

LIPSON NEILSON P.C.
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BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

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

Petitioner,

vs.

IVAN ALARCON,
(BS.0143962, Active),

Respondent.

CASE NO.: 2023-954

IVAN ALARCON'S RESPONSE TO
COMPLAINT AND NOTICE OF
HEARING

FILED

APR 19 2024

REAL ESTATE COMMISSION

BY *Kelly Valadez*

Respondent Ivan Alarcon, by and through his attorneys at LIPSON NEILSON P.C., hereby submits his response to the State of Nevada, Department of Business and Industry, Real Estate Division ("the Division") Complaint and Notice of Hearing filed March 21, 2024.

JURISDICTION

Respondent admits he is actively licensed as a broker-salesperson by the Division and that jurisdiction and venue are proper with respect to consideration of this specific assignment.

FACTUAL ALLEGATIONS

1. In response to Paragraph 1, Respondent admits that on February 14, 2022, he was driving a 2018 Vanderhall, an open-top, 3-wheeled, 2-seat vehicle that was involved in single vehicle roll-over accident. His passenger, Marykarmen Guzman, was ejected when her seatbelt snapped. Both Respondent and Ms. Guzman suffered serious injuries.

2. In response to Paragraph 2, Respondent admits that he signed a plea agreement with the State of Nevada, by way of an *Alford* plea, in which he agreed to plead to one count of attempted reckless driving resulting in substantial bodily harm on or about June 15, 2023. While there was evidence that Respondent was traveling between 70-80 miles an hour, which was less than the 20 mph over the 65 mph posted speed limit, and other factors to support a defense against the charges as pled, Respondent chose to agree to a plea in lieu of proceeding to trial. While Respondent signed the plea agreement on June 15, 2023, he did not appear before the

1 Court to officially affirm his plea and receive his sentence until October 12, 2023. Respondent
2 denies the remaining allegations to the extent they conflict with these facts.

3 3. In response to Paragraph 3, Respondent admits that he signed a plea agreement
4 with the State of Nevada, by way of an *Alford* plea, in which he agreed to plead to one count of
5 attempted reckless driving resulting in substantial bodily harm on or about June 15, 2023. While
6 there was evidence that Respondent was traveling between 70-80 miles an hour, which was less
7 than the 20 mph over the 65 mph posted speed limit, and other factors to support a defense
8 against the charges as pled, Respondent chose to agree to a plea in lieu of proceeding to trial.
9 While Respondent signed the plea agreement on June 15, 2023, he did not appear before the
10 Court to officially affirm his plea and receive his sentence until October 12, 2023. Respondent
11 denies the remaining allegations to the extent they conflict with these facts.

12 4. In response to Paragraph 4, Respondent was sentenced to probation for a period of
13 three years. Following the successful completion of his probationary period, Respondent's
14 conviction will be reduced from a felony to a misdemeanor on his permanent record.
15 Respondent denies the remaining allegations to the extent they conflict with these facts.

16 5. In response to Paragraph 5, Respondent admits that while he formally reported his
17 plea and sentence on or about November 6, 2023, he had been in contact with NRED prior to that
18 date to gather information about his duties and obligations with respect to the incident.

19 **VIOLATIONS OF LAW**

20 1. In response to Paragraph 1, Respondent denies the allegation as pled.

21 2. In response to Paragraph 2, Respondent denies the allegation as pled.

22 **DISCIPLINE AUTHORIZED**

23 3. In response to Paragraph 3, Respondent denies that the facts as pled support the
24 imposition of any disciplinary action against Respondent's license.

25 4. In response to Paragraph 4, Respondent denies that the facts as pled support the
26 imposition of any disciplinary action against Respondent's license.

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5. In response to Paragraph 5, Respondent denies that the facts as pled support the imposition of any disciplinary action against Respondent's license.

Dated this 19th day of April, 2024.

LIPSON NEILSON P.C.

By: /s/ Janeen V. Isaacson
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Attorneys for Respondent

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of April, 2024, service of the foregoing **IVAN ALARCON'S RESPONSE TO COMPLAINT AND NOTICE OF HEARING** was made via electronic mail addressed to the following parties:

Kelley Valadez Maria Gallo Commission Coordinator Shareece N. Bates Administration Section Manager Nevada Real Estate Division 3300 W. Sahara Avenue, Suite 350 Las Vegas, Nevada 89102 kvaladez@red.nv.gov mgallo@red.nv.gov sbates@red.nv.gov	Christal P. Keegan, Esq. Deputy Attorney General 5420 Kietzke Lane #202 Reno, Nevada 89511 ckeegan@ag.nv.gov <i>Attorneys for Real Estate Division</i>
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/s/ Janeen V. Isaacson
An Employee of LIPSON NEILSON P.C.

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