formal Order as to the same filed on March 13, 2023).

12 5. Under such default judgment before the Commission, RESPONDENT was required to
13 pay certain fines and fees.

14 6. Contemporaneously, RESPONDENT's licenses and certificates with the Division were
15 revoked.

16 7. On April 6, 2023, RESPONDENT filed her instant Petition.

17 8. As RESPONDENT explained at the Hearing of the Petition, RESPONDENT was
18 hospitalized during the time that the Commission met in February 2023.

19 **CONCLUSIONS OF LAW**

20 1. It is a firmly established policy that controversies preferably be resolved on their merits
21 whenever possible. *See Hotel Last Frontier v. Frontier Prop.*, 79 Nev. 150, 380 P.2d 293 (1963). The
22 requirements to vacate entry of default judgments are that (1) the default must have been the result of
23 mistake, inadvertence, surprise, or excusable neglect (NRC 60(b)), and the defaulted party must
24 additionally timely tender a meritorious defense. *See Hotel Last Frontier, supra; see also, Ute, Inc. v.*
25 *Apfel*, 90 Nev. 25, 518 P.2d 156 (1974).

26 2. Given that RESPONDENT was hospitalized, the Commission finds excusable neglect
27 for RESPONDENT's failure to appear at her initial Hearing.

28 3. Accordingly, the Commission will vacate its prior default judgment.

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ORDER

- 1. RESPONDENT's Petition is granted.
- 2. The Commission's default judgment against RESPONDENT is vacated.
- 3. The Commission will hear the Division's disciplinary matter against RESPONDENT, during a regular agenda set for a three-day stack commencing on August 22, 2023.
- 4. As stipulated by RESPONDENT at the Hearing, RESPONDENT's licenses shall remain revoked for the pendency of the resolution of the instant disciplinary matter.¹
- 5. The Commission retains jurisdiction for correcting any errors that may have occurred in the drafting and issuance of this document.
- 6. This Order shall become effective on the 8th day of May, 2023.

DATED this 8th day of May, 2023.

REAL ESTATE COMMISSION
STATE OF NEVADA

By: David Turin
Vice President, Nevada Real Estate Commission

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Louis V. Csoka

Louis V. Csoka, Esq.
Senior Deputy Attorney General
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Las Vegas, Nevada 89101
(702) 486-3894
Attorneys for Nevada Real Estate Division

¹ Other than "excusable neglect" as to her initial non-appearance before the Commission, to date, Respondent did not present any meritorious defense to the substance of the allegations which are very serious. Accordingly, the Commission has accepted RESPONDENT's stipulations that, until the pendency of the instant disciplinary matter, RESPONDENT's licenses with the Division shall remain inactive.