

SPARTACUS LAW FIRM  
2777 Paradise Road, Suite 3002  
Las Vegas, Nevada 89109  
T: (702) 660-1234 F: (702) 441-1626

Chandon S. Alexander, Esq.  
Nevada Bar No. 12033  
**SPARTACUS LAW FIRM**  
400 South Seventh Street, Suite 100  
Las Vegas, Nevada 89101  
Tel: (702) 660-1234  
Fax: (702) 441-1626  
*Attorney for Respondent*

**FILED**

JUL 30 2025

REAL ESTATE COMMISSION

BY 

**BEFORE THE REAL ESTATE COMMISSION**

**STATE OF NEVADA**

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

Petitioner,

vs.

ANDREW J. AREVALO,  
(S.0184627)

Respondent.

Case No.: 2024-660

**RESPONDENT'S MOTION TO  
DISMISS PETITIONER'S FIRST  
AMENDED COMPLAINT**

COMES NOW, Respondent ANDREW J. AREVALO ("Respondent"), by and through his counsel of record, Chandon S. Alexander, Esq. of the SPARTACUS LAW FIRM, hereby moves this Commission to dismiss the First Amended Complaint filed herein, and as grounds therefore states as follows:

**I. INTRODUCTION**

This Motion seeks dismissal of the First Amended Complaint on two independent grounds: (1) both Counts under NRS 645.330(1)(b) fail to state a claim upon which relief can be granted and are legally insufficient as a matter of law; and (2) the Amended Complaint was

1 filed in retaliation for Respondent's legitimate exercise of his statutory and constitutional  
2 rights, warranting dismissal under the doctrine of prosecutorial vindictiveness.

3 The charges under NRS 645.330(1)(b) are simply not cognizable as a matter of law,  
4 because they allege "false statements" regarding information that was already known to the  
5 Division and is the very subject of these proceedings. A statement cannot be materially false  
6 when the purported recipient already possesses full knowledge of the underlying facts.  
7 Moreover, the statute requires intent to deceive, which cannot exist when the Division was  
8 fully apprised of all relevant circumstances.

9 Additionally, the timing and circumstances surrounding the filing of the Amended  
10 Complaint demonstrate prosecutorial vindictiveness. Following unusually acrimonious  
11 litigation concerning the continuance of the hearing before the Commission in this matter, the  
12 Court of Appeals' granted Respondent's request for a temporary stay of these proceedings on  
13 May 12, 2025. In apparent retaliation for Respondent's legitimate pursuit of mandamus relief  
14 regarding the continuance, Petitioner filed the Amended Complaint immediately thereafter, on  
15 May 16, 2025.

## 16 **II. FACTUAL BACKGROUND**

17 On October 1, 2024, the Division filed its original Complaint in this matter. Declaration  
18 of Chandon S. Alexander ("Alexander Decl.") ¶ 3. Respondent has been defending these  
19 proceedings for months. Alexander Decl. ¶ 4.

20 On February 4, 2025, Respondent filed a Motion to Stay and Continue, or in the  
21 Alternative Dismiss, raising substantial constitutional and procedural issues. Alexander Decl. ¶  
22 5. On April 14, 2025, this Commission denied Respondent's motion for a continuance.  
23 Alexander Decl. ¶ 6.

1 In response to the Commission’s denial, Respondent exercised his legitimate right to  
2 seek judicial relief by filing a Petition for Writ of Mandamus in the District Court for Clark  
3 County, Nevada (Case No. A-25-917222-W) on April 18, 2025. Alexander Decl. ¶ 7.

4 On May 9, 2025, Respondent filed a separate mandamus petition in the Nevada Court  
5 of Appeals (Case No. 90605-COA). Alexander Decl. ¶ 8. On May 12, 2025, the Court of  
6 Appeals temporarily granted a stay of proceedings in this matter. Alexander Decl. ¶ 9.

7 Throughout the mandamus proceedings, Petitioner has demonstrated unusual acrimony  
8 toward Respondent, repeatedly accusing Respondent’s counsel of “gamesmanship” in public  
9 filings without any basis or court findings supporting such accusations. Alexander Decl. ¶ 12.

10 On May 16, 2025—just four days after the Court of Appeals granted the temporary  
11 stay—Petitioner filed the First Amended Complaint. Alexander Decl. ¶ 10. The Amended  
12 Complaint adds charges related to Respondent’s April 2025 license renewal application—  
13 conduct that allegedly occurred more than a month earlier, but was not the subject of an  
14 amended pleading until after Respondent obtained a stay of proceedings. Alexander Decl. ¶ 11.

15 Indeed, the amended pleading facially appears to be untenable, accusing Respondent of  
16 false statements regarding the purported imposition of “discipline.” In fact, the April 11, 2024  
17 Order for Stipulation with the Colorado Real Estate Commission expressly stated that it was an  
18 “alternative” to the initiation of formal disciplinary action and imposition of discipline.”  
19 Alexander Decl. ¶ 13 (citing NRED 000019) (emphasis added). Likewise, the amended  
20 pleading strains to charge Respondent with making “false statements” about information that is  
21 already known to the Division and Commission and is the very subject of the instant  
22 proceeding.  
23  
24  
25  
26  
27  
28

1           Given the timing and thinness of these allegations, they carry the appearance of  
2 prosecutorial vindictiveness.

3       **III.     ARGUMENT**

4           **A. Both Counts Under NRS 645.330(1)(b) Fail to State a Claim Upon Which Relief**  
5           **Can Be Granted**

6           NRS 645.330(1)(b) prohibits applicants who have “made a false statement of material  
7 fact on his or her application.” The statute requires proof of three elements: (1) a statement of  
8 fact, (2) that is false, and (3) that is material. Critically, the concept of “falsity” inherently  
9 requires an intent to deceive or, at minimum, knowledge of the statement’s inaccuracy.  
10

11           However, Petitioner’s allegations as to Counts I-II under NRS 645.330(1)(b) are flawed  
12 in that they concern information already known to the Division and actively being litigated in  
13 these very proceedings. Alexander Decl. ¶ 14. A statement cannot be materially false when the  
14 purported recipient possesses complete knowledge of the underlying facts. For example, there  
15 can be no “reliance” on such a statement in these circumstances. *See Blanchard v. Blanchard*,  
16 108 Nev. 908, 911 (1992).  
17

18           Here, where the Division was fully aware of Respondent’s criminal proceedings, guilty  
19 plea, and Colorado disciplinary matter—indeed, these facts form the entire basis of the original  
20 Complaint—no reasonable factfinder could conclude that Respondent’s renewal responses  
21 influenced or were capable of influencing the Division’s decision-making.  
22

23           The word “false” in NRS 645.330(1)(b) imputes a requirement of fraudulent intent.  
24 Here, Respondent cannot be deemed to have intended to deceive the Division regarding facts  
25 that were already the subject of active disciplinary proceedings before the same agency. The  
26 Division had full knowledge of the ongoing disciplinary proceedings filed October 1, 2024  
27  
28



1 (Alexander Decl. ¶ 3) and all underlying facts regarding both the criminal case and Colorado  
2 disciplinary matter.

3 Under these circumstances, any alleged misstatement would constitute, at most,  
4 inadvertent oversight rather than intentional deception. NRS 645.330(1)(b) cannot be stretched  
5 to criminalize mere administrative oversights, particularly where the Division possessed  
6 complete knowledge of all relevant facts.  
7

8 **B. Count One Fails Because No “Disciplinary Sanctions” Were Imposed**

9 Count One alleges false reporting regarding “disciplinary sanctions imposed by any real  
10 estate regulatory agency.” However, the Colorado Stipulation for Diversion expressly stated it  
11 was an “alternative[] to the initiation of formal disciplinary action and imposition of  
12 discipline.” Alexander Decl. ¶ 13.  
13

14 By definition, an alternative to disciplinary action cannot constitute disciplinary action  
15 itself. The Colorado Commission specifically structured the agreement to avoid formal  
16 discipline, making Respondent’s “No” response on his renewal application accurate as a matter  
17 of law.  
18

19 As such, Petitioner’s Count One is baseless and must be dismissed.

20 **C. The Amended Complaint Must Be Dismissed Under the Doctrine of**  
21 **Prosecutorial Vindictiveness**

22 “A claim for vindictive prosecution arises when the government increases the severity  
23 of alleged charges in response to the exercise of constitutional or statutory rights.” *Lewis v.*  
24 *State*, 125 Nev. 1056 (2009). To establish a prima facie case, a respondent must show either  
25 direct evidence of vindictiveness or facts warranting an appearance of such. *Manning v. State*,  
26 135 Nev. 682, 445 (2019).  
27  
28

1 The doctrine protects against “penalizing a person for doing what the law plainly allows  
2 him to do,” which “is a due process violation of the most basic sort.” *Bordenkircher v. Hayes*,  
3 434 U.S. 357, 363 (1978).

4 Here, the timing and circumstances of the Amended Complaint create an unmistakable  
5 appearance of vindictiveness. The Amended Complaint was filed on May 16, 2025, just four  
6 days after the Court of Appeals granted Respondent’s request for a temporary stay on May 12,  
7 2025. Alexander Decl. ¶¶ 9-10. This temporal proximity alone creates a strong inference of  
8 retaliatory motive.  
9

10 Respondent’s mandamus petitions were legitimate exercises of his statutory and  
11 constitutional rights to challenge the Commission’s procedural rulings. Alexander Decl. ¶¶ 7-8.  
12 The right to seek judicial review of administrative action is fundamental to due process.  
13

14 The Amended Complaint adds charges related to Respondent’s April 2025 renewal  
15 application. Alexander Decl. ¶ 11. However, these charges could have been filed months  
16 earlier, as the renewal occurred in April 2025 and the Division was immediately aware of the  
17 renewal responses.  
18

19 Moreover, as indicated, throughout these proceedings, Petitioner has demonstrated  
20 unusual hostility, repeatedly accusing Respondent’s counsel of “gamesmanship” without basis  
21 or court findings. Alexander Decl. ¶ 12. This pattern of acrimonious conduct supports an  
22 inference of vindictive motive. “Once a presumption of vindictiveness has arisen, the burden  
23 shifts to the prosecution to show that independent reasons or intervening circumstances dispel  
24 the appearance of vindictiveness and justify its decisions.” *Montoya v. United States*, 45 F.3d  
25 1286, 1299 (9th Cir. 1995).  
26  
27  
28

1 Here, Petitioner cannot point to any intervening circumstances or newly discovered  
2 evidence justifying the addition of charges in the Amended Complaint. The renewal  
3 application was allegedly filed in April 2025, yet no charges were added until after Respondent  
4 successfully obtained a stay from the Court of Appeals. This timing demonstrates that the  
5 charges were added not because of any legitimate prosecutorial need, but in retaliation for  
6 Respondent's exercise of his rights. Alexander Decl. ¶¶ 15-17.  
7

8 In fact, Petitioner's evident willingness to litigate so heavily against Respondent to  
9 prevent a simple continuance of the May 2025 hearing is difficult to reconcile with the May 16,  
10 2025 filing of the First Amended Complaint. If Petitioner knew of the charges it added in the  
11 First Amended Complaint, and intended to pursue them legitimately, why not stipulate to a  
12 continuance that would allow the entire case to be heard at once? The filing of additional  
13 charges in direct response to Respondent's successful pursuit of mandamus relief creates  
14 precisely the type of "realistic likelihood of vindictiveness" that due process protections are  
15 designed to prevent. *Blackledge v. Perry*, 417 U.S. 21, 27 (1974).  
16  
17

18 Such retaliatory prosecution not only harms Respondent but also chills the exercise of  
19 fundamental rights by other licensees who might otherwise seek legitimate judicial relief from  
20 adverse administrative rulings. Accordingly, the Amended Complaint must be dismissed.  
21

#### 22 **IV. CONCLUSION**

23 For the foregoing reasons, Respondent respectfully requests that this Commission  
24 dismiss Counts I-II under NRS 645.330(1)(b) for failure to state a claim upon which relief can  
25 be granted; dismiss the entire Amended Complaint under the doctrine of prosecutorial  
26 vindictiveness; award Respondent his reasonable attorney's fees and costs; and grant such  
27 other relief as the Commission deems just and proper.  
28

**SPARTACUS LAW FIRM**  
2777 Paradise Road, Suite 3002  
Las Vegas, Nevada 89109  
T: (702) 660-1234 F: (702) 441-1626

1 Dated this 29th day of July, 2025.

2 Respectfully submitted,

3 **SPARTACUS LAW FIRM**

4  
5 /s/ Chandon S. Alexander

6 Chandon S. Alexander, Esq.

7 Nevada Bar No. 12033

8 400 South Seventh Street, Suite 100

9 Las Vegas, Nevada 89101

10 *Attorney for Respondent*

**SPARTACUS LAW FIRM**  
2777 Paradise Road, Suite 3002  
Las Vegas, Nevada 89109  
T: (702) 660-1234 F: (702) 441-1626

**DECL (CRM)**  
Chandon Spartacus Alexander Esq.  
**SPARTACUS LAW FIRM**  
Nevada Bar No. 12033  
400 South Seventh Street, Suite 100  
Las Vegas, Nevada 89101  
Telephone: (702) 660-1234  
Facsimile: (702) 441-1626  
Chandon@spartacuslawfirm.com  
*Attorney for Respondent*

**BEFORE THE REAL ESTATE COMMISSION**

**STATE OF NEVADA**

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

Petitioner,

vs.

ANDREW J. AREVALO,  
(S.0184627)

Respondent.

Case No.: 2024-660

**RESPONDENT'S MOTION TO  
DISMISS PETITIONER'S FIRST  
AMENDED COMPLAINT**

**DECLARATION OF CHANDON S. ALEXANDER, ESQ. IN SUPPORT OF  
RESPONDENT'S MOTION TO DISMISS PETITIONER'S FIRST AMENDED  
COMPLAINT**

CHANDON S. ALEXANDER, ESQ., hereby deposes and states the following under  
the pains and penalties of perjury:

1           1.       I am an attorney licensed to practice law in the State of Nevada and am Counsel  
2 of Record for Respondent Andrew J. Arevalo in case number 2024-660.

3           2.       I have personal knowledge of the facts and circumstances herein and could  
4 testify to the same if called as a witness.

5  
6  
7           3.       On October 1, 2024, the Division filed its original Complaint against  
8 Respondent in this matter.

9           4.       Since the filing of the original Complaint, Respondent has been actively  
10 defending these disciplinary proceedings for months. The case has been continued multiple  
11 times, as acknowledged in the First Amended Complaint.

12  
13           5.       On February 4, 2025, Respondent filed a Motion to Stay and Continue, or in the  
14 Alternative Dismiss, raising substantial constitutional and procedural issues regarding the  
15 appropriateness of proceeding with discipline based on a guilty plea that is subject to  
16 withdrawal upon successful completion of probation.

17  
18           6.       On April 14, 2025, this Commission denied Respondent's motion for a  
19 continuance, setting the matter for hearing.

20           7.       In response to the Commission's denial of the continuance motion, on April 18,  
21 2025, I filed on behalf of Respondent a Petition for Writ of Mandamus in the District Court for  
22 Clark County, Nevada, bearing Case No. A-25-917222-W. This petition sought relief from the  
23 Commission's denial of the continuance motion and challenged the Commission's authority to  
24 proceed with discipline under the circumstances of this case.  
25  
26  
27  
28

1           8.       On May 9, 2025, I filed a separate Petition for Writ of Mandamus on behalf of  
2 Respondent in the Nevada Court of Appeals, bearing Case No. 90605-COA, seeking similar  
3 relief.

4           9.       On May 12, 2025, the Nevada Court of Appeals temporarily granted a stay of  
5 proceedings in this matter pending consideration of Respondent's mandamus petition.  
6

7           10.      On May 16, 2025, just four days after the Court of Appeals granted the  
8 temporary stay, Petitioner filed the First Amended Complaint in this matter.

9           11.      The First Amended Complaint adds charges related to Respondent's April 2025  
10 license renewal application, specifically alleging violations of NRS 645.330(1)(b) based on  
11 Respondent's responses to Questions 10 and 11 of said renewal application. This conduct  
12 allegedly occurred in April 2025, yet no charges related to the renewal application were  
13 included in any previous filings by the Division, despite the fact that such charges could have  
14 been filed earlier.  
15

16           12.      Throughout these proceedings, Petitioner has demonstrated unusual acrimony  
17 toward Respondent and his counsel. In multiple public filings, Petitioner has accused  
18 Respondent's counsel of "gamesmanship" without any factual basis for such accusations and  
19 without any findings of "gamesmanship" by any court or tribunal. This pattern of hostile  
20 rhetoric is unusual and unprofessional.  
21

22           13.      The April 11, 2024 Order for Stipulation between Respondent and the Colorado  
23 Real Estate Commission expressly stated that the stipulation was an "alternative[]" to the  
24 initiation of formal disciplinary action and imposition of discipline." NRED 000019.  
25

26           14.      The Division has been fully aware of all facts underlying the charges in the  
27 Amended Complaint since at least October 2024. The Division cannot now claim surprise or  
28



1 deception regarding information that forms the foundation of its own disciplinary case against  
2 Respondent.

3 15. The temporal sequence of events creates an unmistakable appearance of  
4 vindictiveness. On April 14, 2025, the Commission denied Respondent's continuance motion.  
5 On April 18, 2025, Respondent filed a mandamus petition in District Court. On May 9, 2025,  
6 Respondent filed mandamus petition in the Court of Appeals. On May 12, 2025, the Court of  
7 Appeals granted temporary stay. On May 16, 2025, in apparent retaliation for Respondent's  
8 obtaining of a stay from the Court of Appeals, the Division filed Amended Complaint adding  
9 new charges  
10

11 16. The addition of charges relating to the April 2025 renewal application appears  
12 to be directly retaliatory for Respondent's successful pursuit of mandamus relief, particularly  
13 given that such charges could have been filed earlier but were not included until after  
14 Respondent obtained a stay from the Court of Appeals.  
15

16 17. There are no intervening circumstances or newly discovered evidence that  
17 would justify the timing of the Amended Complaint. The renewal application was submitted in  
18 April 2025, and the Division was immediately aware of its contents.  
19

20 I declare under penalty of perjury pursuant to the laws of the State of Nevada (NRS  
21 53.045)<sup>1</sup>  
22

23 DATED this 29th day of July, 2025.  
24  
25

26 <sup>1</sup> NRS 53.045 Use of unsworn declaration in lieu of affidavit or other sworn declaration. Any matter whose  
27 existence or truth may be established by an affidavit or other sworn declaration may be established with the same  
28 effect by an unsworn declaration of its existence or truth signed by the declarant under penalty of perjury, and  
dated, in substantially the following form: 1. If executed in this State: "I declare under penalty of perjury that the  
foregoing is true and correct."

**SPARTACUS LAW FIRM**  
2777 Paradise Road, Suite 3002  
Las Vegas, Nevada 89109  
T: (702) 660-1234 F: (702) 441-1626

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

/s/ Chandon S. Alexander

CHANDON S. ALEXANDER, ESQ.  
Nevada Bar No. 12033  
400 South Seventh Street, Suite 100  
Las Vegas, Nevada 89101  
Tel: (702) 660-1234  
Fax: (702) 441-1626  
Email: [chandon@spartacuslawfirm.com](mailto:chandon@spartacuslawfirm.com)  
Attorney for Respondent

SPARTACUS LAW FIRM  
2777 Paradise Road, Suite 3002  
Las Vegas, Nevada 89109  
T: (702) 660-1234 F: (702) 441-1626

**CERTIFICATE OF SERVICE**

Pursuant to Nev. R. Civ. P. 5(b), I hereby certify that on the 29th day of July, 2025

I caused the preceding document entitled **RESPONDENT'S MOTION TO DISMISS**

**PETITIONER'S FIRST AMENDED COMPLAINT** to be served on the following parties

by email:

REAL ESTATE DIVISION  
STATE OF NEVADA  
3300 W. Sahara Avenue, Suite 350  
Las Vegas, Nevada 89102  
ATTN: Sharath Chandra

Aaron D. Ford  
Christal P. Keegan  
5420 Kietzke Lane, Suite 202  
Reno, Nevada 89511  
Attorney for Real Estate Division

/s/ Chandon S. Alexander  
An Employee of SPARTACUS LAW FIRM