

1 **BEFORE THE REAL ESTATE COMMISSION**

2 **STATE OF NEVADA**

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

7 Petitioner,

8 vs.

9 MARSHALL CARRASCO,
10 (B.1000579.INDV - Active)

11 Respondent.

Case Nos. 2021-1122 and 2022-120

FILED

APR 17 2024

REAL ESTATE COMMISSION

BY Kelley Valadez

12 **SUPPLEMENT TO OPPOSITION TO RESPONDENT'S REQUEST
13 FOR RECONSIDERATION OF PAYMENT PLAN**

14 The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY
15 OF THE STATE OF NEVADA ("Division"), by and through its attorneys of record, Aaron D. Ford,
16 Attorney General, and Christal P. Keegan, Deputy Attorney General, timely presents this Supplement
17 to Opposition to Respondent's Request for Reconsideration of Repayment Plan pursuant to
18 NAC 645.840(3).

DATED this 17th day of April 2024.

19 AARON D. FORD
20 Attorney General

21 By: epkeegan
22 CHRISTAL P. KEEGAN, ESQ.
23 Deputy Attorney General
24 Nevada Bar No. 12725
25 5420 Kietzke Lane, Suite 202
26 Reno, Nevada 89511
27 (775) 687-2141
28 ckeegan@ag.nv.gov

Attorney for Real Estate Division

1 **I. BACKGROUND**

2 Upon a showing of good faith, the State respectfully wishes to supplement the Division’s March
3 28, 2024 Opposition to Respondent’s Request for Repayment Plan which Marshall Carrasco (“Carrasco”)
4 filed on March 21, 2024. This supplement is necessitated by the fact that since Carrasco’s request was
5 filed with the Division and placed on the May 14-16, 2024 Commission Meeting agenda, he subsequently
6 filed his second judicial appeal on April 12, 2024 (CV24-00790). His first appeal is still pending the
7 Court’s decision (CV23-01732).

8 Therefore, pursuant to NAC 645.840(3) the State requests permission from the Commission to
9 supplement its Opposition since Carrasco’s second appeal comes now, and the Commission should have
10 before it this additional information in order to properly decide Carrasco’s request.

11 **II. LEGAL ARGUMENT**

12 It is generally accepted that **where an order of an administrative agency is appealed to a court,**
13 **that agency may not act further on that matter** until all questions raised by the appeal are finally
14 resolved.¹ (**emphasis added.**) In his second appeal, Carrasco has petitioned for judicial review following
15 the Commission’s March 6, 2024 Order, whereby he challenges the \$103,366.77 administrative fine and
16 costs.² Case law supports and common sense dictate that the Commission should not disturb its Order
17 until the Court has fully exercised its authority.

18 ///

19 ///

20 ///

21

22

23

24

25

26

27

28 ¹ Westside Charter Serv., Inc. v. Gray Line Tours of S. Nevada, 99 Nev. 456, 459, 664 P.2d 351, 353 (1983).

² Exhibit 4. Petition for Judicial Review, Filed April 12, 2024, CV24-00790.

1 **III. CONCLUSION**

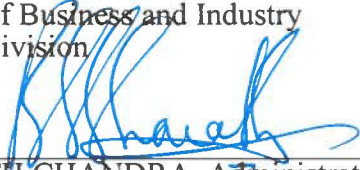
2 Since the matter is on appeal, the Commission should DENY Carrasco's request for a repayment
3 plan until the appeals he is actively pursuing are resolved.

4
5 DATED this 17 day of April 2024.

DATED this 17th day of April 2024.

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

AARON D. FORD
Attorney General

9 By: 
10 SHARATH CHANDRA, Administrator
11 CHARVEZ FOGER, Deputy Administrator
12 3300 West Sahara Avenue, Suite 350
13 Las Vegas, Nevada 89102

By: 
CHRISTAL P. KEEGAN, ESQ.
Deputy Attorney General
Nevada Bar No. 12725
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511
(775) 687-2141
ckeegan@ag.nv.gov
Attorney for Real Estate Division

EXHIBIT 4

EXHIBIT 4

1 **PRO SE**
2 **MARSHALL CARRASCO**
3 **4251 DANT BLVD**
4 **RENO, NV 89509**
5 **(SOLUTIONS@MARSHALLREALTY.NET)**
6 **PETITIONER**

7
8 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF**
9 **NEVADA, IN AND FOR THE COUNTY OF WASHOE**

10
11 MARSHALL CARRASCO,)
12)
13 Petitioner,) Case No.:
14 vs.) Dept. No.:
15)
16 SHARATH CHANDRA,)
17 ADMINISTRATOR, REAL ESTATE)
18 DIVISION; THE STATE OF NEVADA)
19 DEPARTMENT OF BUSINESS AND)
20 INDUSTRY; AND THE NEVADA)
21 REAL ESTATE COMMISSION,)
22)
23 Respondents.)
24

25 **PETITION FOR JUDICIAL REVIEW**

26
27 Petitioner, MARSHALL CARRASCO, *pro se*, hereby petitions for judicial
28 review pursuant to NRS 233B.130 the March 6, 2024 Order (hereinafter “Subject
29 Order” attached as **Exhibit A**) by the Respondents, SHARATH CHANDRA,
30 ADMINISTRATOR, REAL ESTATE DIVISION; THE STATE OF NEVADA
31 DEPARTMENT OF BUSINESS AND INDUSTRY; AND THE NEVADA REAL
32 ESTATE COMMISSION (“Respondents”).

1 On August 31, 2023, Respondent Commission entered two orders (the
2 “August 2023 Orders”) in Case Nos: 2022-120 and 2021-1122, which contained
3 finding conclusions of fact and law and fined Petitioner a total of \$103,366.77 and
4 revoked Petitioner’s real estate licenses. On February 20, 2024, on Petitioner’s
5 Motion for Reconsideration of Discipline and, alternatively, for Rehearing, the
6 Respondent Commission vacated the discipline that revoked his licenses, but left in
7 place the \$103,366.77 fine (the “Fine”). These findings were memorialized in the
8 March 6, 2024 Order. (*See*, Ex. A).

9 The charges the led to the August 2023 Orders related to Petitioner’s alleged
10 failure to adequately act to prevent a real estate salesperson in his office from
11 engaging in the practice of real estate while the salesperson’s license had not been
12 renewed and was therefore inactive. The August 2023 Orders were entered by
13 default after Petitioner’s request for a continuance for an out of country family
14 emergency was denied. As a result, Petitioner states that he was unable to present
15 evidence in his defense in mitigation of the proposed discipline, and Petitioner states
16 that he has still been deprived of such an opportunity.

17 The Subject Order reflects that Petitioner’s motion for reconsideration of
18 discipline was granted and the revocation of his licenses vacated, but the Subject
19 Order does reflects the Fine still being in place. This Petition is filed within thirty

1 days of the Subject Order being entered and/or within thirty days of the Subject
2 Order being served (March 11, 2024).

3 **BASIS FOR APPEAL**

4 The Petitioner asserts that the Subject Order of the Respondent regarding the
5 Fine is:

- 6 a. Clearly erroneous in view of the substantial evidence in the whole record;
- 7 b. Arbitrary and/or capricious or characterized by an abuse of discretion;
- 8 c. Otherwise erroneous for reasons to be more fully proven in these
9 proceedings.

10 WHEREFORE, the Petitioner prays that this Court remand this matter back
11 to the Respondents for further proceedings related to the \$103,366.77 fine/discipline
12 imposed by way of the March 6, 2024 Order, and grant any other relief deemed just
13 and appropriate.

14 **AFFIRMATION PURSUANT TO NRS 239B.030**

15 By the signature below, the undersigned affirms that the preceding document
16 does not contain the social security number of any person.

17 Dated: April 5, 2024

18 MARSHALL CARRASCO
19 4251 Dant Blvd
20 Reno, NV 89509
21 /Marshall Carrasco/
22 Petitioner
23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Exhibit A
March 6, 2024 Order

1 **BEFORE THE REAL ESTATE COMMISSION**

2 **STATE OF NEVADA**

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

Case Nos. 2021-1122 and 2022-120

7 Petitioner,

FILED

8 vs.

MAR 06 2024

9 MARSHALL CARRASCO,
10 (B.1000579.INDV)

REAL ESTATE COMMISSION

11 Respondent.

BY Kelley Valadez

12 **ORDER GRANTING MOTION FOR RECONSIDERATION**

13 On November 28, 2023, Respondent Marshall Carrasco filed his Motion for Reconsideration of
14 Discipline and, Alternatively Petition for Rehearing. On December 1, 2023, the Petitioner Sharath
15 Chandra, Administrator of the Real Estate Division, Department of Business and Industry of the State of
16 Nevada (“Division”) filed its Motion to Dismiss Respondent’s Motion for Reconsideration of Discipline
17 and, Alternatively Petition for Rehearing.

18 The matter came before the Nevada Real Estate Commission (“Commission”) for hearing on
19 Tuesday, February 20, 2024. Respondent appeared and was represented by counselors Hal Taylor, and
20 by way of Motion to Associate Counsel filed February 15, 2024, Robert Merlo of Wilson Elser LLP,
21 Illinois Attorney No. 6327312. Deputy Attorney General, Christal P. Keegan, appeared on behalf of
22 the Division.

23 The matter having been submitted for decision based on the Commission’s consideration of the
24 oral arguments presented during the hearing and the filed documents, the Commission now enters
25 its Order.

26 **ORDER**

27 **IT IS HEREBY ORDERED** that Respondent’s Motion for Reconsideration of Discipline is
28 GRANTED, with specific modification of the Commission’s Original Orders filed on August 31, 2023
in Case Nos. 2021-1122 and 2022-120 revoking all Respondent’s licenses, that all licenses shall be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

reinstated on the effective date of this Order, but the assessed administrative fines and the Division's incurred costs in the total amount due \$103,366.77 are AFFIRMED and due from the RESPONDENT within ninety (90) days from the effective date of this Order.

If payment is not actually received by the Division on or before its due date, it shall be a default by RESPONDENT. In the event of default, RESPONDENT'S licenses shall be immediately suspended and the unpaid balance of the administrative fine and costs, together with any attorney's fees and costs that may have been assessed, shall be due in full to the Division within ten (10) calendar days of the date of default, and the Division may obtain a judgment for the amount owed, including collection fees and costs.

This Order shall become effective thirty (30) days after the date of this Order.

DATED this 6 day of March 2024.

NEVADA REAL ESTATE COMMISSION

By: 
President, Nevada Real Estate Commission